

**EXPLAINING THE EMERGENCE AND GRADUAL
TRANSFORMATION OF POLICY REGIMES:
THE CASE OF CONTEMPORARY FRENCH
PROSTITUTION POLICY (1946-2016)**

Emily St.Denny

A thesis submitted in partial fulfilment of the
requirements of Nottingham Trent University for the
degree of Doctor of Philosophy

July 2016

This work is the intellectual property of the author. You may copy up to 5% of this work for private study, or personal, non-commercial research. Any re-use of the information contained within this document should be fully referenced, quoting the author, title, university, degree level and pagination. Queries or requests for any other use, or if a more substantial copy is required, should be directed to the owner of the Intellectual Property Rights.

Abstract

Immediately after the Second World War, France began to abolish the regulation of prostitution, first by outlawing brothels in 1946, then by dismantling all remaining medical and police registers in 1960. In doing so, it adopted an ‘abolitionist’ approach to prostitution. This stance, which distinguishes itself from both regulation and prohibition, is based on criminalising the exploitation of prostitution, and providing social support to individuals involved in prostitution, who are perceived to be inherently ‘victims’. However, since then, the policies and programmes enacted in the name of ‘abolitionism’ have varied considerably: policies based on supporting ‘victims’ have been succeeded by some that seek to criminalise individuals in prostitution by outlawing soliciting. More recently, in April 2016, the country adopted a policy of client criminalisation which is intended to ‘abolish’ prostitution entirely. Thus, on the one hand, France has remained steadfastly committed to abolitionism throughout the period. On the other hand, the policy framework has demonstrated significant internal reform. Yet current institutional scholarship remains ill equipped for explaining how a policy framework can simultaneously persist and change. This thesis therefore investigates how and why contemporary French prostitution policy has changed the way it has since the end of the Second World War. To do this, it deploys a historical case study of contemporary French prostitution policy from 1946 to 2016, drawing on unique interview and archival data to explain the gradual and cumulative evolution of state intervention in this area. In the process, it makes a number of conceptual and theoretical contributions to institutionalist scholarship on policy change and stability. In particular, it conceptualises prostitution policy and the different policy frameworks states set up to address the issue. These frameworks are often referred to as ‘regimes’ but have yet to be fully unpicked and defined. Moreover, drawing on the emerging policy literature on regimes, the thesis identifies French abolitionism as a particular type of policy regime: an ‘anemic’ one which, while often challenged, has endured. Using this case as an empirical ‘lens’, it demonstrates that our current understanding of regimes as either strong or ‘anemic’ overshadows the mechanisms which allow institutionally weak regimes to endure but be incrementally reformed in the context of strong adherence to their core values and ideas. This explains how French abolitionism

has been gradually converted from a regime based on the abolition of state regulation but the tacit tolerance of prostitution between adults to one that explicitly seeks to 'abolish' prostitution itself. The thesis concludes that institutional stability is often illusory, and what appears to be the endurance of a single regime actually masks the gradual but ultimately transformative accumulation of minor changes.

Acknowledgements:

It is customary, and for very good reason, to thank supervisors first in such acknowledgements. I hope I can be forgiven for defying convention and expressing my thanks first to my family, and especially my father who is bravely battling cancer, for their endless support and love. This thesis is as much a testament of their commitment to me, as it is of my commitment to social research. Mom, Papa, Elizabeth, Kelly, and Saph, I love you. Thanks for helping me 'eat the bear' with this project, the debt I owe you can never be repaid, not even by bringing unsolicited cups of tea until the end of time.

I also cannot begin to express my gratitude to my supervisors, Gill Allwood and Chris Reynolds, as well as to my independent assessor, Amanda Smith. They have both steadfast and unwavering in their support. The advice and mentorship they gave me is invaluable. I can only hope that all PhD students get the pleasure of working with similarly bright, engaged, and kind team of supervisors. Thank you.

Innumerable others have also contributed to this thesis becoming a reality. I want to thank Gregg Bucken-Knapp, for believing in the project to start with, and for keeping a watchful eye on its progression. This thesis owes you its very existence, I hope it lives up to your expectations. Thanks also go to Paul Cairney, whose mentorship and advice I have also benefited from greatly. He says he is still waiting for a student to come up to graduation and tell him that he changed their life, well, let me be the first to say it then: You changed my life. The opportunities and insights you have shared with me are priceless, and I can only hope to achieve half as much as you have. It is wonderful to have such a role model to aspire to. Much unofficial pastoral care was dispensed by Graham Meikle, too, usually during walks around the Stirling University loch. Thank you for believing in me, and for helping me believe in myself when the trudge was hard. Thanks also to Andy Aitchison, who always has an insightful comment or kind word of encouragement – I first developed an appreciation for social inquiry during my time as your student.

I would be remiss to omit the people who kindly shared their time with me either in interviews or archives. I think the story in this thesis was worth telling, you

agreed, and you helped me tell it. I hope it does you justice and leaves a little trace of the immense energy – and sometimes antagonism – that goes into crafting public action, however imperfect it may be.

I want to acknowledge more broadly the fact that I have been gifted with an incredible support network of unimaginably bright peers. I would like to personally thank: Malcolm Harvey, Lucy Dean, Matt Wood, Anne Dance, Kate Buchanan, Fiona Duncan, Billie Lister, Karin Persson Strömbäck, Dominic Hinde, Craig McAngus, Kirsty Primrose, Sam Houston, Michelle Craig, Kat Neumann, Kirsteen Shields, Siabhainn Russell, Tara Warden, and all the others who went before me and lit the way. At the same time, I want to acknowledge the warmth and collegiality of my alma mater, the University of Stirling. In particular I want to thank Andrea Baumeister, Andrew Glencross, Gyorgy ‘George’ Toth, Kirstein Rummery, Holger Nehring, Catherine Mills, Sarah Brommage, Emma MacLeod, Colin Nicolson, Matias Margulis, and Tim Peace for their kind words and encouragements.

I also warmly embrace my friends from the Stirling and Clackmannanshire branch of the Scottish Green Party: Gordon Cowtan, Mark Ruskell, Maggie Gilbert, Annette Kuptke, and the Tollemaches. Your warmth and kindness comforted me more than you can know. Similarly, I want to recognise the impact that the wonderful group of friends I made through Nottingham PubhD has had on my life. Merci beaucoup, Sera, Derek, Kash, Regan, Gav, Yves, and Hollie. Merci aussi to those who have walked alongside and let me lean on them when I got weary, or who showed me the way when I got lost and chapter deadlines loomed: Tim, Jessie, Buster, Lexie, Arthur, Mike and Judith, Matt Williams, Talis, Grant, Natasha, Beka and Becca, Richard, Bill, Marina, Anna-Corrine, Henri, Julia, Brandi and Jules, Sasha, the Symes, Holly and Egil, Leo and the Jarry, Had & Jia, Arto, Luke, Cindy, Mandy, Ken, the staff at McArees, and many many others. Finally, I want to take this opportunity to remind my very best of friends, Franz and Tamasyn, that I love them dearly and promise to be a little less serious from now on. But only a little.

The adventure continues!

Contents

INTRODUCTION	13
1.1. THE UNFOLDING POLITICS OF PROSTITUTION POLICY	15
1.1.2. <i>The research context</i>	16
1.1.3. <i>The research puzzle</i>	19
1.2. AIMS AND CONTRIBUTION.....	23
1.3. THE RESEARCH APPROACH.....	28
1.3.1. <i>Research framework and methodology</i>	28
1.3.2. <i>Being a reflexive researcher</i>	31
1.4. CHAPTER OUTLINE.....	33
 SECTION I. THE CONCEPTUAL, THEORETICAL, AND METHODOLOGICAL RESEARCH FRAMEWORK	 35
 CHAPTER 2. CONCEPTUALISING PROSTITUTION POLICY	 36
2.1. CONCEPTUALISING PROSTITUTION POLICY	38
2.1.1 <i>Prostitution as a social and policy problem</i>	38
2.1.2. <i>Prostitution policy as morality policy</i>	40
2.1.3. <i>Framing prostitution as a policy problem</i>	44
2.1.3. <i>Wicked problems</i>	46
2.2. CONCEPTUALISING CONTEMPORARY FRENCH PROSTITUTION POLICY	48
2.2.1. <i>Classifying domestic prostitution policy frameworks</i>	49
2.2.2. <i>Prostitution policy regimes</i>	51
2.2.3. <i>The evolution of French abolitionism</i>	56
2.2.4. <i>A regime that endures despite the odds</i>	61
2.3 CONCLUSION	66
 CHAPTER 3. THEORISING THE GRADUAL TRANSFORMATION OF POLICY REGIMES	 70
3.1. THE BOUNDARY-SPANNING PROSTITUTION POLICY REGIME.....	72
3.2. USING INSTITUTIONAL ANALYSIS TO EXPLAIN CONTEMPORARY FRENCH PROSTITUTION POLICY REFORM	78
3.3. THEORISING GRADUAL POLICY CHANGE	82
3.3.1. <i>Modes of gradual policy change</i>	82
3.3.2. <i>The role of agency and ambiguity in creating space for change</i>	87
3.4. IDEATIONAL TRANSFORMATION.....	91
3.4.1. <i>Bringing ideas back in</i>	91

3.4.2. <i>The role of ideas in the gradual transformation of policy regimes</i>	96
3.5 CONCLUSION	100
CHAPTER 4. TRACING THE PROCESS OF CONTEMPORARY FRENCH PROSTITUTION POLICY CHANGE.....	103
4.1. THE RESEARCH DESIGN	105
4.1.1. <i>A comparative historical case study design</i>	105
4.1.2. <i>Conceptual and methodological implications of researching ideas and institutions</i>	107
4.1.3. <i>Process-tracing methods</i>	108
4.1.4. <i>Increasing generalizability through historical comparison</i>	112
4.2. A SYMPHONY IN THREE MOVEMENTS	114
4.2.1. <i>Delimiting contemporary French prostitution policy</i>	115
4.2.3. <i>Capturing the three movements</i>	116
4.3. A COMPLEMENTARY AND DIVERSE DATA COLLECTION PROCEDURE	117
4.3.1. <i>Qualitative document analysis</i>	117
4.3.2. <i>Semi-structured elite interviews</i>	119
4.3.3. <i>Coding according to grounded theory</i>	124
4.4. CONCLUSION	126
SECTION II. CONTEMPORARY FRENCH PROSTITUTION POLICY, A ‘SYMPHONY IN THREE MOVEMENTS’ (1946-2015)	128
CHAPTER 5. MOVEMENT ONE: THE EMERGENCE AND INSTITUTIONALISATION OF FRENCH ABOLITIONISM (1946- 1988)	129
5.1. TRACING THE ROOTS OF A POLICY REGIME	131
5.1.1. <i>Becoming abolitionist</i>	131
5.1.2. <i>Rejecting regulationism: banning brothels in 1946</i>	133
5.1.3. <i>Abolishing regulationism: Signing the New York convention in 1960.</i>	137
5.2. INTRODUCING ABOLITIONISM INTO POLICY (1960-1970).....	143
5.2.1. <i>Transposing a new policy framework: the ‘1960 decrees’</i>	143
5.2.2. <i>The rapid emergence of an implementation gap</i>	147
5.3. THE 1970S: A DECADE OF DISCONTENT.	150
5.3.1. <i>The rise of a ‘prostitutes’ rights’ protest movement (1970-1975).....</i>	150
5.3.2. <i>A reticent and symbolic policy response to the protests</i>	154

5.5. ESTABLISHING A BOUNDARY-SPANNING POLICY REGIME (1981-1991)	160
5.5.1. <i>Policy leadership under Yvette Roudy's Ministry of Women's Rights (1981-1986)</i>	161
5.5.2. <i>An institutional legacy in the absence of major reform (1986-1991)</i>	164
5.6. CONCLUSION	166
CHAPTER 6: MOVEMENT TWO: CHALLENGES, REMOBILISATION, AND POLICY DISPLACEMENT (1987-2002)	
.....	170
6.1. THE RETURNING CHALLENGE OF PUBLIC HEALTH	172
6.1.1. <i>The politicization of AIDS and its consequences</i>	173
6.1.2. <i>Challenging the abolitionist monopoly</i>	175
6.1.3. <i>The resurfacing of neo-regulationism</i>	179
6.1.4. <i>Ideational policy feedback</i>	184
6.2. THE 'REMOBILIZATION' OF ABOLITIONISTS	189
6.2.1. <i>Remobilization at home and abroad</i>	190
6.2.2. <i>The rise of state abolitionism</i>	193
6.3. A PHENOMENON IN FLUX	198
6.3.1. <i>The growing dissonance between national and local policy concerns</i>	199
6.3.2. <i>A case of policy displacement</i>	205
6.4. CONCLUSION	210
CHAPTER 7: MOVEMENT THREE: THE GRADUAL CONVERSION OF FRENCH ABOLITIONISM? (2000-2016)	213
7.1. RECONSTRUCTING PROSTITUTION AS A SECURITY PROBLEM.....	215
7.1.1. <i>Securitizing prostitution</i>	216
7.1.2. <i>The advent of the 2003 Domestic Security Bill</i>	219
7.1.3. <i>The loi pour la sécurité intérieure as a case of policy layering</i>	227
7.2. THE LONG STRUGGLE TO REFORM FRENCH ABOLITIONISM	236
7.2.1. <i>The 'failure' of the LSI: a window of opportunity for change</i>	236
7.2.2. <i>Reframing prostitution as 'violence against women'</i>	239
7.2.3. <i>Making the case for criminalising the purchase of sexual services</i> ..	244
7.3. CONVERTING FRENCH ABOLITIONISM.....	251
7.4. CONCLUSION	256
8. CONCLUSION	259
8.1. FRENCH ABOLITIONISM: CONTINUITY AND CHANGE.....	259

8.2. SUMMARY OF CONTRIBUTIONS	267
8.3 ANSWER TO RESEARCH QUESTIONS AND WHAT NOW?	273
BIBLIOGRAPHY	276
APPENDICES	339
APPENDIX 1: INTERVIEW CONSENT FORMS	339
APPENDIX 2: NVIVO CODING FRAMEWORK	342
APPENDIX 3: FULL TRANSCRIPT OF RESEARCH INTERVIEWS IN CHRONOLOGICAL ORDER	345

List of tables and figures

Table 1. Neo-regulationist policy debates in post-war France

Table 2. Comparative public support for brothels (1970-2015)

Figure 1. Questions associating prostitution with insecurity per legislature

Abbreviations

AFP *Agence France Presse*

CATW *Coalition against the trafficking in women*

CHRS *Centre d'hébergement et de réadaptation sociale*

CLEF *Centre Lyonnais d'Études Féministes*

CNCDH *Commission Nationale consultative des droits de l'homme*

CPSS *criminalisation of the purchase of sexual services*

EU *European Union*

EWL *European Women's Lobby*

FN *Front National*

HCEfh *Haut Conseil à l'Égalité entre les femmes et les hommes*

INA *Institut National de l'Audiovisuel*

JORF *Journal Officiel de la République Française*

LSI *loi sur la sécurité intérieure*

MAPP *Movement for the Abolition of Prostitution and Pornography*

MEP *Member of the European Parliament*

MDN *Mouvement du Nid*

MFPF *Mouvement Français pour le Planning Familial*

MP *Member of Parliament*

OCRTEH *Office Central pour la Répression de la Traite des Êtres Humains*

PLSI *projet de loi sur la sécurité intérieure*

PS *Parti Socialiste*

RPR *Rassemblement pour la République*

SPRS *Service de prévention et de réadaptation sociale*

UMP *Union pour un mouvement populaire*

UN *United Nations*

UNESCO *United Nations Educational, Scientific and Cultural Organization*

URSSAF *Union des recouvrement des cotisations de sécurité sociale et d'allocations familiales*

Introduction

Public and political debates continue to rage over what prostitution is, what it implies for society, and what ought to be done about it. At the heart of these heated discussions lie strong and often contrary beliefs. The views of those who consider prostitution to be a ‘necessary social evil’ clash with those who believe it to be inherently exploitative and violent, both of which are rejected by those who consider it a form of voluntary labour if undertaken in certain conditions. The incompatible and uncompromising nature of these beliefs has lent the issue a dimension of intractability, as individuals and policymakers struggle to make sense of how best to govern this problematic real-world activity. This is further compounded by the issue’s social and political complexity. That is to say prostitution often does not have a single and easily resolved ‘root cause’, and cannot be addressed in isolation from the social, political, and economic context in which it exists. In this way, prostitution does not represent a single and bounded policy issue. Rather, it raises questions pertaining to labour, gender, migration, taxation, civil rights, crime, and justice, among others. In other words, it is an issue spanning the boundaries of several social and policy areas.

However, what continues to set prostitution apart from other boundary-spanning, complex, and seemingly intractable social problems, such as inequality or ill health, is that there is often no consensus on the extent to which prostitution even represents a problem in the first place. As a result of the on-going disagreement over the meaning and implications of prostitution, states have adopted different approaches to dealing with it. These approaches are embodied in institutional frameworks comprising the laws, policies, and belief systems that structure whether and how individuals may legally exchange sexual services for material compensation. These institutional frameworks are referred to as policy ‘regimes’, governing arrangements that bring together institutions, policies, and actors in order to address a particular issue (Howlett, 2001; Jochim and May 2010a, 2010b; Kratochwil and Ruggie

1997: 32; May and Jochim 2013; May, Jochim and Sapotichne, 2011; Wilson, 2000).

Nevertheless, while the empirical literature on prostitution policy is replete with references to such prostitution ‘regimes’, no attempts have yet been made to systematically conceptualise these institutional frameworks. Moreover, the emerging public policy literature on policy regimes is currently under-equipped to help us investigate how domestic prostitution policy regimes function and evolve. This is particularly problematic because national prostitution policy frameworks sometimes behave in ways that challenge some core theoretical assumptions concerning how policy regimes develop and change. Broadly, the regime literature tells us to expect strong regimes (those with a proven record of strong or widespread support and effective implementation) to persist, and weak regimes (those beleaguered by conflict and yielding contested results) to gradually collapse (May and Jochim, 2013: 431). Because of their complex, contested, and boundary-spanning nature, prostitution policy regimes can often be assimilated to weak regimes. Yet, despite this, national prostitution policy frameworks have tended to be relatively stable over time, with states only rarely switching from one approach to another (cf. Limoncelli, 2006: 32).

This thesis is therefore a conceptual and theoretical investigation of the properties and behaviour of a particular type of policy regime, one that is boundary-spanning in nature and which seeks to address a complex and intractable problem. This study aims to address two current gaps in our knowledge of how regimes, and prostitution policy regimes in particular, function and evolve. Firstly, it intends to provide a detailed conceptualisation of a boundary-spanning prostitution policy regime. This is important because mapping out the constitution and characteristics of prostitution policy regimes will help provide greater conceptual common ground on which to develop and accumulate case-specific and comparative insights on the different approaches adopted by governments to address this issue. Secondly, this thesis develops a number of refinements to existing regime theory. These refinements are designed to further our understanding of how seemingly weak policy regimes can nonetheless sometimes persist over time. The core argument put forward

in this thesis is that apparent endurance of weak regimes sometimes masks significant processes of incremental and gradual change that, over time, accumulate to significant institutional reconfiguration without a visible rupture in the regime's trajectory.

Consequently, this introduction sets out the central questions guiding this research, and explains how the conceptual, theoretical, and methodological approaches adopted in this thesis will help answer them. In doing so, it highlights the contribution this research makes to debates on prostitution policy, both in France and more broadly, and to our current understanding of gradual institutional change. This chapter comprises four sections. The first poses the empirical and theoretical puzzle at the heart of the research. The second details the aims of the research, and situates it within the broader literatures on French prostitution policy and institutional change. The third details and justifies the conceptual and methodological approach taken to answer the research questions. Finally, the last section sets out a brief outline of the rest of the thesis.

1.1. The unfolding politics of prostitution policy

This thesis is primarily concerned with investigating dynamics of stability and mechanisms of change in apparently resilient but institutionally weak prostitution policy arrangements. This is important because, if strong regimes foster cohesive and purposeful action, weak regimes tend to use material and human resources ineffectively and undermine policy implementation (May, Jochim and Sapotiche, 2011: 286). Understanding how regimes operate, particularly those dealing with complex and boundary-spanning policy issues, has implications for policy coherence and effectiveness. This is particularly relevant because we are currently witnessing a widespread re-evaluation of national prostitution policy frameworks across Western democracies. New policy approaches to governing prostitution, purporting to be fairer and more effective, are in the process of unsettling the primacy of classical regimes. The coherence, impact, and outcomes of different prostitution policy approaches are therefore a key area of scholarly debate. In this sense, the new politics of prostitution policy that are unfolding provide the intellectual canvas for this

research. The ongoing modification and conversion of historically entrenched prostitution policy regimes foregrounds the need for robust conceptual tools with which to better identify, analyse, and evaluate the factors that impact on their composition and endurance.

1.1.2. The research context

What continues to drive both political and intellectual debates about prostitution policy is the shared assumption that prostitution, or some aspect of it, presents a social problem (Scoular, 2015: 32-34). From a sociological perspective, social problems are real social conditions that have been identified and labelled problematic (Loseke, 2010: 6). This perspective considers that being a problem is not an inherent property of social phenomena (Best, 1995: 4). Rather social problems emerge as a result of being collectively identified as such (Farley, 1987: 2). This helps explain why prostitution is widely regarded as problematic, but in different ways to different people.

Over time, two antagonistic positions have emerged to dominate the debate over whether, why, and how prostitution constitutes a social problem. On the one hand, drawing on radical feminist perspectives that emphasise women's historical subordination, some authors advance conceptions of prostitution as inherently violent and exploitative (cf. Barry, 1979, 1995; Dworkin, 1987; 1989; Jeffries, 1997; MacKinnon, 1987, 1989, 1990; Millet, 1975; Pateman, 1983, 1988). On the other hand, other authors have argued that it is not prostitution itself that is problematic, but the conditions under which it tends to be exercised (Jaggar, 1980; Queen, 2001; Zatz, 1997). With these very different conceptions of what prostitution is and why it is problematic comes a discussion of whether and how it should be resolved, and especially what the state ought to do about it, if anything. By identifying the state as having a mandate to address a social problem using public action, the issue is transformed into a policy problem (cf. Vlassopoulos, 2014: 18).

Historically, states have tended to deal with prostitution as a policy problem in one of three ways. Prohibitionism outlaws prostitution by criminalising all parties involved (pimps, clients, and individuals in prostitution) (Outshoorn, 2004a: 8). Regulationism broadly refers to frameworks where the state is

involved in organising prostitution. Historically, regulation has been based on the state's desire to control women in prostitution in a putative bid to curb the spread of sexually transmitted diseases and protect public morality (Kilvington, et al., 2001: 79; Limoncelli, 2006: 35-36; Mathieu, 2014a: 291-292). Traditional instruments of regulation include the licensing of brothels and red light zones, and the forced medical examination and police registration of women involved (or believed to be involved) in prostitution (Doezema, 1999: 26; Mathieu, 2014a: 291-292; Outshoorn, 2004a: 8). Contemporary regulationist regimes have sought to move away from the forced control of women involved in prostitution and instead aim to regulate consensual prostitution between adults. This new or neo-regulationism is based on the distinction between forced prostitution and voluntary sexual labour, and on the assumption that state regulation rather than informal tolerance or outright prohibition provides more security for vulnerable women (cf. Hubbard, et.al, 2008: 142). Accordingly, such regimes regulate the consensual provision of sexual services and the employment of sex workers, but criminalise coercion and trafficking. Finally, abolitionism seeks the abolition of the state regulation of prostitution (Mathieu, 2014a: 292). Traditionally, abolitionists have condemned regulationism for two reasons. First, regulatory laws and policies were considered to represent the state's endorsement of women's sexual exploitation (Limoncelli, 2006: 36; Maugère, 2009: 186). Second, regulationism was accused of perpetuating a 'sexual double standard' where women but not male clients were held responsible for causing public health and morality problems (Doezema, 1999: 27; Limoncelli, 2006: 37; Machiels, 2008: 198; Mathieu, 2014a: 292; Summers, 2008: 150). This was believed to lead to the unfair stigmatisation and police harassment not only of women involved in prostitution, but of all women whose behaviour was considered deviant (Doezema, 1999: 27). Subsequently, abolitionists consider the women in prostitution to be victims (of exploitation or society's sexual double standard) rather than criminals. Abolitionist regimes therefore do not criminalise individuals selling sex, but outlaw profiting from, exploiting, encouraging, and facilitating the prostitution of another (cf. Danna, 2007: 7).

Between the late Middle Ages and the 20th century, governments in Europe primarily prohibited or regulated prostitution (Norberg, 2013: 394-397; Otis, 1985: 25, 40). It was not until the late 19th century that the dominance of regulation and prohibition was disrupted by the advent of an international abolitionist movement (Limoncelli, 2006; Nadelmann, 1990: 513-514). Over the course of the 20th century, abolitionism's gradual ascendancy coupled with the endurance of regulationist regimes has resulted in these policy approaches supplanting prohibition as the leading, if diametrically opposed, prostitution policy frameworks in Europe. As a result, international prostitution policy debates have featured growing tensions between proponents of abolitionism and those who advocate regulation. This antagonism has particularly amplified over the last twenty-five years as a result of two interrelated changes in the nature of prostitution. Firstly, recent prostitution policy debates in Europe have occurred in the context of a noticeable increase in street-based prostitution, spurred on by the gradual opening up of Eastern Europe and the arrival of new migrant populations since the 1990s (Danna, 2007: 7; Munro and Della Giusta, 2008: 4). Secondly, prostitution has been increasingly linked to issues of human trafficking, irregular migration, and security in policy and debates (Outshoorn, 2005a). This has prompted states to look into developing new policy frameworks with which to respond to the changing scope and nature of prostitution.

Two new policy approaches in particular are in the process of unsettling the primacy of traditional prostitution policy frameworks. On the one hand, New Zealand has moved away from a classical regulatory framework based on the licensing of brothels, which some argue exploits sex workers' labour, towards the decriminalisation of 'voluntary' prostitution, which allows sex workers to operate independently (Abel and Fitzgerald, 2010: 6). On the other hand, the adoption of a policy criminalising the purchase of sexual services (CPSS) by Sweden in 1999 marked the beginning of a growing campaign for a 'new' abolitionism that aims to abolish prostitution entirely by tackling the demand for it (Skilbrei and Holmström, 2011: 13).

In this context of policy innovation and change, many states have felt compelled to review or update their prostitution policy framework. In

particular, the Swedish ‘model’ of CPSS has been extensively diffused. Initially other Nordic states followed suit, with Norway adopting client criminalisation in 2008, and Iceland in 2009. Now, however, we are witnessing the emergence of a second wave of adopters and potential adopters of neo-abolitionism, this time made up of non-Nordic states, including Canada, France, Ireland, and Israel.

Among this international flurry of prostitution policy reform, one state nonetheless stands out because of its protracted struggle to update its current regime. France was the first non-Nordic state to consider adopting a Swedish ‘model’ of prostitution policy in 2002. Since then, the issue has risen up the policy agenda and led to sustained legislative and civic efforts to see CPSS enacted. Nevertheless, it took over a decade for this neo-abolitionist campaign to find political purchase. During this time France was overtaken by Canada, which became the first non-Nordic adopter of the Swedish ‘model’ in 2014. Finally, after a lengthy parliamentary debate, France adopted client criminalisation in April 2016. The difficulties encountered by advocates of CPSS in France throughout this period suggest they were facing a strong and deeply entrenched institutional arrangement. Yet the scholarship on contemporary French prostitution policy, which has charted the evolution of the country’s abolitionist policy stance from its adoption after World War Two, paints the picture of a regime plagued by weak leadership, and ineffective, inconsistent, and incoherent policy implementation (e.g. Allwood, 2006: 51; Mathieu, 2004: 155, 2012: 205; Mazur, 2004: 124; Solé, 1993: 18).

1.1.3. The research puzzle

In 1960, France ratified the 1949 United Nations Treaty on the “Elimination of the Traffic in Persons and of the Exploitation of the Prostitution of Others”. In doing so, it committed itself to abolishing all state regulation of prostitution. The social history and political evolution of the French abolitionist regime from this point on has been the focus of a broad and rich literature. The main point of convergence of this disparate scholarship has been the paradox posed by contemporary French prostitution policy, namely that, while France has

remained abolitionist since 1960, the laws and programs developed to address prostitution have changed considerably.

The first to highlight the inconsistent and changeable nature of contemporary French prostitution policy was Lilian Mathieu (1998: 92-93). Mathieu's expansive research corpus has mapped the development of the French abolitionist regime in relation to the social movements that have shaped it. His work covers the regime's initial constitution (2013a: 40-53), as well as the turbulent impact of post-1968 social protests (2001), the consequences of the emergence of AIDS on the governance of prostitution (2000) and, more recently, the advent of new abolitionist social movements eager to see France adopt a Swedish 'model' of CPSS (2013a). Mathieu's main argument is that the trajectory of the current policy framework has been shaped by the constant conflict between antagonistic and unequally resourced social movements.

This argument has also been echoed by political and legal scholars. On the one hand, Mazur (2004) and Allwood (2006) have investigated the progressive but inconsistent impact of feminist policymakers on driving and steering contemporary French prostitution policy debates. They highlight these actors' changeable influence, as they face both opportunities and staunch resistance to their policy ideas over time in different venues, including the national parliament (Mazur 2004: 136-140), international institutions (Allwood, 2006: 51) and domestic political debates (Allwood, 2006: 52-53; Mazur, 2004: 131-136).

Other authors, such as Mougère (2009), Ouard (2000) and Bugnon (2010), have focused specifically on the laws and policies developed to govern prostitution throughout the post-war period, and have attempted to map and analyse the tensions that have built up between them. For Mougère, the changing nature of contemporary French prostitution policy has been driven by the gradual redefinition of the policy problem over time (2009: 274-310). Thus, policies developed when prostitution was considered a social ill were motivated by fundamentally different objectives and beliefs than those developed during periods when prostitution was primarily considered a criminal justice issue (Mougère, 2009: 314). Furthermore, in their analyses of

the laws governing prostitution in France, Ouvard (2000) and Bugnon (2010) highlight the contradictory norms and principles that have emerged to give shape to a regime that ambiguously wishes to make the exercise of legal prostitution very difficult without directly criminalising its ‘victims’. The result is a growing tension between the aspects of the regime that seek to protect and provide support to individuals in prostitution, and those which seek to criminalise much of their behaviour and activities (Bugnon, 2010: 144; Ouvard, 2000: 47).

Overall, these authors have shown that political and social conflict has contributed to changing the laws and policies undertaken in the name of French abolitionism. Laws treating individuals in prostitution like psychologically vulnerable ‘victims’ in the 1960s were superseded in the early 2000s by laws that treat them like foreign criminals, both of which were modified with the recent adoption of a neo-abolitionist policy based on the conception of prostitution as an unacceptable form of violence against women. These different policies have each presented different conceptions of the problem, promoted different objectives, deployed different instruments, and yet have all been considered to fall under the auspices of abolitionism in their own way.

Theoretically, the inability to foster cohesive policy action, to reinforce shared policy goals, and to mobilize support for a single policy objective are hallmarks of what May, Jochim and Sapotichne refer to as an ‘anemic’ regime (2011: 286). Yet, the peculiarity of the anemic French abolitionist regime is that, while weak and inconsistently applied, it has nevertheless remained dominant since its adoption. Throughout each wave of public and political contestation that preceded the adoption of new prostitution policy measures, the French state has remained wholly committed to abolitionism. In other words, since 1960, abolitionism has always been, and remains, the only policy approach the State deems legitimate and appropriate to address the issue of prostitution. Any serious attempt at reforming the regime by, for example, reintroducing regulation, has either been strongly resisted or immediately rebuked.

Crucially, there currently exists no explanation for how and why such an ‘anemic’ regime can persist through time. Institutional theories of policy change and reproduction are helpful for understanding how policies, even suboptimal ones, might persist. In particular, they help explain how the mounting costs of implementing a particular policy over time can compel policymakers to remain loyal to it despite its ineffectiveness (Pierson, 2004: 21). Nevertheless, they struggle to explain the continued dominance of institutional frameworks that are continually undermined by their own ineffective implementation, and by strong social and political contestation.

The case of contemporary French prostitution policy therefore poses three puzzles: one empirical and two theoretical. Empirically, there is currently no explanation of how a single policy regime can accommodate policy change as striking and disparate as the one experienced by the French abolitionist regime throughout its lifespan. Theoretically, the capacity to accommodate change while remaining stable defies some of the foundational assumptions of institutionalist accounts of policy continuity and reform. Moreover, the ‘anemic’ French abolitionist regime’s persistence in the face of sustained efforts to reform it challenges what we know about regime durability.

These three puzzles make France a particularly rich case study for investigating two analytically distinct but empirically entwined processes. Specifically, France constitutes a relevant case study with scope for generating both case-specific and contingently transferable insights into three particular areas. First, the case has the potential to shed light on some of the opportunities and challenges facing Western states seeking to change their prostitution policy frameworks to meet new needs and reflect new values in an increasingly globalised world. Second, the capacity of the French prostitution policy regime to house change within a broader stable and dominant institutional trajectory offers the opportunity to explore the processes at play in the gradual modification of large-scale and deeply entrenched policy frameworks. Third, the ongoing dominance of this ‘anemic’ regime may hold the key to providing conceptual and theoretical refinements with which to better understand the relationship between regime strength and durability. The main question guiding this study is therefore:

What explains the trajectory of the contemporary French prostitution policy regime?

The study is further guided by three narrower questions, each intended to help resolve the three puzzles posed by the case. These questions are:

1. What explains the changes to the contemporary French prostitution policy regime since its adoption?
2. What is the nature of the changes to the contemporary French prostitution policy regime since its adoption?
3. What can the changes to the contemporary French prostitution policy since its adoption tell us about institutional change more broadly?

To answer these questions, this research draws on a broad and interdisciplinary literature. On the one hand, it owes a considerable intellectual debt to the abundant sociological, political, criminological, and legal scholarship charting the evolution of contemporary French prostitution policy and, in particular to Mathieu's extensive research. On the other hand, the project also draws on theoretical and conceptual insights provided by institutionalists seeking to understand why policies change or persist. Accordingly, this project aims to contribute to both the empirical literature on French prostitution policy, and to the theoretical understanding of how policy regimes behave and evolve.

1.2. Aims and contribution

In keeping with the research questions set out above, the key aims of the research are: understanding how contemporary French prostitution policy has evolved the way it has since the country became abolitionist, comprehensively evaluating the nature of the changes undergone by the regime, and explaining how such an anemic regime has managed to endure over time. A three-pillared approach is proposed to meet these aims. Firstly, the concept of 'policy regime' must be examined and rigorously defined. Secondly, the institutional dynamics that drive gradual and cumulative policy change must be analysed and made more apparent. Finally, the historical trajectory of the contemporary

French abolitionist regime must be empirically traced in order to clearly map its evolution.

The first of these objectives concerns developing a better understanding of what is meant by a policy ‘regime’. This will involve conceptualising policy regimes. Conceptualisation, or ‘concept formation’, entails defining a phenomenon and identifying its properties and attributes (Gerring, 1999: 357-358). Conceptualising policy regimes is important because, while the literature on policy areas such as prostitution, tax, and urban planning often refer to ‘regimes’, this notion has only begun to be systematically defined. Peter May, Ashley Jochim, Joshua Sapotichne, and Carter Wilson are currently the only authors to have attempted to unpick and explain what a policy regime is and how it operates (Jochim and May, 2010a, 2010b; May and Jochim, 2013; May, Jochim, and Sapotichne, 2011; Wilson, 2000). May, Jochim and Sapotichne in particular have focused on developing a conceptual framework through which to view regimes, which they define as overarching frameworks that integrate institutions, actors, ideas, and interests in support of a common policy goal (May and Jochim, 2013: 427; May, Jochim, and Sapotichne, 2011: 290-291). In the process, they highlight two salient dimensions of regimes: their strength and their durability. A regime’s strength refers to its capacity to foster integrated action across all the regime’s constituent elements in order to produce coherent and cohesive action in pursuit of an objective (May, Jochim, and Sapotichne, 2011: 290). Its durability refers to its capacity to sustain itself over time (Jochim and May, 2010a: 317).

Nevertheless, the relationship between a regime’s strength and durability remains unclear. Moreover, the fact that weak regimes can sometimes maintain dominance and persist suggests that the relationship between strength and durability is complex. Consequently, this thesis intends to develop a clearer understanding of what a regime is, what characteristics are associated with regime strength or weakness, and what factors influence regime durability. One way it will do this is by distinguishing between a regime’s institutional strength and the strength of the ideas and beliefs that sustain it. The main hypothesis here is that it may be possible for regimes to appear anemic when, in reality, only one of its dimensions is weak. In particular, it

may be possible for key actors to continue defending a badly implemented policy regime because it fits with their strongly held beliefs concerning what ought to be done and how.

The second aim of this study is to shed light on how institutional frameworks can experience both change and stability at the same time. For a long time, the primary criticism levelled at institutional policy theories was that they were better at explaining policy stability and reproduction than they were at explaining policy change (cf. Hay, 2002: 15; Peters, Pierre, and King, 2005: 1276; Streeck and Thelen, 2005: 6; Thelen, 1999: 566). This is because these theories predominantly focused on institutions' ability to build routine into politics and stabilise individual and collective behaviour over long periods of time. Narratives of institutional change have therefore tended to feature long periods of stability punctuated by sudden change, usually as a result of crisis (cf. Baumgartner, Jones, and Mortensen, 2014). This inability to account for minor or incremental changes that take place outside of crises has led to the emergence of a new research agenda, which seeks to better identify and explain low-level, incremental, and non-disruptive policy change. These new theories of gradual and cumulative institutional change spell out different modes of incremental policy transformation which alone are insufficient to bring about substantial transformation but which, over time and as they aggregate, may bring about significant departures from a given institutional path (cf. Mahoney and Thelen, 2010; Streeck and Thelen, 2005).

Nevertheless, the empirical focus of gradual change scholars has been on discrete policies or institutions. For example, Hacker traces the evolution of US social security policy (2010), and Falleti investigates recent changes to Brazilian health care policies (2010). Empirical investigation of the gradual transformation of a fully-fledged policy regime has yet to be carried out. Testing the arguments and assumptions made in the gradual institutional change literature on a policy regime is important for two reasons. Firstly, it will add to the growing empirical knowledge being developed about these modes of change and increase the repertoire of cases from which comparative insights may be drawn in the future. Secondly, charting institutional change throughout the lifespan of a policy regime may allow us to explore whether

and how different modes of gradual institutional change can aggregate with each other.

Finally, the third aim of this thesis is to add to the existing empirical literature on contemporary French prostitution policy by employing new methods, collecting original data, and presenting a different perspective on a policy issue that continues to be of intellectual and political relevance. The specificity of this study is its investigation of the entire unfolding development of the contemporary French abolitionist regime, from its adoption until the present day. It deploys a process-tracing approach to data analysis that not only allows the regime's trajectory to be described, but also helps identify the causal mechanisms that explain its evolution. The combination of historical description and causal explanation allows the study to make claims relevant to both historians of contemporary France and institutional scholars more broadly.

In working towards these aims, the thesis makes six concrete contributions to our current understanding of how policy regimes, and the contemporary French prostitution policy regime in particular, operate. One contribution is conceptual in nature, one is empirical, three are theoretical, and one is both theoretical and empirical.

Firstly, the thesis advances what we understand by a 'policy regime'. This contribution is made at a conceptual level by systematically unpicking the elements that constitute a regime and exploring their implications for regime strength and durability. A more robust conceptualisation of policy regimes will allow a better understanding of how these arrangements come to emerge, how they are constituted, and what properties they can take on. This thesis argues that there are two core components that, together, constitute a policy regime: an institutional framework drawing together the formal and informal rules and procedures followed by actors when addressing a problem; and an ideational framework bringing together actors' different understandings of the problem, as well as their beliefs concerning what can and ought to be done about it.

Separating out a regime's institutional and ideational components also allows the thesis to make its first theoretical contribution. Specifically, the research

refines what we understand to be a regime's 'strength'. This is important for allowing us to better isolate and analyse the properties and dynamics that influence a regime's resilience and capacity to foster cohesive and concerted action. This refinement proposes that regime strength is not a unidimensional property that ranges from 'strong' to 'not strong'. Rather, a regime's institutional and ideational elements can each be more or less strong with different consequences for its overall resilience.

Furthermore, through close analysis of the French abolitionist regime's ideational framework and how it has evolved over time, the research highlights some of the ways in which strongly held ideas can hold weak regimes afloat. Thus, the development of the notion of 'ideational feedback' is the second theoretical contribution made in this thesis. Ideational feedback refers to the process whereby fluctuating support for ideas can gradually serve to strengthen or undermine the belief system upholding a regime. This is important because, while ideas have been highlighted as a key cause of both policy stability and radical change, the mechanisms through which ideas can serve to progressively delegitimise or further embed certain policies remain comparatively under-investigated.

The fourth contribution continues on the theme of gradual change. Specifically, it furthers our understanding of how different processes of gradual institutional and ideational change can accumulate over time and lead to significant policy change without any discernible overhaul of the broader regime. By redeploying the gradual change framework to the study of a whole regime, the study allows us to see how discrete episodes of gradual change can follow on from, and compound, each other. This serves not only to test some of the underlying assumptions made in the gradual change literature, but also to extend the use of these theories to a new and much broader unit of analysis.

The fifth contribution is empirical: the thesis adds to what is known about French prostitution policy from the Second World War onwards. It does this by generating extensive new empirical insights from archival and interview research. In particular, the study features evidence derived from 18 semi-structured interviews with parliamentarians and activists who have directly

contributed to shaping the regime's trajectory. In this sense, the research allows key actors to speak for themselves and reflect on the role they have played in driving the policy debate. This interview data not only adds a new human dimension to our understanding of contemporary French prostitution policy, but may also interest historians and political scientists concerned with feminist and gender politics in contemporary France more broadly.

Finally, by empirically investigating the transformation of the French abolitionist regime, the thesis makes a modest contribution to how we identify the presence of an elusive institutional condition: ambiguity. Ambiguity is central to new institutionalist theories of gradual policy change. These theories foreground the role played by ambiguity in opening up the space for actors to introduce new ideas or interpretations, and act differently from the established norm, leading to policy change (Mahoney and Thelen, 2010: 11). Yet ambiguity remains notoriously hard to identify empirically, let alone measure or test. Within its limited case study, the thesis nevertheless maps out some of the empirical markers of policy ambiguity.

1.3. The research approach

1.3.1. Research framework and methodology

This thesis has a clear analytical ambition: to explain how and why contemporary French prostitution policy has evolved the way it has since World War Two. Further, the research aims to make conceptual, theoretical, and empirical contributions to what we know about policy regimes and how they behave. In order to meet these goals, this study adopts a historical approach to the analysis of institutional and policy evolution. This approach considers that policy-making is an unfolding process, rather than a single event (Howlett and Rayner, 2006: 1-2; Pierson, 2005). Historical approaches to policy development seek to redress the fact that, too often, “the past serves primarily as a source of empirical material rather than as the site for serious investigations of how politics happens over time” (Pierson, 2005: 35). Consequently, this thesis proposes to conduct a longitudinal historical study of the contemporary French prostitution policy regime from its inception until the present day.

Case study research is particularly well suited to providing insights on policy development because it allows a detailed examination of a historical episode. Moreover, focusing on a single case is particularly appropriate when the research objective is to generate a rich and intricate understanding of a complex process in a particular context (George and Bennett, 2005: 19; Gerring, 2004: 348). To achieve a fine-grained analysis of how regimes function and evolve, this study therefore restricts itself to studying the puzzling case of post-war French prostitution policy. In doing so, it reveals the historical development of French abolitionism to be a ‘symphony in three movements’ – a sequential unfolding of three distinct institutional phases – rather than a single and stable institutional trajectory.

Conducting a single case study may limit the extent to which findings can be generalized to other cases. However, by using a process-tracing approach to data analysis, which identifies the causal mechanisms and causal chain behind the outcome of interest (George and Bennett, 2005: 206), it may be possible to draw contingently generalizable claims about regime composition and behaviour. Crucially, historical case studies and process-tracing both require the collection of a great deal of data from which to infer the subtle unfolding of a particular unit of analysis. Because both methods lend themselves well to a variety of data collection procedures, this thesis has opted for two complimentary data collection and analysis strategies: documentary analysis and semi-structured interviews with the key policy actors who have contributed to driving and shaping policy-making on the issue of prostitution in France. The in-depth study of the contemporary French abolitionist regime over time unfolds in three empirical chapters, each tracing the development of one of the regime’s three ‘movements’.

This project therefore distinguishes itself somewhat from traditional policy analysis in some of its aims, and as a consequence of certain choices made concerning the research approach. Policy analysis has traditionally sought to investigate and evaluate the outcome and impact of policies with a view to producing advice and guidance to improve public decision-making (cf. Weimer and Vining, 1989). By contrast, this thesis does not explicitly set out to analyse or evaluate the social impact of prostitution policies in France.

Instead, it concerns itself with presenting a historical explanation of policy and regime change that focuses on policy processes and their outputs. In doing so, however, it also engages with the critiques and preferences put forward by groups concerned by these policies, and who have struggled to shape the laws and measures that affect them. Because of the historical nature of the research, the story of these stakeholders' involvement in the policy process is primarily analysed using archival data. Attempts were made, through the intermediary of community health and sex workers' rights groups, to include individuals involved in prostitution in research interviews, but were unsuccessful. Potential participants cited insufficient resources to allow them to dedicate any time to activities outside of the organization's remit.¹ Consequently, secondary sources, including archival data and interviews with third sector professionals working with individuals involved in prostitution, were used to capture at least some insight on the experiences and perceptions of those most affected by contemporary French prostitution policy. Ultimately, because it does not seek to generate evidence-based policy recommendations on what the state ought to do concerning prostitution, the lack of any direct involvement of individuals in prostitution in the research interviews does not pose any significant limitations to the research.

While it does not set out recommendations for concrete *policies*, the thesis nevertheless has the potential to help improve the *process* by which these policies are debated and decided in two ways. Firstly, it highlights the extent to which the debate and decision-making process concerning prostitution has been, and remains, largely dominated by those not primarily affected by the outcome: politicians, civil servants, and third sector activists. Conversely, those directly affected by prostitution policy in France – the men and women involved in prostitution – are often conspicuously absent from the policy-making process. This thesis therefore serves as a reminder that not all voices are equally heard in the politics of prostitution, and invites policy makers and researchers to craft a more inclusive policy-making process. Secondly, to help level the playing-field of prostitution policymaking in France, this thesis

¹ This was the case, for example, with individuals involved with the Lyon based community health and sex workers' rights organization 'Cabiria'.

attempts to demystify the reform process. Specifically, it explains what types of changes this dominant and historically entrenched policy frameworks is amenable to. This stands to benefit those striving to improve the welfare of individuals in prostitution by helping them better identify and engage with the often hidden opportunities and constraints that structure decision-making on this issue.

1.3.2. Being a reflexive researcher

While this thesis does not explicitly seek to help emancipate a particular group (cf. St.Denny, 2014), it is nonetheless grounded in key feminist social science precepts. In particular, the project was undertaken with the awareness that researchers are central and powerful figures in the research process, whose behaviour and beliefs will influence the way data is collected, interpreted and reported (Finlay, 2002: 531). Two feminist research principles, in particular, have shaped the project. The first involved designing a robust ethical framework and practice through which to engage with interview participants (Appendix 1). The aim was to limit the risk of misrepresenting or taking advantage of interview participants by affording them an active role in shaping and verifying the information and oral histories they voluntarily provided. Specifically, I made sure to give every respondent a right to comment on their transcript in order to empower them as much as possible in the telling of their story (cf. Poland, 1995: 305).

The second feminist research principle that informed this thesis concerns continually reflecting on the choices and assumptions that underpin the project. Being reflexive entails the researcher being consciously aware and critical of their role in gathering, interpreting, and communicating data (Alvesson and Sköldberg, 2009: 9). This was particularly important with regard to the terminological choices made in the context of prostitution policy. This is because, the “choice of words reflects the viewpoint of the speaker” (McCracken, 2006: 477) and can often act (or be perceived) as a “shorthand identifier” of researchers’ personal assumptions, beliefs, and preferences concerning the issue (Munro and Della Giusta, 2008: 6). This thesis takes the view that the labelling of individuals, groups, or social phenomena is not an objective act, undertaken in a normative

vacuum. Instead, the choice of terminology is a powerful act of socially constructing and imposing an identity and label on a subject (Becker, 1963: 9). Moreover, this act of labelling may contribute to perpetuating an individual's social ostracism (Erikson, 1962: 311). This is particularly problematic because the primary subjects of negative labels tend to be the marginalized, stigmatized or otherwise vulnerable individuals, who are often overrepresented in those activities that are widely considered to be deviant, and have little or no control over the labels ascribed to them (Schur, 1984: 3). Consequently, researchers working on the topic of prostitution should reflect on, and explicitly account for, their choice of vocabulary.

Because of the strongly divergent beliefs and perceptions concerning prostitution, the language used to refer to it and those who are involved in it is particularly contested (McCracken, 2006: 476-477). As a result, different authors choose to refer to both prostitution and the individuals involved in different ways. The most common terminologies include labels such as 'sex work' and 'sex worker', which contrast with terms such as 'prostitutes' and 'prostitution'. The former tend to be used to emphasise the conceptualization of prostitution as an activity in which individuals express some form of consent, choice, or agency. The latter tend to be used either to denote a historical conception of the phenomenon, or one in which the individual involved is inherently a 'victim' (Agustín, 2005: n.p.). In France, the association of the term 'prostitute' with vulnerable women is particularly strong as a result of the gendered nature of the word 'prostituée' (feminine form), which is used as a blanket term to refer to all individuals in prostitution regardless of gender identity (cf. Mazur, 2004: 132).

Consequently, a number of choices made in this thesis need to be explicitly set out and justified. Firstly, this thesis refers to the phenomenon whereby individuals exchange sex for material compensation as *prostitution*. This is because, in France, the state does not consider prostitution to be a legitimate form of *sex work*. Using another term would therefore greatly distort the unit of analysis: the policies developed to tackle what the French State considers to be *prostitution*. Nevertheless, in order to break away from the strong normative connotations associated with the dominant labels 'sex worker' and 'prostitute', and to reframe prostitution as the legitimate subject of policy inquiry rather than as either a form

of labour or a socially deviant activity, this thesis will refer to ‘individuals in prostitution’ as such. At times, however, terms employed by policy actors as part of policy debates are transcribed verbatim in the text in order to identify and communicate key ideas and concepts at the heart of political discourses on prostitution in France. When they appear, these terms are enclosed by inverted commas in order to “denaturalize the terms, to designate these signs as sites of political debate” (Butler, 1995: 54). This is the case, for example, when the thesis discusses the perception of individuals in prostitution as ‘victims’ by proponents of abolitionism.

Ultimately, this thesis does not claim to communicate neutrally about a contested phenomenon, nor to have obviated all ideological labelling of a particularly stigmatised group. Rather, it seeks to explore the institutional procedures and debates about a particular phenomenon within a specific political context and reports back in imperfect natural language. The result is a qualitative historical case study from which a number of contingently generalizable claims may be made, and which features original and rich data from which a better and more nuanced understanding of post-war prostitution policy in France may be built.

1.4. Chapter outline

In addition to the introduction, this thesis contains seven chapters organised into three sections. The first section, comprising three chapters, sets out the conceptual, theoretical, and methodological framework underpinning the study. Chapter 1 conceptualises contemporary French prostitution policy as a boundary-spanning policy regime. In doing so, it highlights the paradox posed by the enduring dominance of a regime characterised by ambiguity and weak policy implementation. This paradox is explored in Chapter 2, which presents a theoretical framework with which to analyse and explain how weak regimes can appear stable as a result of gradual and cumulative institutional change. Then, Chapter 3 details the methodological framework that is used to analyse the persistence and incremental transformation of French prostitution policy since the Second World War. It explains and justifies the case study design used to investigate the policy regime, as well as the data collection and

analysis strategies. It also sets out the main methodological limitations of the research and, where possible, what has been done to mitigate them.

The second section concerns itself with empirically tracing contemporary French prostitution policy, and contains the chapters analysing the development of the French abolitionist regime as it has historically unfolded. Each of the three chapters analyses one of the regime's historical 'movements'. Thus, Chapter 4 explores the emergence and gradual institutionalisation of an abolitionist policy framework in France between 1946 and 1986. Chapter 5 investigates how abolitionism went from a policy subsystem in 1986 to a dominant policy regime in the early 2002. In particular, this chapter details the impact of that the emergence of AIDS and globalisation had on shaping prostitution policy debates in France. Chapter 6 focuses on the latest episode in the history of French abolitionism. Tracing the policy process from 2002 to 2016, the chapter investigates the recent struggle between policy actors who consider prostitution to pose a domestic security threat, and those who consider it a form of violence against women that must be eradicated. In doing so, it lays bare the process through which the ideas and objectives at the heart of traditional French abolitionism have been gradually converted to bolster demands for a neo-abolitionist regime premised on client criminalisation.

Finally, the conclusion sums up key findings, reviews the questions set out at the beginning of this thesis in order to provide some answers, and identifies new avenues for research and debate on the topics of prostitution policy and institutional change.

Section I. The conceptual, theoretical, and methodological research framework

This thesis is concerned with explaining how and why French prostitution policy has changed the way it has since the Second World War. It argues that the contemporary French prostitution policy framework, which brings together actors, institutions, and deeply held social beliefs, can be meaningfully considered a boundary-spanning policy regime. Moreover, it highlights that this regime presents many of the characteristics of an anemic regime whose policies have evolved substantially over time, but without triggering institutional collapse. In order to help answer the question driving the research, this first section sets out the research framework for investigating the evolution of post-war prostitution policy in France. Specifically, chapter one sets out the conceptual tools necessary to the study of prostitution as a policy issue. Then, chapter two introduces a theoretical framework for explaining how large institutional arrangements can change gradually over time. Finally, chapter three details the case-study design and data collection procedures necessary for empirically tracing the regime's historical development.

Chapter 2. Conceptualising prostitution policy

This thesis is concerned with explaining the trajectory of contemporary French prostitution policy since the Second World War. This chapter opens the section by setting out a conceptual framework for understanding contemporary French prostitution as a policy regime. The core argument in this chapter is that French prostitution policy-making is a political and social process undertaken within both an evolving historical context and an established framework of ideas, interests and institutions, which serve to shape and constrain public action in this area. In developing this central claim, the chapter makes a case for formalising the concept of ‘prostitution policy regime’ that, while widely deployed in the literature, currently remains conceptually and analytically underdeveloped. It does this by combining insights from both the literature on the politics of prostitution policy, and public policy theory. In the process, the chapter also highlights how the persistence of the French prostitution policy regime poses a challenge to the manner in which we currently understand how regimes adapt or shift more generally, and asserts that a conceptual and analytical refinement of theories of gradual institutional change is required to address this. The chapter aims to answer the question:

What is meant by ‘prostitution policy’, and how can the contemporary French prostitution policy framework be meaningfully conceptualised?

The chapter answers these questions by making five arguments:

1. Prostitution comes to be constructed into a policy problem by social and political processes of problem definition and framing. These processes shape prostitution policy debates by ascribing and accentuating certain dimensions of the problem.
2. The apparent intractability of prostitution policy debates is a function of both framing and the perceived complexity of the issue. This makes prostitution a ‘wicked’ policy problem that warrants comprehensive, coordinated and crosscutting policies.

3. Governments continually strive to resolve what they or powerful constituencies perceive to be an enduring problem. To do so they have developed policy frameworks that align different ideas, interests and institutions, and which serve to organise actions and expectations. These national prostitution policy frameworks amount to policy regimes.
4. The contemporary French prostitution policy regime poses a challenge to our current understanding of how policy regimes change. This is because it is an ‘anemic’ regime characterised by ambiguous principles and goals, inconsistent implementation of policies, and a heterogeneous support-base, that nevertheless appears to persist over time.
5. Existing scholarship on French prostitution policy helps explain the inconsistency of policymaking in this area by unpicking the social processes that have shaped the context and the content of policy debates. Nevertheless, it remains unclear whether the current changes in this policy area reflect the adaptation of the existing regime, or the emergence of a new one. In order to address this, we need to refine the conceptual and theoretical tools we use to analyse the gradual and cumulative transformation of policy regimes.

To develop these arguments, the chapter proceeds in two sections. The first section presents the different processes by which prostitution comes to be considered a social and policy problem. Firstly, it discusses the extent to which certain dimensions of prostitution policy debates, such as their focus on gender and morality, are inherently linked to the nature of the issue or are instead the result of processes of social construction. Secondly, it details the salient characteristics of prostitution policy debates that contribute to their apparent intractability and discusses the challenges these pose for policymaking.

The second part of the chapter is concerned with conceptualising domestic approaches to prostitution policy as policy regimes, and situating contemporary French prostitution policy within this conceptual framework. It does so first by sketching out the different types of policy frameworks and justifying their conceptualisation as regimes rather than abstract ideal types. Then, drawing on the emerging scholarship on policy regimes, it discusses some of the core

assumptions about how regimes are constituted and change over time. In the process, it highlights the puzzle that contemporary French prostitution policy poses to our current understanding of regime durability. Finally, the inconsistencies and incoherences that have characterised this policy area are explored with reference to the extensive literature on French prostitution policy since the Second World War. The chapter concludes that the nature of current changes to French prostitution policy cannot yet be adequately explained without the development of the conceptual and theoretical tools we use to understand how policy regimes change.

2.1. Conceptualising prostitution policy

The first part of this chapter aims to clearly conceptualise prostitution policy. To do so, it begins by exploring what is problematic about prostitution. It then discusses in what way prostitution constitutes a social and policy problem.

2.1.1 Prostitution as a social and policy problem

What continues to drive political debates on the issue of prostitution is the concern that it constitutes a problematic ‘real world’ phenomenon that endures and eludes control, and may lead to grave injustices and criminal excesses. However, unlike debates over other persistent and pervasive problems that directly affect the lives of individuals, like poverty or ill health, which primarily concern how they should be addressed, debates over prostitution are divided over exactly how, and to what extent, it even constitutes a problem. Prostitution, in this sense, is both an objective social condition and a social interpretation of this condition. This duality is indicative of a social problem, that is to say it is the result of a process whereby a phenomenon comes to be designated as posing (or not) a difficulty for individual or social wellbeing, and as requiring resolution (Spector and Kitsuse, 2009: 5). Depending on the way the social problem comes to be defined, the hazards posed by the issue can either be interpreted as intrinsic to it, or as the result of a wider context of social inequality within which it exists (Bacchi, 1999: 148). Accordingly, prostitution is interpreted as intrinsically problematic by some, and as problematic under certain conditions of duress or social, economic, and political inequality by others (Brock, 1998: 3-4; Showden and Majic, 2014: xvi).

The dichotomous nature of the contemporary debate over prostitution as a social problem follows the fault lines that arose during the ‘sex wars’ of the 1980s (Chapkis, 1997: 11; Sanders, O’Neill and Pitcher, 2009: 9; Scoular, 2004; Showden and Majic, 2014: xvi). At this time, feminist movements in the United States and Europe came to be fiercely divided over the possibility for women to express consent and agency in their sexuality in the context of gendered oppression (Abrams, 1995: 304-305; Showden, 2009: 170). Over time, two broad but antagonistic positions have come to dominate the debate over what prostitution is and what should be done about it. One perspective, rooted in radical feminism, considers prostitution to be an inherently violent expression of men’s domination, and a form of exploitation that can never be consented to (cf. Barry, 1979, 1995; Dworkin, 1987; 1989; Jeffries, 1997; MacKinnon, 1987, 1989, 1990; Millet, 1975; Pateman, 1983, 1988). In this view, prostitution constitutes a social problem that exists objectively, can be identified as such, and is intrinsically harmful. The other perspective, sometimes called ‘sex-radical’ (cf. Chapkis, 1997: 12; Queen, 2001; Zatz, 1997) or liberal (cf. Jaggar, 1980) after the feminist movements it is most often associated with, considers that, in certain cases, prostitution can be consented to. In this view, voluntary prostitution deserves destigmatisation and, for some authors, recognition as a form of labour (cf. Chapkis, 1997; Delacoste and Alexander, 1988; Pheterson, 1989, 1996). This perspective emanated from a desire, especially among sex workers’ rights activists, to challenge the notion that sexual labour was inherently more problematic than other activities undertaken by women in the context of a capitalist patriarchy (cf. Overall, 1992: 709-710). More generally, it was bolstered by a shift in sociological theory from the 1970s onwards which posited that social phenomena are not inherently problematic, but rather that certain issues come to be collectively defined as a social problem (cf. Blumer, 1971). In this sense, the status and representation of prostitution and individuals in prostitution is not considered predetermined and fixed. Instead, the definition and significance of prostitution is a historically situated social construction, which has changed over time (O’Neill, 2001; Sanders, O’Neill and Pitcher, 2009).

Often, debates over prostitution as a social problem are accompanied by discussion over what should be done about it. This is because the collective

labelling of a condition as problematic also entails the concerted struggle to resolve it (Bacchi, 1999: 6; Spector and Kitsuse, 2009: 164). Indeed, Gusfield argues that social problems are meaningfully understood as the core element of modern societies' 'culture of public problems' (1989: 431). This collective mode of thinking aligns the identification of problematic social conditions with the belief that they can and should be solved through public action (Radaelli, 1995: 170). In cases where the state's authority is invoked to provide a solution, prostitution constitutes both a social and a policy problem. The transformation of a social problem as a policy issue appropriate for, and in need of, state intervention is referred to as politicisation (van der Brug, et al., 2015: 5). However, while they are all socially constructed, not all policy problems are politicized equally: the different manners in which they are constructed determines who gets to participate, what types of ideas, values and solutions can legitimately be introduced into the debate, and who stands to gain and lose from the process (Schneider and Ingram, 1993, 1997). Certain issues are highly technical, require decisions made largely outside the public arena, and do not cause heated debates. Other issues, such as prostitution, stand out as particularly fraught and fractured over non-technical but deeply held values. This raises the question of whether prostitution policy exists as a distinctive type of policy that, by virtue of certain attributes, ignites exceptionally contested and participatory processes of political competition and policy debate.

2.1.2. Prostitution policy as morality policy

Two competing perspectives have arisen in order to explain the existence of different types of policy problems and the different politics they generate. The first perspective considers that policy problems and their solutions can be categorised into distinct types, with each type of policy issue leading to its own type of politics. In this view, "policies determine politics" (Lowi, 1972: 299). The second perspective argues instead that policy problems are a social and political construction. Consequently, while certain policy problems form clusters by virtue of their shared characteristics, these characteristics are a result of framing rather than inherent features. In this view, then, politics determine policies.

From the perspective of policy ‘types’, the core assumption is that social problems feature distinctive characteristics which, when translated into a policy problem, generate a particular type of political competition and policy debate (Freeman, 1985). In the case of prostitution policy, the combination of ‘real world’ concern and ongoing debate over meaning and governance has lent policy debates on the issue a tone of extreme intractability over fundamental moral values and beliefs regarding sexuality, gender behaviors, and proper social conduct (Wagenaar and Altink, 2012: 280). This intractability is further exacerbated by the nature of the debate itself, in which confusion, emotions, and ideology appear to take precedence over expert consensus, technical knowledge and scientific evidence. These features situate prostitution alongside other issues that have been categorised as ‘morality’ policy problems (cf. Studlar, 2001) such as, for example, gay rights (Ellis and Kasniunas, 2011; Haider-Markel, 2001; Haider-Markel and Meier, 1996, Smith and Tatalovich, 2003), abortion (Meier and McFarlane, 1993; Mooney and Lee, 1995; Smith and Tatalovich, 2003; Strickland, 2011) and stem cell research (Banchoff, 2005; Engeli and Allison, 2013; Mintrom, 2013).

The literature on morality policies highlights a number of characteristics specific to this policy type. These can be divided into three sets. The first set of features concerns the conflict over fundamental values that underpin morality policy debates. These values are referred to as ‘first principles’ since they deal with elemental beliefs concerning life, death, right and wrong (Mooney, 1999: 675). As a result, morality policy debates are usually also very emotionally charged and driven by ideology, rather than a concern for “reliable data” (Wagenaar and Altink, 2012: 281). This further compounds the ambiguity, confusion, and lack of consensus over core concepts and ideas in the policy debate (Fairbanks, 1981: 152; Wagenaar and Altink, 2012: 283). Together, these features lend morality policy issues like prostitution an air of intractability (Engeli et al, 2012: 11; Mucciaroni, 2011: 190). The second set of attributes concerns the high salience and low technical complexity of morality policy debates (Knill, 2013: 310; Mooney, 1999: 676, 2001: 10; Mooney and Lee, 1995: 600). The low technical complexity entails that morality policy issues tend to be ‘lay’ topics where individuals need no precise and expert knowledge in order to participate in the discussion (Wagenaar and Altink, 2012: 283). Faced with the impossibility of

compromising on deeply held values and beliefs, and the high salience of these issues, there is often a political demand for swift decisions and rapid implementation (Wagenaar and Altink, 2012: 284). As a result, the policy process is frequently marked by sudden and significant departure from the status quo (Wagenaar and Altink, 2012: 284). Finally, the third set of morality policy characteristics concerns who gets to participate in the policy debate. Since the low technical complexity of these issues ensures anybody can legitimately claim to be informed, morality policy debates generally feature high citizen participation and have no clear steering from a legitimate domestic or international community of experts (Haider-Markel and Meier, 1996: 334; Mooney, 1999: 676; Wagenaar and Altink, 2012: 283)

The core assumption of this approach is that the characteristics of morality policy issues determine the political process by which policy solutions are debated and adopted (Knill, 2013: 310). This draws on the public policy literature on policy types, developed by Lowi, which posits that ‘policies determine politics’ (1972: 299; also see Froman, 1968; Salisbury, 1968; Wilson, 1995). In this view, policies are collective endeavours that configure social relations and structure the scope of the state’s legitimate action on a particular matter. Each configuration of public expectations, legitimate state intervention, and policy output ‘begets’ its own politics (Lowi, 1972). This is because, “a political relationship is determined by the type of policy at stake, so that for every type of policy there is likely to be a distinctive type of political relationship” (Lowi, 1964: 688). According to this perspective, there are three broad categories of policies: distributive policies, which allocate rights, resources and costs; regulative policies, which structure the costs and opportunities of individual or group behavior by permitting or prohibiting behaviours; and redistributive politics, which are concerned with the reallocation of resources and costs from one group to another (Lowi, 1972).

In keeping with this typology, some authors argue that morality policy is an alternative form of regulatory or redistributive policy. Lowi himself argues that the morality policy is merely a type of regulatory policy that incites more radical politics and conflict than the norm (2011: xvii). Alternatively, the redistributive nature of policy-making on issues of morality is sometimes foregrounded. Here, morality policy is understood as the redistribution of values and norms, rather

than wealth, from one group to another (Gusfield, 1963: 4; Haider-Markel and Meier, 1996: 333; Meier, 1999: 681; Tatalovich and Daynes, 2011: xxxiii). Dissatisfied with these classifications, others argue instead that the particular attributes of morality policy distinguish it as a specific type of policy in its own right (Heichel, Knill and Schmitt, 2013). More particularly, these authors consider morality policy distinct from regulatory policy because of the propensity for morality debates to be shaped by disagreement over fundamental values rather than over material interests (Heichel, Knill and Schmitt, 2013: 322).

However, whether it can be subsumed into the categories of regulatory or redistributive policy, or whether it stands alone as its own type of policy, the very concept of morality policy poses an analytical problem. Indeed, at the heart of the morality policy approach is an understanding that there is something about certain policy problems that inherently makes them morality policy issues: intractable disagreement over first-principles. Yet, as Wagenaar and Altink point out, any policy topic, from taxation to climate change, has the potential to feature fierce contestation over fundamental values (2012: 287). In this sense, considering morality policies to be inherently constituted by societal value conflict eclipses the complex process by which one group's 'moral code' or value preferences gain ascendancy over others' during the policymaking process. In this sense, policies may 'beget' politics, but the construction of policy issues is a political process.

By shaping the conditions under which different policy solutions compete, the characteristics of a policy issue are undoubtedly politically relevant to the way in which the policy debate is structured. According to the morality policy perspective, the hallmark of morality policy issues is their tendency to causes "clashes of first principles [...] with high citizen participation" (Mooney, 2001: 8). Yet, public contestation of problem diagnoses, the prescription of specific solutions, and the significance of basic ideas and values, are inherent to all forms of policymaking in democratic systems (Greenberg et al, 1977: 1540; Mucciaroni, 2011: 191; Stone, 2012: 36; Wagenaar and Altink, 2012: 287). This implies that, while certain policies appear to share salient characteristics, policy categories do not exist *a priori*; rather, they are constructed as a result of framing (Engeli, Green-Pedersen, and Larsen, 2012: 10-11; Euchner, et.al, 2013: 373).

2.1.3. Framing prostitution as a policy problem

Rather than certain social phenomena being inherently morality policy problems, it is now widely acknowledged that certain issues are constructed into morality problems during the policy process (Euchner, et al, 2013; Mooney, 2001; Mooney and Schuldt, 2006; Mucciaroni, 2011; Wagenaar and Altink, 2012). The collective construction of social problems into morality problems is primarily undertaken by means of framing. Indeed, Benford and Snow explain framing as the selective connection, highlighting, or minimizing of information, events and experiences to produce “mobilizing and countermobilizing meanings” intended to generate support for a particular interpretation of an issue (2000: 613). As a result of framing, policy debates can therefore become more or less intractable and value-driven as issues are made to “drift in or out of the field of morality policies” (Wagenaar and Altink, 2012: 282). In addition, Mucciaroni argues that, instead of considering morality policy as a monolithic and internally coherent conceptual category, it is more meaningfully understood as a political process of ‘morality framing’ of policy problems (2011: 191). The process whereby policy problems are framed and debated as morality issues is referred to as ‘morality politics’ (Wagenaar and Altink, 2012: 281).

Both the scholarship on morality policy and morality politics depart from the same understanding that social problems are constructed into policy problems. On the one hand, morality policy approaches posit that the characteristics of a social problem directly determine the construction of any subsequent policy problem. On the other hand, morality politics perspectives argue that there is nothing automatic about the process whereby social problem are constructed into policy problems in the first place. In other words, morality politics is based on the understanding that “problems do not exist ‘out there’; they are not objective entities in their own right” (Dery, 1984: xi). In this way, morality politics problematizes the assumption that social problems intrinsically necessitate resolution through public action. Indeed, a social phenomenon can simultaneously be perceived as a ‘fitting state of affair’ by some, and as a problem in need of solving by others (Bacchi, 1999: 4). The process by which social problems come to be constructed into policy problems is referred to as problem definition (Hogwood and Gunn, 1984: 108; Rochefort and Cobb, 1993: 57).

Problem definition is essentially a process of contestation over the representation of an issue. The struggle over the construction of a policy problem takes place across two levels throughout the problem definition process: firstly, there can be disagreement over the existence of the problem itself; secondly, there can be disagreement over the cause(s) and solution(s) to the problem (Bacchi, 1999: 4; Nisbet, 1971: 24). The contest over the cause and solution to an issue is crucial to the adoption of one policy over others. Nonetheless, it is in the contest to have a social issue recognized as a problem in need of resolution through public action that policy problems are initially created. More than just the collective labelling of abstract social issues, problem definition serves as the constitutive basis for action. Thus, in the case of prostitution, Guienne highlights that despite the ‘problem’ of prostitution existing as a social construction, it nevertheless has very real effects on the public policies enacted to address it, as well as on the lives of those considered to be the problem or the victims (2006a). This is because “struggles over causal definitions of problem [...] are contests over basic structures of social organisation” (Stone, 2002: 162). In this sense, morality framing can be understood as a form of problem definition. A morality policy issue is therefore one that has been framed as such in a policy debate by either a significant number of individual participants or a single large advocacy group (Euchner et al, 2013: 374).

Understanding prostitution policy as the result of a process of problem definition which is sometimes dominated by morality frames also helps explain the existence of other problem frames frequently associated with this particular issue – not least of all the reduction of prostitution to a ‘women’s issue’. Indeed, one of the most salient characteristics of prostitution, as a social and policy problem, is its association with gender, and women in particular. The principal reason why prostitution has become a key battleground for contemporary feminist theory, activism and policymaking is because it is predominantly understood as taking place within a system of unequal and gendered power relations (O’Connell Davidson, 1998: 4; Outshoorn, 2005a: 141). This does not mean that prostitution is reducible to a women’s issue – either conceptually or analytically. Conceptually, to define prostitution as a women’s issue is to overlook the essentially intersectional identity of individuals involved in prostitution or

affected by it. This approach is also problematic because it ignores the disagreement over the nature and implication of prostitution even among women and feminists. In this sense, Outshoorn argues that prostitution is neither particularly a 'women's issue' or an inherently gendered issue, but that "[a]s political issues these may become defined or framed as gendered issues" (2004a: 3). Furthermore, analytically, reducing prostitution to a 'women's issue' eclipses the complex empirical reality of who sells and buys sexual services, why and how. Women are not the only ones to sell sexual services; nor are men the only ones to purchase it. Nonetheless, prostitution remains deeply gendered as a social and policy problem, with women historically disproportionately representing those selling sex, and men disproportionately representing those who buy it (Outshoorn, 2004a: 3).

Feminists' interests in prostitution should therefore not be considered to stem from an essentialist understanding of prostitution as inherently a *women's* issue. Rather, the gendered nature of prostitution and of the power relations that tend to underpin it, have contributed to it being taken up by women's movements and women's policy agencies since the mid-1980s as a key feminist social and policy issue (Outshoorn, 2004a: 6). This is because women's policy agencies are institutions dedicated to furthering women's rights and gender equality (McBride and Mazur, 2010: 3). This places prostitution alongside a wide range of other issues, such as employment equality, contraception, and equal political representation, as a central topic of feminist policy debates (Outshoorn, 2004a: 2-3). When policy issues come to be associated with gender equality and the improvement of women's rights, welfare and status, they are referred to as feminist policies (Mazur, 2002: 30-31). Just as social issues can be constructed into morality policies through a process of problem definition, issues can be constructed into feminist policies when they are presented, "in intent, in public presentation or written policy statement", as having feminist goals, adopting feminist perspectives, or stemming from feminist activism (Mazur, 2002: 30).

2.1.3. Wicked problems

Prostitution is not objectively or intrinsically a morality policy problem, a women's policy problem, a policy problem, or even a social problem at all.

Prostitution comes to be constituted as a policy problem, with an emphasis on morality and gender, through a political process of problem definition. This framing process underpins the politics that drive policymaking in this area, which frequently reflect the centrality of first-principles and gendered power relations. As a result of both framing and politics, prostitution policymaking tends to present certain characteristics associated with morality politics, such as “the lack and [...] disinterest of key actors in reliable data, the prominence of ideology in formulating prostitution policy, the impatience of policymakers with the implementation of formulated policies, the abrupt swings in policy course, and the absence of an international community of experts” (Wagenaar and Altink, 2012: 281). These aspects pose a number of challenges to the creation of a consensus over the best policy solution. As a result, the issue of prostitution policy, which Wagenaar and Altink define as “the concerted attempts of administrators and elected officials to deal with the societal impact of different forms of prostitution and the position and rights of sex workers” (2012: 289-290), is never definitively settled.

Three aspects of prostitution, as a policy problem, pose a particular challenge for policymaking. Firstly, prostitution is characterized by a resistance to resolution despite significant state intervention, as evidenced by its persistence regardless of the regime in place. Secondly, it draws a wide variety of actors, often with competing ideas and interests, into the debate over a policy solution. Finally, it touches upon the designation and regulation of appropriate social behaviour and, in this case, proper sexual, gender, and moral roles. These are the characteristics of a ‘wicked’ policy problem. What makes issues like prostitution, poverty, or environmental degradation ‘wicked’ is that they appear to be intractable. The three principal characteristics of wicked issues are that there is no immediately obvious solution to them, they involve a multiplicity of organisations and stakeholders which do not agree with one another, and they necessarily involve behavioural change as part of the answer (Clarke and Stewart, 1997; Rittle and Webber, 1973; Sullivan and Skelcher, 2002). In the case of prostitution, the lack of a definitive solution is illustrated by the global diversity of policy approaches and legal frameworks developed to deal with the issue. Moreover, the development of national policy responses to prostitution takes place in a context

of fierce conflict between proponents of different policy approaches both at the domestic and international level (Limoncelli, 2010: 2-3; Mathieu, 2013a: 116-122; Outshoorn, 2005: 148-152; Skilbrei and Holmstrom, 2011: 1). Finally, the inability of the different actors to converge on a single course of action also entails that, while behavioural change is a fixture of all proposed policy solutions, *whose* behaviour must change is unclear: should it be the individuals in prostitution themselves; the clients who create a demand; society which perpetuates social and economic inequalities that constrain individuals into exchanging sexual services for money; or governments that enact policies that serve to stigmatise a vulnerable population?

By adopting the perspective of prostitution as a ‘wicked’ policy problem and highlighting these attributes, we gain conceptual leverage into the two dimensions that makes such issues so difficult to resolve. Firstly, wicked problems are complex, that is, they are caused by many interconnected factors, as well as affecting individuals’ and communities’ experiences and opportunities. Secondly, and as a result of their complexity, they span the remit of multiple government systems of public action. In other words, they are boundary-spanning policy problems. Accordingly, policy efforts to resolve these wicked issues must be crosscutting, coordinated and coherent. The most effective means of drawing together disparate interests into a united and coherent policy effort to tackle a complex issue is through the development of a robust institutional framework and strongly shared beliefs and objectives (Jochim and May, 2010a: 304). The second part of this chapter therefore focuses on conceptualising and analysing the domestic prostitution policy frameworks established by states to tackle this complex and boundary-spanning policy problem.

2.2. Conceptualising contemporary French prostitution policy

Fostering concerted and coherent policy action across multiple sectors and among different actors is difficult to do. This is because individual policy subsectors, and the people who make them up, have their own priorities, perceptions, interests, and traditions (May, Jochim, and Sapotichne, 2011: 285). Governance frameworks can be established to induce meaningful and effective collaboration on cross-cutting issues. These frameworks amount to policy regimes. This section

conceptualises policy regimes before briefly describing the evolution of the contemporary French prostitution policy regime, and sketching out its peculiarities.

2.2.1. Classifying domestic prostitution policy frameworks

As a result of the intractability and complexity of prostitution as a policy problem, domestic policy approaches to prostitution vary greatly and change over time. Nevertheless, there is broad agreement on the three main types of prostitution policy approaches (e.g. Brants, 1998: 622; Brock, 1998: 7-8; O'Neill, 2001: 20; Vernier, 2005: 122; West, 2000: 106). Prohibition criminalises all parties involved in prostitution (individuals in prostitution, pimps, and clients) (Scoular, 2010). Conversely, regulation was traditionally premised on the strict control of prostitution through the licensing of brothels and compulsory medical and police registration of individuals in prostitution. It was intended to provide a framework in which prostitution, perceived as a 'necessary evil', could be controlled in order to limit public indecency and the spread of sexually transmitted diseases (Kilvington, et.al, 2001: 79). Contemporary regulation seeks to distinguish more clearly between forced prostitution and voluntary sexual labour. Neo-regulationist policy frameworks regulate the consensual provision of sexual services and the employment of sex workers, and criminalise coercive exploitation (Bugnon, 2010: 142; Outshoorn, 2004a: 188). Finally, abolitionism has historically referred to policy frameworks based on the abolition of the system of state-regulated prostitution (Bugnon: 2010: 143; Doezema, 2006; Handman, 2005: 19; Limoncelli, 2006: 31-32). In this sense, abolitionism does not criminalise the sale of sexual services, which would punish individuals in prostitution, considered victims of exploitation, but outlaws profiting from, exploiting, encouraging, and facilitating the prostitution of others. Mathieu argues that, seen this way, the tripartite typology of national prostitution policy frameworks resembles a triptych: a construction that depicts three aspects of a common theme on separate panels, but is hinged together (2013a: 20). This perspective draws on Max Weber's concept of 'ideal type', which he defines as a construction based on the 'analytical accentuation' of certain elements of reality which does not aim to be an accurate empirical description of reality, but rather provides us with stylized and 'unambiguous' means of expressing such descriptions (1949). An ideal type does

not draw its conceptual validity from its correspondence to social reality. Instead, it seeks to adequately represent the myriad facets of messy social phenomena by means of abstract constructs.

Because these policy approaches represent ideal types, countries do not adopt any of them in their pure forms (Maugère, 2009: 3; Scoular, 2010: 13; West, 2000: 106). This helps explain the diversity of domestic prostitution policy approaches implemented worldwide. Those that prohibit prostitution differ with regards to the types of offences and punishments; those that regulate prostitution diverge with regards to the activities they consider voluntary sexual labour; and those that have abolished the regulation of prostitution nevertheless adopt different combinations of policies to punish the activities associated with prostitution (soliciting, kerb crawling, etc.). This is why three new types of domestic prostitution policy frameworks have been developed to reflect the increasingly divergent and idiosyncratic approaches to this issue. Firstly, the system of ‘managed tolerance zones’, such as those adopted in the Netherlands, have been distinguished from traditional regulationism because of their focus on ‘professionalising’ commercial sex rather than simply regulating the performance of a ‘necessary evil’ (Ouvard, 2000: 115). Secondly, decriminalisation has emerged as a third way between abolition and regulation (Abel et al., 2010; Scoular, 2015: 11-12). Rather than imposing regulation through compulsory health checks or the licensing of brothels, or leaving prostitution between consenting adults in a deregulated legal vacuum like abolitionism, decriminalization aims to destigmatise prostitution as a form of sex work subject to no special regulation other than standard civil employment law (Chapkis, 1997: 155; Munro and Della Giusta, 2008: 2; West, 2000: 106). This approach is argued to allow individuals in prostitution to work collectively without fear of exploitation from brothel-keepers, harassment from the police, and with the law’s full protection against violence from clients (Abel and Fitzgerald, 2010: 8). Finally, a new approach based on the criminalisation of the purchase of sexual services (CPSS) but not their sale emerged in Sweden in 1998, followed by Norway and Iceland in 2008 and 2009 respectively. By virtue of respecting traditional abolitionism’s conceptualisation of individuals in prostitution as victims who should not be exploited by others or criminalised by the state, this approach has therefore been termed neo-abolitionism (Doezema,

2006: 6). In essence, what neo-abolitionism seeks to abolish is no longer the state's regulation of prostitution but prostitution itself. Certain authors refer to this approach as a new form of 'prohibition' instead, because CPSS effectively amounts to the prohibition of legal prostitution by instituting a demand-side ban (Scoular, 2010: 17). However, the term neo-abolitionism is used by policymakers (Council of Europe, 2007; Hindle, Barnett and Casavant, 2003; Iceland Ministry of Justice and Ecclesiastical Affairs, 2009) and scholars (Doezema, 2006: 6; Chuang, 2010: 2; Jakobsson and Kotsadam, 2013: 91) to emphasise the historic and ideological legacy of this framework's normative commitment to seeing prostitution disappear without criminalising the victims.

Nevertheless, considering the classification of these policy frameworks merely as a set of imperfect and abstract labels that bear little resemblance to actual national prostitution policy is reductive. It underestimates the extent to which the image of a policy approach, that is the beliefs and values associated with a mode of public action on a particular issue, matters in shaping and directing policymaking (Baumgartner and Jones, 2010: 25). Conceptually, these categories amount to Weberian ideal types that do not meaningfully represent the full spectrum of prostitution policy in reality. Analytically, however, these categories constitute the lenses through which policy actors appraise the policy problem and any possible solution. These categories represent the principal modes of state action on which actors model their objectives and efforts, and towards which they strive. Furthermore, policymakers deploy these categories in discourse in order to structure their understanding of the issue of prostitution, communicate their commitments, and give a name to their policy beliefs and goals (Mathieu, 2013a: 20). In this sense, insofar as the different types of national prostitution policy frameworks refer to arrangements of normative principles, state practices and organisations of action, they can also represent prostitution policy regimes.

2.2.2. Prostitution policy regimes

The literature on prostitution policy is replete with references to national frameworks of laws and policies aimed at prostitution as 'regimes' (Mazur, 2004: 123; Outshoorn, 2004a: 12; Skilbrei and Holmström, 2013: 8; West, 2000: 106), 'prostitution policy regimes' (Crowhurst, Outshoorn and Skilbrei, 2012: 188),

‘legal regimes’ (Agustín, 2008; Chuang, 2010: 1670; Zatz, 1997: 290), ‘regulatory regimes’ (Schmitt, Euchner and Preidel, 2013: 426; Sullivan, 2010: 85), ‘prostitution regimes’ (Agustín, 2008: 73; Outshoorn, 2001: 473; Scaramuzzino and Scaramuzzino, 2014: n.p.; Skilbrei and Holmström, 2011), ‘prostitution control regimes’ (Boyd and Lowman, 1991: 119), ‘regulative regimes’ (Munro and Della Giusta, 2008: 1); or ‘regimes of governance’ (Scoular and O’Neill, 2007: 772). These terms are used to describe domestic governing arrangements addressed at prostitution. The advantage of using regimes as a descriptive lens is that it provides a generic tool with which to map out the interplay of institutions, ideas and action that make up prostitution policy in a given locale. Furthermore, the regime lens has arguably provided the conceptual common-ground on which to develop and accumulate the case-specific and comparative empirical knowledge about how different governments address the issue of prostitution that characterises the scholarship on prostitution policy. However, the concept of prostitution policy regime has yet to be systematically defined or used as an analytical tool with which to explain policy change in this area. This hampers the development of explanatory theories regarding the processes of prostitution policy regime formation, change, decline, and shift that are nevertheless at the heart of empirical inquiry into domestic prostitution policy. Research into prostitution policy therefore stands to benefit from insights drawn from the political science scholarship on policy regimes.

Originally, the concept of ‘regimes’ was strongly associated with international relations theory (cf. Krasner, 1983). In particular, this literature has focused on the emergence and significance of political regimes, such as democracy or authoritarianism, which are defined as “the rules and basic political resource allocations according to which actors exercise authority by imposing and enforcing collective decisions on a bounded constituency” (Kitschelt, 1992: p. 1028). The notion of policy regimes is narrower than that of political regime. Indeed, rather than referring to the governing arrangements of entire states, or even groups of states, policy regimes have been used to refer to a variety of elements of public policy making. The concept has been used to describe policy strategies in particular issue areas such as, for example, education (McGuinn, 2006), welfare (Rodgers, Beamer, and Payne, 2008), pensions (Weaver, 2010),

and agriculture and food (Sheingate, 2001). In addition, ‘urban policy regimes’ have been used to refer to governance arrangements and coalition formation at sub-state level (Dowding et al, 1999; Mossberger and Stoker, 2001; Stone, 1989;). Regimes have also been a central concept to explain the structuring of expectations and behaviour in the study of regulatory arrangements both at the state and international levels (Eisner, 1994, 2000; Harris and Milkis, 1989). Finally, policy regimes have been used to describe logics of government action that coordinate broad policy ideas and values with preferred policy tools in order to create both normatively sound and technically effective policies, in keeping with the prevailing political interests (Howlett, 2009).

The different uses of the concept highlight the lack of agreement over the precise definition of policy regimes. On the one hand, regimes are used to describe networks and processes in particular policy areas. On the other hand, regimes are used to describe the coordination of action and objectives at different policymaking levels. Nevertheless, recent attempts to systematically define policy regimes have focused on the common underlying agreement that regimes refer to governing arrangements aimed at addressing a policy issue (Howlett, 2001; Jochim and May 2010a, 2010b; May and Jochim 2013; May, Jochim and Sapotichne, 2011; Wilson, 2000). Policy regimes are most usefully considered a ‘lens’ with both descriptive and analytic value. As a descriptive construct, regimes allow us to build a ‘conceptual map’ of the specific constellation of actors, ideas and institutions that make up public intervention in a particular issue area (May and Jochim, 2013: 428). As an analytical tool, policy regimes shed light on the interlinked processes by which policies affect the political environment they are embedded in, and come to be affected by both changes to the political context and the consequences of their own implementation (May and Jochim, 2013: 426).

According to Jochim and May, policy regimes involve four dimensions: issues, ideas, interests and institutions (2010a: 311). Issues refer to policy problems: the social phenomena that, through a process of framing and definition, come to be identified as worthy of attention and public action. In this way, issues provide the focal point around which actors’ attention, resources, and energy is organised, or not. Ideas refer to the normative or causal beliefs that give meaning and direction to a regime’s attempt to address an issue (Jochim and May, 2010a: 312; also see

Blyth, 2002: 32). For May and Jochim, ideas are the ‘glue’ that “binds elements of relevant subsystems to achieve a common purpose and in so doing, provide the substance to a given regime’s governing activities” (2010a: 126). Institutions, though defined more or less broadly by different authors, can holistically be considered “the formal and informal procedures, routines, norms, and conventions embedded in the organizational structure of the policy [...and] promulgated by formal organisation” (Hall and Taylor, 1996: 938). They underpin the power arrangements of a regime, since a regime necessarily entails support from at least one powerful group, by directing attention, information and authority (Jochim and May, 2010a: 313). This is why Streeck and Thelen conceive of regimes as involving “rule makers and rule takers, the former setting and modifying [...] the rules with which the latter are expected to comply” (2005: 18). Finally, while deeply contested in public policy scholarship, the concept of interests broadly refer to the perceived stakes different policy actors have in a particular issue and its resolution, and which contributes to whether or not they cooperate among each other (eg. Hall, 1997: 176). Interests structure compliance and are the source of a regime’s legitimacy by facilitating or constraining cohesive collective action depending on whether actors perceive their interests to align or compete with others’ (Jochim and May, 2010a: 313).

Domestic prostitution policy frameworks combine all four dimensions of regimes. Firstly, they exist in response to the perceived existence of a policy problem, which varies in the extent to which it is politicized and framed at any given point in time, but nevertheless endures as a ‘wicked’ issue. Secondly, by virtue of their morality framing, prostitution policy frameworks tend to feature strong ideas concerning who are considered the culprits and the victims, and what the appropriate policy responses are. Thirdly, institutions structure the legitimate intervention of certain actors, such as the police or social workers, on behalf of others. Finally, the vociferous and apparently intractable political and public debates over prostitution as an issue demonstrates the variety of interests involved in debating national prostitution policy, and which drive the politics of prostitution at the domestic level. Domestic prostitution policy frameworks combine these formal and informal elements that structure behaviour and expectations with mechanisms for creating and reinforcing shared goals. In this

way, domestic prostitution policy frameworks amount to a policy regime. As such, they are political governing arrangements that formalize these rules in order to coordinate expectations and organize behaviour in this specific policy area (Kratochwil and Ruggie, 1986: 759; Streeck and Thelen, 2005: 10).

As a result of the evolution and recomposition of the issues, ideas, institutions and interests that comprise them, prostitution policy regimes vary between countries and over time. This is important because the central assertion of the policy regimes literature is that the composition of regimes has implications for their strength and durability. The strength of a regime refers to its ability to generate the requisite coordination and integration of action with which to bring about intended policy outcomes (Jochim and May, 2010a: 317). Regime strength is a function of the cohesiveness of the ideas, interests and institutions that comprise it at any given point in time. The durability of a regime is not necessarily related to its strength, since even strong regimes can be unsettled by crises or exogenous developments affecting the political context in which it exists (Jochim and May, 2010a: 317). In this sense, regime strength is considered insufficient but necessary to durably sustain the policy framework.

Yet, certain weak policy regimes demonstrate the puzzling capacity to endure despite the odds. This is the case with the contemporary French abolitionist regime, which is characterised by ambiguous understanding of abolitionism's policy objectives, a historically weak and disjointed commitment to the implementation of policies, and a scattered institutional framework supported only by a precarious and heterogeneous consensus. According to May and Jochim, these are all indicators of an 'anemic' regime that nevertheless persists and remains dominant (May and Jochim, 2010a: 309; May, Jochim and Sapotichne, 2011: 286). On the one hand, persistent 'anemic' regimes therefore pose a theoretical challenge to assumptions concerning the relationship between regime coherence, strength and durability. On the other hand, there has been very little empirical investigation of 'anemic' policy regimes, meaning that we cannot yet explain why they sometimes endure in this way. Indeed, the only empirical case study of an 'anemic' policy regime to date is May, Jochim and Sapotichne's investigation of the homeland security policy regime which emerged in the United States in the wake of the September 11th 2001 attacks on the World Trade Center

(2011). Analysing the changes to French abolitionism therefore has the potential to develop our currently very limited understanding of the processes that underpin the sustained existence of weak regimes and, in so doing, helps refine our understanding of regime composition, strength and durability.

2.2.3. The evolution of French abolitionism

Having oscillated between the regulation and prohibition of prostitution since the Middle Ages, France began to abolish the state regulation of prostitution after the Second World War (Maugère, 2009: 158). First, brothels were closed by the ‘Marthe Richard’ law of April 1946,² although women in prostitution continued to be registered with the authorities and medically monitored. Then, in 1960, the country signed the 1949 United Nations convention on the “Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others”. This treaty sets out the main principles of abolitionism (Mathieu, 2012: 204). In particular, it outlaws the exploitation of the prostitution of others, but also considers prostitution as a private matter which should not involve the registration and medical monitoring of individuals; finally, it commits signatories to repealing measures aimed at prostitution. France’s ratification of the convention thereby abolished any remaining registers and regulations and concluded the country’s two-step transition from regulation to abolition. To this day, the treaty remains the primary legal reference for public action concerning prostitution in France (Mathieu, 2012: 204). The convention also constitutes the normative foundation of French abolitionism. In keeping with the ‘spirit of abolitionism’ enshrined in the treaty, French abolitionists deem prostitution to be a blight on society and consider women in prostitution to be mal-adjusted victims of unscrupulous pimps or an abusive past (Bugnon, 2010: 147; also see Allwood, 2006: 58, 2008: 71; Mathieu, 2012: 204, 2013a: 28). Moreover, since prostitution is conceptualised as the gendered exploitation of women, the legalisation or the regulation of prostitution as a form of labour is anathema to French abolitionists, who equate it with the state’s endorsement of a system of violence (Allwood, 2008: 67; Mathieu, 2004b: 158). The criminalisation of the exploitation of the prostitution of another and the provision of social support to the ‘victims’ of prostitution therefore comprise the two ‘pillars’ of French abolitionism (Allwood, 2006: 51).

² Loi n°46-685 dite Marthe Richard du 13 avril 1946.

In keeping with the twin normative principles enshrined in the 1949 UN treaty, prostitution in France has essentially been dealt with on two fronts since 1960. On the one hand, the exploitation of the prostitution of another (pimping and procuring) is criminalised. On the other hand, individuals in prostitution are considered 'victims' and are provided with social support (Bugnon, 2010: 144; Mathieu, 2004b: 155). Nevertheless, despite the primacy of the abolitionist regime, French prostitution policy has varied significantly over the last fifty years (Mathieu, 2012: 203). The policy issue of prostitution has not mobilised constant attention throughout the period; instead, it has regularly resurfaced on the political agenda (cf. Mazur, 2004). This gives the historical trajectory of French abolitionism the appearance of a largely stable policy path punctuated by the politicization of the issue of prostitution through infrequent but heated policy debates. Three distinct policy phases, prompted by such punctuations, are highlighted in the literature.

The first is the re-emergence of the issue in the early 1970s, following a noticeable absence from the political agenda for the first decade after the signature of the UN treaty (Mazur, 2004: 127). At that time, a string of high profile government-mandated police operations were targeting prostitution, in light of the discovery that prominent public officials were involved in pimping and corruption (Mazur, 2004: 127). This crackdown led to an increase in the number of arrests and fines related to soliciting and pimping (Mathieu, 2001: 38). To protest against their perceived harassment by police officers, women in prostitution, assisted by certain religious, feminist and abolitionist organisations mobilized in 1975 and occupied churches in a number of French cities (Mathieu, 2001). The aims of the movement were to draw attention to the injustices and insecurity faced by individuals in prostitution, to secure basic social rights for them, and to impel the government to discontinue its policy of police harassment (Mathieu, 2001: 42). This protest movement and its political aftermath has principally been analysed as an unlikely instance of a particularly vulnerable and stigmatized group overcoming significant social and political obstacles in order to organize itself and voice political claims (Mathieu, 1998, 1999a, 2001, 2003). As a concession, the government commissioned an evaluation of the country's prostitution policy framework. However, the publication of the final report (the Pinot report: Pinot,

1976) was met with little political interest, ‘buried’, and quickly forgotten (Mathieu, 2001: 95).

From the mid-1970s until the late 1980s, prostitution was again largely absent from the political agenda until it re-emerged as a result of growing public and political fears over the perceived role of prostitution in spreading HIV (Mathieu, 2000: 7; Mazur, 2004: 126). This led to a high profile political debate over the possibility and desirability of returning to a regulatory regime prompted by the declaration by former Health Minister, Michèle Barzach, that “the question of re-opening state-run bordellos” must be reexamined (*Le Monde*, 8 June 1990). This suggestion was quickly opposed by a “broad coalition” of policy and influential civil society actors with strong anti-regulationist views, and Barzach quickly recanted (Mazur, 2004: 133). Mazur argues that, while the debate did not lead to any formal policy changes, the intensity of the opposition nevertheless effectively served to halt any further consideration of a return to regulation in France (2004: 133). More generally, the ascendancy of public health concerns throughout the 1990s, coupled with the lack of formal government involvement in making or implementing prostitution policy is considered to have created a context in which community health organisations emerged as alternative providers of social and health services to individuals in prostitution (Mathieu, 2004b: 155, 2012: 205). These third sector organisations privileged education and harm reduction to address the immediate health and safety needs of individuals in prostitution rather than imposing exit and rehabilitation. This operating procedure contributed to promoting new representations of individuals in prostitution as capable agents directly at odds with traditional abolitionist conceptions of them as mal-adjusted victims (Mathieu, 2004b: 155). Moreover, in seeking to improve the condition of individuals in prostitution through the ‘normalisation’ of their activity, Mathieu argues that this development constitutes the consolidation of the ‘sex workers’ rights movement’ initiated by women involved in prostitution in 1975 (2004b: 157).

The fall of the Communist bloc and the subsequent opening of borders between European states throughout the 1990s also had a profound impact on the modalities of commercial sex in France (cf. Handman and Mossuz-Lavau, 2005). The period saw a large influx of foreign women on the streets of French cities,

whose visibility, youth and appearance led to public outcry (Allwood, 2003: 206; Mathieu, 2011, 2012: 206). Moreover, these women were invariably considered to be under the control of large transnational criminal networks (Mathieu, 2012: 206). The increased – and increasingly problematic – visibility of prostitution on streets and in residential areas was perceived as a security issue by residents who exhorted policymakers to provide a rapid solution (Guienne, 2006b; Mathieu, 2012: 206). As a result, the issue of prostitution, which had been largely absent from the policy agenda, was repoliticised (Allwood, 2003; Mathieu, 2011, 2012: 207). It is in this context, dominated by a ‘law and order discourse’ that the 2003 domestic security law (*loi pour la sécurité intérieure* – LSI)³, which included anti-soliciting measures aimed at repressing visible prostitution, found support (Allwood, 2003: 205). The policy debate over the LSI marks the beginning of the third phase in the trajectory of contemporary French prostitution policy.

The LSI has been a key focal point of recent scholarship because it appears to contrast with previous French abolitionist policies (cf. Allwood, 2003; Deschamps, 2005; Mainsant, 2013; Mathieu, 2011, 2012; Vernier, 2005). Indeed, the bill presented prostitution as a law-and-order and domestic security issue and, as a result, shifted the policy emphasis away from the provision of social support and towards the implementation of strict anti-soliciting measures. In particular, the LSI reclassified soliciting as a major offence and reintroduced the offence of ‘passive soliciting’ – that is to say the act of adopting an attitude or posture, even passive, with the aim of inciting another to debauchery – which had been removed from French law in the 1992 reform of the penal code. The bill also included measures to deport foreigners guilty of prostitution. By framing these measures as ‘humanitarian’ efforts to rescue vulnerable women and facilitate their return home, the LSI did not stand in direct opposition to the traditional French abolitionist framework (Mathieu, 2012: 207). Nevertheless, because it appeared to subordinate the core abolitionist principle of victim welfare to the objective of cleaning up the street, the LSI is apprehended as an anomaly in the history of contemporary French prostitution policy in the literature. In this way, Allwood argues that the LSI constitutes a shift of policy focus by “launching a war not on prostitution, but on prostitutes” (2003a: 206). Subsequently, the LSI appears

³ Loi n°2003-239 du 18 mars 2003 pour la sécurité intérieure.

paradoxical in its conceptualization of individuals in prostitution as both victim and criminal (Mathieu, 2012: 207).

However, within two years of its implementation, evaluations of the LSI began to highlight its ineffectiveness in making prostitution disappear, as well as the negative impact it was considered to have on the safety and wellbeing of individuals in prostitution (e.g. Citoyens-justice-police, 2005; Mossuz-Lavau, 2007; Vernier, 2005). Criticism of the LSI only increased over time. In 2010, the National Council on AIDS (Conseil national du Sida, CNS, 2010) report argued that the law was undermining the security of individuals in prostitution by forcing them underground. The same year, the National human rights committee (Commission Nationale consultative des droits de l'homme, CNCDH, 2010) highlighted the dangers posed by the law to victims of trafficking who were refraining from seeking help from the police for fear of being deported. Support for the bill was further eroded in 2011 when the Parliamentary commission on prostitution recommended an overhaul of France's entire prostitution policy framework, including the LSI's anti-prostitution measures. The all-party taskforce found that the LSI's anti-soliciting measures were ineffective, problematically paradoxical, and possibly detrimental to the welfare of individuals in prostitution (Geoffroy, 2011: 112-115). Moreover, the commission recommended that the purchase of sex be penalized in order to disincentivise recourse to commercial sex and shift the burden of criminalization onto clients.

This is how, in the face of the LSI's perceived failure, criminalization of the purchase of sex came to be presented as an abolitionist policy 'panacea' that would allow the prohibition of prostitution without the criminalization of 'victims' (Mathieu, 2013a: 241). Proponents of CPSS wished for France to follow in the footsteps of Sweden, which initiated this policy in 1998. For them, criminalising clients would amount to a *de facto* demand-side ban on prostitution in a country where the purchase of sexual services between consenting adults had previously been tacitly tolerated. Finally, after a lengthy and conflictual debate, the French Parliament adopted a law to criminalise clients of prostitution on April

13th 2016.⁴ The emergence and consolidation of a demand for the ‘Swedish model’ represents the third significant phase in the regime’s trajectory.

2.2.4. A regime that endures despite the odds

The literature on French prostitution policy highlights the extent to which abolitionism is not an immutable archetype, no matter how dominant it has become as a regime. Thus, in France, the policies that govern the intervention of the state in prostitution have varied significantly over the last five decades. Policies premised on tolerance of prostitution between consenting adults have given way to some that all but outlaw street-based prostitution by targeting soliciting and, most recently, to a political demand for client criminalization based on the pioneering Swedish law. These different policies present different conceptions of the policy problem, promote different goals, involve different instruments, and nonetheless have all been housed under the banner of abolitionism. Contemporary French prostitution policy therefore appears to be ambiguous and inconsistent (Bugnon, 2010: 144; Maffesoli, 2008: 34; Mainsant, 2013a: 23; Mathieu, 2012: 203). The literature emphasizes three aspects of the politics of French prostitution policy that are believed to have contributed to this changeability and inconsistency.

Firstly, while the abolitionist regime has become dominant, the coalition of those who support abolitionism is broad and heterogeneous. Indeed, abolitionism appears to be overwhelmingly considered by policymakers to be the only appropriate and legitimate solution to the issue of prostitution. For example, on December 6th 2011, the French National assembly unanimously reaffirmed its commitment to abolitionism, declaring the achievement of a society without prostitution to be a policy priority, and ruling out a return to either prohibition or regulation (Assemblée nationale, 2011). However, the regime has not always enjoyed such spirited political support. Indeed, because of the relative absence of the issue from the policy agenda from the mid-1970s until the late 1980s, the dominance of the abolitionist policy regime was only incontrovertibly established by the mid-1990s in France. It is only from this point onwards that the regime’s ascendancy allowed its proponents to present it henceforth as neutral: non-

⁴ loi n° 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

ideological and non-partisan (Allwood, 2004: 147). Today, Deschamps argues, the aggregate ideas and values that comprise French abolitionism form a dominant framework from which there is very little dissent, and around which there is firm agreement about broad rationales and objectives (2007: 47). Subsequently, the primacy of abolitionism in France has raised it to the level of dominant orthodoxy: a framework of broad ideas and values that are collectively adhered to, and which transcends individual beliefs (Legro, 2000: 420).

Nevertheless, while policymakers may demonstrate considerable support for abolitionism, it is not evident that they agree on what abolitionism means or how it should be enacted. This is because the dominant interpretations of what abolitionism means and entails in 2016 are not necessarily the same that governed the decision to sign France up to the 1949 UN convention. This is because abolitionism is ambiguous: there exist multiple understandings and interpretations of it. In particular, what started out as a movement to abolish state regulation of prostitution now seeks to abolish prostitution itself (Allwood, 2006: 47; Maffesoli, 2008: 37; Mathieu, 2013a: 70). Furthermore, we have witnessed a gradual reordering of these two principal interpretations, with claims to abolishing prostitution coming to supersede traditional abolitionist arguments concerning the removal of state regulations (Maffesoli, 2008: 37). On the one hand, this ambiguous understanding of abolitionism is argued to have allowed the regime to foster a broad support base made up of opponents to regulation, activists working to eradicate prostitution entirely, and actors who adhere to abolitionist principles more generally but believe the issue to be a private matter (Mathieu, 2013a: 102). On the other hand, the great diversity of actors involved in the (re)interpretation of French abolitionist prostitution policy do not all agree on specific policy principles (Mathieu, 2013a: 16-17). In this sense, while there has been widespread agreement between actors over broad abolitionist principles, the abolitionist consensus is ‘heterogeneously constituted’ to include a variety of different ideas and beliefs about what abolitionism is exactly and how it should be enacted (Mathieu, 2013a: 6).

Secondly, the ‘heterogeneous abolitionist consensus’ has contributed to the periodic reform of French abolitionist prostitution policy as actors disagree and compete over how to implement abolitionism through policy (Mathieu, 2011:

118). In this way, the multiple interpretations of abolitionism have allowed the contemporary French prostitution policy regime to house a broad variety of policies. However, in the absence of unambiguous principles around which to organise and deliver prostitution policy, reforms have been largely impelled by political reactions to structural elements, such as demographic changes to immigration and an increased perception of urban insecurity. This does not mean that French prostitution policy can be considered the objective solving of policy problems as they emerge (Danet and Guienne, 2006; Mathieu, 2013a: 10). Rather, this means that exogenous shocks have tended to create the windows of opportunity for policy entrepreneurs to promote their preferred policy solution over competing others. Thus, for example, the ‘paradoxical’ LSI is presented at the result of an ‘exceptional’ side-stepping of certain traditional abolitionist principles by actors reacting to environmental shifts and seeking to satisfy public opinion in the face of an unprecedented conjuncture (Allwood, 2003: 206; Mathieu, 2012: 207). In this way, French prostitution policy until the rise of the demand for CPSS in 2010 is considered to have been predominantly event-driven: it has been developed in response to historical developments and conjunctures.

The third salient aspect of contemporary French prostitution policy is its historically weak implementation of social policy measures aimed at improving the health and welfare of individuals in prostitution (Bugnon, 2010: 147; Mazur, 2004: 124). This is the case, for instance, with the Social Prevention and Rehabilitation Services (*Services de Prévention et de Réadaptation Sociale* – SPRS). Created in 1960 in the aftermath of France’s ratification of the abolitionist UN treaty, the SPRS were designed to be the principle vehicle for providing individuals in prostitution with social and medical services aimed at supporting them to exit. Yet they remained underfunded, underdeveloped, and “largely inoperative” (Mazur, 2004: 125). Furthermore, the perceived toothlessness of social measures is considered to contrast starkly with the zealous deployment of punitive measures aimed at cleansing the streets of the problematic visibility of prostitution (Guienne, 2006b: 84). In this sense, French abolitionism is considered to comprise two policy pillars, that have not been implemented equally. French policymakers themselves have criticised the country’s social policy framework on the basis of its incoherence or ineffectiveness. As early as December 1975, a

review of French prostitution policy found that the beneficial intentions of the social objectives set out by policymakers in 1960 were “destroyed by the effect of a series of distortions linked to the very embryonic application of social policy measures” (Pinot, 1975: 13).⁵ Similarly, a 2001 report by the Senate’s Delegation for women’s rights stated that “the SPRS have been a failure from the beginning”⁶ and that the State has “offloaded its duty to prevent prostitution and to rehabilitate prostitutes onto the third sector”⁷ (Derycke, 2001: 65, 67).

In this sense, the social facet of contemporary French prostitution policy is presented as having involved rather more rhetoric and performance of political intention than effective deployment of action and resources. This is characteristic of symbolic reform, that is to say, processes aimed at addressing “social problems [but] which fail to effectively solve those problems” and, instead, primarily feature substantively empty statements by policymakers “more interested in image making than problem solving” (Mazur, 1995: 2). The privileging of rhetoric and the use of symbols over the deployment of action and resources contrast symbolic policies to substantive or ‘material’ policies (Anderson, 2014: 294; Mazur, 1995: 2). Correspondingly, the politicisation of prostitution in French policy debates is characterised by the “prolonged, repeated, well-publicized attention to a significant problem which is never solved” typical of symbolic reform (Edelman, 1995 [1964]: 31). For Maugère, this is because French abolitionist policies have sought social quiescence rather than “internal coherence” (Maugère, 2009: 17). This has led to the cultivation of ambiguity over the ultimate meaning and objectives of abolitionism by the ‘heterogeneous consensus’ underpinning the abolitionist movement (Mathieu, 2013a: 216).

Ambiguity is a crucial feature of symbols (Stone, 2012: 181). This is because symbols provide a single focal point through which to aggregate diverse interpretations, motivations and expectations and organise collective action (Elder and Cobb, 1983: 28). For Maugère, the resort to processes of symbolic policymaking has been crucial to the successful establishment of the abolitionist

⁵ “En pratique, l’économie du système conçu par les rédacteurs des ordonnances de 1960, a été détruite sous l’effet d’une série de distortions tenant à l’application très embryonnaire des dispositions sociales [...]”

⁶ “Les SPRS ont été dès le départ un échec [...]”

⁷ “L’État s’est défaussé de ses tâches de prévention de la prostitution et de réinsertion des prostituées sur le milieu associative.”

movement's dominance after the Second World War (2009: 151). However, the principal trade-off of acting on symbols rather than unequivocal policy statements is coherence: the logical interconnection and coordination of policy efforts according to a shared set of principles or objectives (May, Sapotichne and Workman, 2006: 384). This is why the abolitionist movement's lack of consensus has been highlighted as an important cause of the ineffectiveness and negative consequences of contemporary French prostitution policy (Mathieu, 2013a: 53-54). Contemporary French prostitution is consequently presented as fundamentally contradictory and ambivalent: prostitution exists in a legal vacuum, it is not illegal, but it is condemned (Mathieu, 2004b: 154; Mazur, 2004: 123-124). As a result, individuals are not prohibited from participating in prostitution but find their freedom to do so strictly curtailed by policies aimed at discouraging them (Mathieu, 2012: 204). Thus, in the eyes of French law, women in prostitution have an ambivalent and "hybrid status" whereby they are simultaneously victims and criminals (Bugnon, 2010: 144).

There is therefore widespread agreement that the trajectory of the French abolitionist prostitution policy regime is characterised by an ambiguous understanding of what abolitionism means, a weak and disjointed commitment to the implementation of social policies, and the support of a very heterogeneous coalition. The explanations for the endurance of such a weakly integrated policy framework converge on the capacity of French abolitionism, both as a social movement and as a policy framework, to be strategically adapted to respond to new problem constructions and policy ideas. This is congruent with the argument, by social movement theorists, that social movements are not the same when considered at different points in their historical trajectory, even if their name persists (D'Anieri et al, 1990; Gusfield, 1963). Mathieu's sociological analysis of the French abolitionist movement from its inception in the late 19th century until what he terms its recent 'moral crusade' for the abolition of prostitution supports this contention (2013a). Mathieu sketches out how the abolitionist movement in France has evolved and has been reconfigured to adapt to changing social and political contexts and promote new objectives, all the while keeping the same name (2013a). Moreover, Maffesoli argues that this reconfiguration of meanings and objectives is possible because the two interpretations of abolitionism have

always coexisted, and that the recent ascendancy of neo-abolitionist policy is a logical development of traditional French abolitionism:

“The gradual shift from the abolition of regulation to the abolition of prostitution is perfectly logical, since it is a foundational element of the ideology that underpins abolitionism. Indeed, prostitution has always been considered to be a violence against women by abolitionist movements. The fight against it was simply organised in two stages: first the abolition of regulation, then that of prostitution.” (2008: 37).

Nonetheless, these perspectives manifest a certain ‘conservative bias’, which presents progressive adjustments and reformulations of policy ideas, goals and instruments to be “just another version of the old” (Thelen and Streeck, 2005:1). This means that they do not analytically distinguish between elements of the adaptation and maturation of existing regimes and those suggestive of a gradual shift from one regime to an entirely new one. Indeed, the literature on contemporary French prostitution remains unclear whether the recent emergence of neo-abolitionist ideas and policy proposal are indicative of the gradual transformation of the traditional abolitionist framework to meet new challenges and expectations, or of the decline of the traditional abolitionist regime and the ascendancy of a new neo-abolitionist one. Distinguishing between gradual regime shift and the cumulative transformation of policy regimes in the case of French abolitionism is important because they are two analytically distinct processes, involving different interplay between regime strength and durability. Evaluating whether the trajectory of contemporary French prostitution policy suggests adaptation or shift therefore requires refining the conceptual indicators and theorized relationships that we use to identify, on the one hand, gradual change, and on the other, regime shift. Doing so will strengthen our understanding of how aspects of change and continuity co-occur in the unfolding of institutional and policy processes over time.

2.3 Conclusion

The diversity of strongly held and antagonistic beliefs concerning the nature of prostitution is manifested in the fraught and fractured nature of most prostitution

policy debates. At the heart of this conflict is a disagreement over whether or not, and how, prostitution constitutes a problem. Rather than inherently problematic, social phenomena such as prostitution come to be constructed into policy problems by processes of problem definition and framing. These processes socially construct and politicize issues into legitimate areas of state intervention and ascribe and accentuate problematic dimensions to groups or activities. In this way, despite being frequently associated with debates over morality and gender, prostitution cannot be considered inherently a morality or women's policy issue, but rather is often framed as such. Nevertheless, the framing of prostitution as a morality or gender policy issue shapes the discursive context in which policy debates are played out. In particular the characteristics of policy debates driven by morality politics, such as their reference to first-values, their low technicality, and high public salience, challenge conceptions of policymaking as objective problem solving.

Prostitution policymaking is more helpfully construed as a political process of deliberation and problem solving concerning an enduring, complex, and seemingly intractably 'wicked' issue. As a facet of political problem solving, prostitution policymaking aligns the social construction of the policy problem with the expression of public authority through policy. In keeping with the perceived persistence, intractability and complexity of prostitution, states' responses to prostitution go beyond simple laws or programs and, instead, align ideas, institutions, interests in governance frameworks that aim to integrate and shape actions and expectations. States have modelled these governance frameworks according to a number of historic approaches to prostitution policy. More than abstract ideal types, these frameworks constitute the lenses through which the states' legitimate intervention on the issue of prostitution is interpreted and implemented. Therefore, by structuring interests, institutions, ideas and issues to the service of crosscutting and legitimate state prostitution policymaking, these frameworks amount to policy regimes. This is reflected by the recurrent use of regime terminology in scholarship on domestic prostitution policy.

However, the concept of prostitution policy regime remains underdeveloped as an analytical tool with which to explain policy reform in this area. This is problematic because it hampers the development of explanatory theories of

prostitution policy regime formation, transformation, decline, or shift. Yet, current developments in countries like France, where traditional abolitionist policy regimes are being adapted or replaced to meet new neo-abolitionist objectives, demonstrate the need to refine our understanding of how regimes behave over time. Furthermore, by demonstrating the characteristics of an ‘anemic’, yet nonetheless enduring and dominant, regime, the case of France is particularly puzzling for existing accounts of policy regimes. This is because persistent anemic regimes challenge the assumption that weakly integrated governing arrangements cannot sustain their dominance over time. Indeed, while France espoused abolitionism in 1960, the prostitution policies enacted since then have varied significantly and incoherently over the last fifty years.

In principle, French abolitionism is predicated on two policy ‘pillars’: the provision of social and health support to individuals in prostitution, with a view to their exit and social rehabilitation; and the criminalisation of pimping and the exploitation of the prostitution of others. In reality, the regime has sustained a variety of policies under the single banner of abolitionism, some based on the toleration of prostitution between consenting adults, others seeking to clean up residential areas by punishing individuals in prostitution for their presence in public. The emergence of a demand for a *de facto* ban on prostitution through the criminalisation of clients marks the most recent development in this changeable trajectory. The existing scholarship on French prostitution policy goes some way to explaining this inconsistent policymaking by unpicking the social processes that have structured the context and content of contemporary French prostitution policy debates. In particular, this literature emphasises the highly ambiguous nature of French abolitionism, which can simultaneously refer to the abolition of state regulated prostitution or, increasingly, to the abolition of prostitution itself. Furthermore, the focus on policy actors’ capitalisation on windows of opportunity offered by changes to the country’s social and political context depicts French prostitution policymaking as principally event-driven. Together, these factors are argued to have facilitated the creation of a heterogeneous consensus on which the dominance of the anemic regime is predicated.

Nevertheless, it remains unclear whether the current changes in this policy area reflect the adaptation of the existing abolitionist regime, or the emergence of a

new neo-abolitionist one. In order to address this, we need to develop the conceptual and theoretical tools we use to analyse the gradual and cumulative transformation of policy regimes. To set the basis for the analysis of the evolution of the contemporary abolitionist French prostitution policy regime, Chapter 3 will therefore now present a refinement of the policy regime lens by drawing on insights from institutional theories of gradual and cumulative policy change.

Chapter 3. Theorising the gradual transformation of policy regimes

This thesis seeks to explain why contemporary French prostitution policy has changed the way it has since the country abolished its regulationist framework after the Second World War. More generally, it seeks to solve the puzzle of how a governing arrangement characterised by conflict over key ideas and the weak implementation of policies can continue to endure over time. Normatively, this is important because the endurance of uncoordinated policy regimes has implications for the coherence and viability of policies and, therefore, for the efficient and effective deployment of finite public resources. Theoretically, it is important because accounts of how change and stability can coexist in processes of institutional change constitute the single biggest revision of institutional theories since the emergence of the ‘new’ institutionalisms in the 1980s. Finally, empirically, it is important because the current scholarship on contemporary French prostitution policy does not agree on whether growing political demand for a policy of client criminalisation constitutes a fundamental shift away from traditional abolitionist goals or merely the adaptation of policies and ideas. Consequently, the first part of the thesis is concerned with developing a conceptual and theoretical framework with which to capture and analyse the processes that affect the development of policy regimes over time. The previous chapter argued that the current constellation of actors, institutions, and ideas that govern policy-making on the issue of prostitution in France amounts to a policy regime. It also highlighted the properties of this regime, such as the inconsistency of its policies and their application, that identify it as ‘anemic’. Finally, it sketched out the theoretical puzzle that the resilience of this anemic policy regime poses for current public policy theorising.

Building on this, this chapter presents a theoretical framework with which to analyse and explain processes of gradual and cumulative policy change. It advances the core argument that current theories of gradual policy change are insufficient for explaining the direction of the changes that have taken place during the lifespan of the French abolitionist regime. This chapter therefore proposes to synthesise insights from both the new gradual change framework

developed by institutional theorists, and constructivist accounts of the causal influence of ideas on impelling and steering policy change. The chapter also proposes four areas in which current policy theories could be refined in order to better capture the properties of policy regimes and the processes of change that can affect them, and sets out how it intends to do this. The chapter aims to answer the question:

How can the progressive transformation of complex governing arrangements, such as the contemporary French abolitionist regime, be identified and explained?

In doing so, the chapter makes four arguments:

1. More than a simple and cohesive policy regime, the current arrangement governing how prostitution policy is made in France is complex and boundary-spanning. As a result, it faces significant challenges when seeking to foster coherent action among disparate institutions and actors.
2. The trajectory of the French abolitionist regime shows evidence of incremental change rather than being characterized by a long period of stability punctuated by sudden disruption.
3. New theoretical frameworks that focus on how significant institutional change can arise from a succession of non-disruptive modifications are a helpful lens through which to approach the analysis of weak but persisting policy arrangements.
4. Nonetheless, ideational theories about how actors construct and share their values and intentions are also necessary to fully understand why policy changed in a particular way rather than another.

To develop this line of argument, the chapter proceeds in three parts. The first part contends that the properties of the current French prostitution policy framework require it to coordinate action across a wide range of institutions and actors. This section also argues that, while this complexity certainly raises challenges with

regards to the coherent development and implementation of policy over time and may contribute to the regime's weakness, it cannot explain its resilience. The second part of the chapter therefore presents a critique of traditional accounts of institutional development as periods of stability punctuated by abrupt change. It argues that, instead, a great deal of institutional change is incremental, non-disruptive, and takes place, gradually and subtly, outside of periods of significant upheaval. This allows elements of even weak regimes to persist and adds to the illusion of institutional stability. To do this, the chapter then introduces the gradual change framework, a new conceptual tool with which to identify and understand the different ways institutions can change without appearing to be radically overhauled. Finally, the chapter argues that the key to capturing not just the nature but also the direction of the changes that have modified the French abolitionist regime requires drawing on constructivist theories. In particular, it highlights the role played by processes of ideational interpretation and dissemination in introducing new ideas into existing institutional frameworks and gradually steering the behaviour of actors away from original institutional objectives and commitments.

3.1. The boundary-spanning prostitution policy regime

Since it was adopted in 1960, French abolitionism has been characterized by a disparate support-base, ambiguous principles and objectives, and historically weak policy implementation. These features are usually associated with 'anemic' regimes (May and Jochim, 2010: 308). A conventional assumption in public administration theory is that weak policymaking systems or inconsistent policies can usually be attributed to uncoordinated or fragmented public action on an issue (Kettl, 2006: 13). This is because, in the absence of integrated action, individual actors tend to 'pull in a different direction' according to their interests or to the habits and procedures that have been instilled into the different policymaking levels, networks, and organisations they belong to (Jochim and May, 2010a: 307). Subsequently, any policy action that results from such disjointed organisation tends to lack coherence, stability or commitment.

This perspective emphasizes the impact of organizational arrangements on the development and delivery of public policy. Accordingly, the structural complexity

of the French abolitionist regime could be considered a possible culprit for its weakness. Indeed, the broad definition of policy regimes as governing arrangements comprising ideational, institutional and organizational elements gives a misleading impression of them as unitary frameworks, and does not fully capture the vastness and intricacy of certain policy regimes. In particular it does not adequately represent regimes that seek to foster concerted and coherent decision-making on policy problems that span the remit of different actors and institutions (Jochim and May, 2010a: 306).

Social life does not exist in a vacuum. As a result, most social phenomena implicate multiple policy subsystems in the search for a solution (Jochim and May, 2010a: 303). Policy subsystems are those established networks of “institutions and actors directly involved in the policymaking process in a specialized policy area” (Jenkins-Smith et al., 1991: 852). In policy theory, subsystems are therefore traditionally considered to represent single-issue policy areas. However, coherent and coordinated policy action in the case of boundary-spanning problems requires the integration of the whole range of relevant subsystems. Furthermore, depending on how it is understood, prostitution tends to constitute a rather more boundary-spanning policy problem than many others. This is because, as a wicked problem, prostitution inherently “challenges existing organizational and political boundaries” that structure the division of policymaking labour in advanced democracies (Kettl, 2006: 13). Indeed, in the case of prostitution policy, the issue can be considered to incorporate elements of, for example, social equality and rights (as a form of gendered exploitation), labour and taxation (as a remunerated activity), policing, violence and crime (as a historical fixture of organized crime), (im)migration (as an activity linked to labour migration or human trafficking), urban insecurity (as a source of street-based disturbances), social welfare (as an expression of individuals’ structural or personal destitution), and of health (as a perceived risk and vector of disease and addiction).

In light of the boundary-spanning nature of the policy issue, the contemporary French abolitionist regime must “foster integrative action across elements of multiple subsystems” in order to bring about concerted action – whether substantive or symbolic (Jochim and May, 2010a: 304). This makes French

abolitionism a ‘boundary-spanning policy regime’ (cf. Jochim and May, 2010a; May and Jochim, 2010a). Which policy subsystems come to be involved in the prostitution policy process is determined by the policy image of the problem at any given time (Baumgartner and Jones, 1991). As detailed in Chapter 2, the representation of policy problems is the result of a process of social construction, rather than a neutral portrayal of objective social phenomena. In this sense, policy problems do not automatically generate their own relevant subsystems. Instead, subsystems emerge to tackle different policy issues over time. Correspondingly, new understandings of public policy problems and new corresponding subsystem arrangements may gradually emerge (Baumgartner and Jones, 1991: 1046). Furthermore, as a result of involving several policy subsystems, decision-making in a boundary-spanning policy regime can have an impact on policies in related subsystems.

Thus, on the one hand, prostitution is a boundary-spanning policy issue constituted by a diversity of policy subsystems. On the other hand, prostitution policy is not made in isolation, and goes on to affect policymaking in other, related, areas such as welfare or gender equality. This is why Skilbrei and Holmström argue that “[t]o understand the development of prostitution policies, it is necessary to consider debates and developments in adjacent policy areas” (2011: 499). Consequently, the complexity of boundary-spanning policy regimes presents analytical challenges for the study of their adaptation and reconfiguration over time. Drawing principally on the work of May and Jochim on theorising policy regimes (2013; Jochim and May, 2010a; May, Jochim and Sapotichne, 2011), the advantage of this approach is that it serves as an analytical and descriptive ‘lens’ through which to view the composition of regimes. As an analytical lens, the regime approach enables us to systematically break down complex regimes into their constituent elements. As a descriptive lens, it provides the conceptual tools with which to map out empirical cases of policy regimes.

As explained in the previous chapter, the regime ‘lens’ understands policy regimes as made up of several interrelated political forces: issues, interests, institutions, and ideas (May and Jochim, 2010a: 309). These elements play a particular role in boundary-spanning regimes. Issues constitute the focus for policy action within or across policy subsystems. In the case of boundary-

spanning policy regimes, issues provide the common focal point around which the attention of disparate actors converges (May and Jochim, 2010a: 311). Interests are those stakes actors perceive themselves as having in an issue and its resolution. By providing the incentive for participating (or not) cooperatively (or not) in a common endeavor, interests can play a significant part in generating and shaping boundary-spanning policy regimes (May and Jochim, 2010a: 312). Issues and interests are not freely played out, rather behaviour and attention are largely structured by institutions, which also map the opportunities and constraints actors face when seeking to make or preserve policy. Finally, in the context of the regime approach, ideas are considered to provide the ‘glue’, by providing the principles, interpretations, and beliefs around which actions are organized (May, Jochim and Sapotichne, 2011: 290).

Policy regimes seek to integrate these various elements into a single coherent framework through which issue definitions, interests, institutional mechanisms, and ideas concerning appropriate solutions, are aligned to foster coordinated action. Consequently, the strength of a policy regime is extrapolated from the strength of the coordination and compatibility between the different constituent factors (May and Jochim, 2010a: 317). Thus, strong boundary-spanning policy regimes are those that have the capacity to “focus the attention of players within diverse subsystems on a shared vision so that they are “on the same page” in addressing a given boundary-spanning problem” (May, Jochim, and Sapotichne, 2011: 290). Conversely, different conceptions of the policy problem, divergent interests, incompatible or vague ideas concerning solutions, and incompatible or rigid institutional frameworks undermine the ability of regimes to foster integrated action. These configurations are therefore associated with weak regimes. Consequently, with its ambiguous and competing interpretations of core principles, heterogeneously constituted support base, and history of weak policy implementation, the French abolitionist regime features all the hallmarks of a weak boundary-spanning policy regime.

Nonetheless, while the regime approach posits theoretical links between the strength of a regime and that of its constituent elements, it stops short of explaining the relationship between a regime’s strength and its stability, viability, and durability. This limitation is particularly problematic in the case of boundary-

spanning policy regimes. On the one hand, boundary-spanning policy regimes are not inherently or necessarily anemic. Indeed, the pollution abatement policy regime that emerged in the United States in the 1970s is a good example of a strong boundary-spanning policy regime characterized by the effective integration of different interests, ideas, and institutions (May, Jochim, and Sapotichne, 2011: 291). On the other hand, boundary-spanning regimes nonetheless face a greater challenge than single-issue policy regimes or subsystems when it comes to generating meaningfully coordinated action. This is because of both the complexity of the issues they seek to resolve, and the diversity of actors they seek to integrate. Yet, the endurance of the current boundary-spanning French prostitution policy regime despite its relative inability to integrate the various centrifugal forces that comprise it starkly illustrates the complicated relationship between a regime's constitution and its development over time.

Thus, while the boundary-spanning nature of the French abolitionist regime does help explain the complex constellation of actors and institutions involved in prostitution policy debates over the last fifty years, it cannot explain the durability of this anemic governing arrangement. This weak but persistent policy framework therefore constitutes a theoretical and analytical puzzle for the emerging research agenda on policy regimes. Theoretically, the core assumption of policy regime theory is that "policy regimes [...] begin to break down when the undergirding elements are weak" (May and Jochim, 2010a: 308). Yet, the anemic French abolitionist regime endures despite being highly contested and weakly implemented. Moreover, the apparent lack of association between a regime's strength and its stability is also problematic for the notion of regime 'strength', which is currently the primary variable for explaining regime stability and, therefore, viability. Indeed, politically weak or 'anemic' regimes are considered to be less viable than strong regimes (May and Jochim, 2010a: 308). Subsequently, the puzzling resilience of an anemic policy regime suggests that the concept of 'strength' may not be the most adequate indicator of the properties of regimes that predispose them to persisting or perishing.

The first theoretical refinement this thesis will work towards therefore concerns developing the concept of regime 'strength' so that it may better capture the powerful dynamics and structural properties that influence a regime's resilience in

time, as well as its capacity to effectively foster integrated policy action. Currently, strength is used as a descriptor of a regime's capacity to bolster committed and united action on an issue over time. A regime is subsequently qualified as more or less weak or strong according to this single dimension. This categorisation is important because regime strength is used as an indicator of the likelihood of policy coherence and durability (May and Jochim, 2013: 431). Nonetheless, this measure may obscure more than it reveals. Indeed, while it may be that enduring anemic regimes truly pose a puzzle because they endure despite weakness, it may equally be the case that even anemic regimes possess characteristics of strength that are not easily captured by a uni-dimensional descriptor. Empirical analysis of the evolution of contemporary French prostitution policy therefore presents a good opportunity to test the analytical usefulness of the concept of regime strength, and possibly provide inductively developed refinements to this crucial measure.

Consequently, a full account of the trajectory of French prostitution policy over the last sixty years must both explain the gradual constitution of French abolitionism as a boundary-spanning policy regime, as well as capture the range of transformative dynamics that have shaped policymaking in this area. Such an explanation of the apparent longevity of the French abolitionist regime stands to make two contributions to policy regime theory. Firstly, it has the potential to increase what we know about the properties of boundary-spanning policy regimes. Secondly, tracing the development of the regime may shed light on the challenges and opportunities regimes may face over time. This is important because, without necessarily leading to the implementation of normatively "good" or "better" policies in terms of their outcomes or outputs, strong regimes are nevertheless considered to lead to better-implemented policies (May and Jochim, 2013: 431). Understanding the conditions under which weak regimes persist therefore also has potential practical implications for policymakers seeking to reduce the wastage, duplication, and decreasing legitimacy frequently associated with the superficial or uncoordinated implementation of policy. This is particularly important in light of the fact that contemporary policy problems are increasingly manifesting themselves as boundary-spanning issues. Kettl therefore emphasizes the need to assess the extent to which "the challenges of 21st-century life – from terrorism to

pandemics and international trade to climate change – have undermined the ability of boundaries – any boundaries, drawn anywhere – to deal effectively with truly important and inescapable issues” (2006: 12-13).

Nevertheless, as no general theory of policy regimes currently exists to explain why weak governing arrangement can nevertheless endure, a suitable theoretical framework will have to draw on existing theories of institutional, ideational, and organisational change. Focusing on institutions and ideas does not mean leaving aside the two other constituent elements of regimes – interests and issues. All these political forces combine to shape policy regimes and contribute to steering their development over time (Jochim and May, 2010a: 311). Nonetheless, actors’ interests and their interpretation of policy issues are constructed within existing institutional and ideational frameworks (March and Olsen, 1989: 41). In this way, institutions and ideas create interpretive frameworks within which value is determined, interests are defined, and issues are designated. This means that interests and issues cannot be analysed in isolation from the institutional and ideational contexts in which they emerge. Two theoretical frameworks in particular stand to provide fertile ground from which to develop new testable propositions regarding the constitution and conduct of policy regimes. The first framework stems from the recent advancement of institutionalist theories to explain the gradual transformation of institutions over time. The second framework departs from the understanding that ideas can have a causal impact on the nature and trajectory of change and is derived from constructivist theories of policy change.

3.2. Using institutional analysis to explain contemporary French prostitution policy reform

Explaining the nature, timing, and pace of policy change has been a central research agenda of institutional analysis since the emergence of the ‘policy sciences’ in the 1940s (cf. Lasswell, 1948; Lynd, 1939). Institutions structure roles, rules, and routines. Over time, these procedures and behaviours become embedded into expectations and preferences in such a way as to render them customary and commonplace (March and Olsen, 1989: 5). The process whereby policies, practices, and structures come to be taken for granted as appropriate and

meaningful, and are defended against alternatives is referred to as institutionalisation (Jepperson, 1991: 145; Tolbert and Zucker, 1996: 179). Consequently, theories of institutional analysis have particularly focused on explaining reform in the context of institutionalized policies, that is to say policies that have come to “constitute rules for actors other than the policymakers themselves – rules that can and need to be implemented and are legitimate in that they will if necessary be enforced by agents acting on behalf of society as a whole” (Streeck and Thelen, 2005: 12). Such policies, by coming to ascribe rights and responsibilities that shape the behavior and expectation of individuals over time, can be considered institutions.

The reason why the development of theories of change has become so central to institutional analysis is because institutions are argued to confer stability and constancy to the policymaking process by enshrining rules and routines that govern decision-making and behavior. By conceiving of institutions as having an inherent “strong status quo bias” for fostering continuity and regularity of actions and outcomes, institutions are considered to impose powerful constraints on the policy process (Pierson, 2004: 30). The nature and circumstances of change therefore constitute a critical theoretical puzzle for institutional analysis. Thus, dominant representations of institutional change have until recently tended to depict the policy process as a largely stable trajectory which is sometimes subject to notable ‘punctuation’, or departures from their historical trajectory (Baumgartner and Jones, 1991, 1993; Baumgartner et al., 2014; Pempel, 1998). This has underpinned the development of theories that explain the emergence of certain types of momentous institutional arrangements, such as welfare states (e.g. Esping-Andersen, 1990; Immergut, 1992) and economic regimes (e.g. Streeck, 1992; Thelen, 1993), as well as theories that account for the sudden overturn of previously steadfast institutional configurations, such as American education policy (Meyer and Rowan, 2006) or international norms (Goertz, 2003).

Accounts of institutional trajectories as path-dependent ‘punctuated equilibria’ tend to consider that the impetus for significant change comes from outside the institutional arrangement. These exogenous causes of change tend to take the form of crises or contingencies. The punctuation and unseating of the long-reigning French regulationist regime in the mid-20th century arguably illustrates this type

of change. The roots of the regulation of prostitution in France stretch all the way back to the Middle Ages when municipalities became responsible for registering and controlling women involved in prostitution on their territory in the 14th century (Maugère, 2009: 32). Between the 16th and 19th century, the modalities of regulation varied somewhat, in particular with regard to the regulation of state-run brothels. Nevertheless, the state was involved in regulating prostitution and the political economy of commercial sex in one form or another throughout the period. Furthermore, over the course of the 19th century, France's regulation of prostitution became internationally considered as one of the most developed (Solé, 1993: 23). At its apogee, towards the end of the 1800s, the notoriety of France's system of state-licensed brothels and medical registration of women in prostitution came to be such that this type of regulationist regime was referred to as the '*système français*' (Limoncelli, 2006: 35, 2010: 23; Mathieu, 2013a: 25).

While abolitionists had been campaigning for reform in France since 1874, the country finally began its legislative transition away from a regulationist regime by voting to outlaw brothels immediately after the Second World War, on April 13th 1946. There is growing consensus from historians and social scientists that the ban on brothels owes much of its timing to a contingent historical event: post-war reconstruction (Adler, 1999; Corbin, 1996: 347; Limoncelli, 2006: 46; Mathieu, 2013a: 45; Maugère, 2009: 162; Romagnoli, 2010: 82; Sacotte, 1971: 143). Indeed, Maugère highlights that the prevailing public and political opinion at the time was that brothels had too often been the theatre of fraternization and collaboration with the enemy during the Second World War, and had no place in a country trying to forge a new and stronger Republic (2009: 162). Nevertheless, the consecration of the French abolitionist regime was only finalized in 1960 with the repeal of compulsory medical registration of individuals in prostitution following the ratification of the 1949 United Nations convention on the "Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others". France's institutional transition from regulationism to abolitionism would therefore ultimately take over fifteen years to complete. Maugère explains that the protracted process was due in part to the dominance of the various beliefs, social customs, and laws associated with the regulation of prostitution, as well as to the central government's reticence to involve itself in a matter reserved for

municipalities and administrative services, such as the police (2009: 163). France's journey from regulationism to abolitionism, which will be examined in more detail in chapter 5, therefore illustrates how significant policy change, including the passage from one regime to another, can take a long time to come about, despite significant historical shifts, as a result of institutional path-dependence.

In addition to benefitting from extensive theorizing, this type of institutional punctuated equilibrium also presents analytical advantages for studying institutions. In particular, the contrast between an embedded institution and the institutional arrangement that emerges to replace it after a punctuation can make it easier to identify shifts in policies or policy regimes. In the case of France's transition from regulation to abolition, the magnitude of the changes to the prostitution policy framework before and after the period between 1946 and 1960 allows us to infer the transition from one policy regime to another. Firstly, the transition away from regulationism during this period featured abrupt and stark ruptures in the ideas, institutions, and policy instruments associated with prostitution policy in France. Beliefs concerning the dangers posed by women in prostitution in terms of health and security were slowly superseded by fears concerning the victimization of women and children through the 'white slave trade' into prostitution (Maugère, 2009: 151). Additionally, the issue of prostitution ceased to be the remit of local authorities or administrations, such as the police and *préfecture*, and instead became an activity the state deemed it should not enable or encourage. Finally, this transition saw regulatory policy instruments, such as the licensing of brothels or the obligatory police and medical registration of women involved prostitution, replaced by a policy of relative non-intervention, limited only by the provision of basic welfare and health services, and the criminalisation of public nuisances associated with prostitution.

However, while the process by which France transitioned from regulationism to abolitionism is typical of punctuated institutional transformation, the same cannot be said of the country's recent evolution towards neo-abolitionism. Indeed, the trajectory of contemporary French abolitionism, with its successive policy amendments, and the gradual reinterpretation of its core tenets, seems to indicate that significant change can also take place in a progressive and cumulative

fashion. This historical path contrasts with that of the regulationist regime in two key ways. Firstly, rather than the story of French abolitionism featuring a long period of policy stability punctuated by the recent emergence of contending prostitution policy ideas, Chapter two has detailed how the regime has seen periods of change and apparent stability alternate since its inception. Secondly, while these changes have individually been insufficiently path-departing as to constitute a clear rupture from abolitionism, they have nevertheless gradually accumulated to the point where they stand to constitute a significant revision of the original form and functions of French abolitionism: a regime originally concerned with the abolition of the regulation of prostitution, and characterized by the tolerance of prostitution between consenting adults, has evolved to become synonymous with the fight to abolish prostitution itself. By featuring diachronic and gradually cumulative change, the contemporary French prostitution policy regime therefore constitutes a theoretical and empirical puzzle for institutional analysis.

3.3. Theorising gradual policy change

3.3.1. Modes of gradual policy change

The features of the trajectory of contemporary French prostitution policy are consistent with recent theories of gradual institutional change positing that a great deal of institutional change is neither wholesale nor sudden and exogenous. In contrast to previous institutionalist theories, gradual institutional change theory posits that, “[o]nce created, institutions often change in subtle and gradual ways over time” (Mahoney and Thelen, 2010: 1). Thus, rather than rejecting the existence of punctuations and critical junctures, new institutional theories argue instead that most change takes place outside these pivotal windows (Béland, 2007b: 22; Thelen, 2004: 8). Gradual forms of institutional change feature three recurrent characteristics that distinguish it from the punctuations or critical junctures at the heart of the new institutionalisms. Firstly, by definition, gradual change is incremental rather than abrupt or critical. Secondly, a property of incremental change is its cumulative logic. This means that, over time, successive changes, no matter how small or seemingly inconsequential, can add up to significant modifications to institutional arrangements (Streeck and Thelen, 2005:

5). Finally, gradual change is frequently the result of endogenous processes. That is to say that changes arise from processes that takes place within existing institutional arrangements rather than from external crises (Mahoney and Thelen, 2010: 2; Streeck and Thelen, 2005: 8).

Processes of incremental change can lead to either institutional continuity or rupture. Indeed, Streeck and Thelen argue that processes of change are analytically distinct from the results of change. Conceptually, this means that two types of incremental institutional change can be distinguished: adaptation and transformation (Streeck and Thelen, 2005: 9). Incremental change can sometimes not lead to any notable departure from an existing institutional arrangement. This is characteristic of the adaptation of institutions over time, where change is not followed by discontinuity but rather by institutional reproduction (Streeck and Thelen, 2005: 8). Conversely, incremental change that leads to a departure from the existing institutional arrangement can be considered gradually transformative. Streeck and Thelen refer to these as cases of ‘transformation without disruption’ (2005: 4). The distinction between adaptive and transformational incremental change therefore hinges on the identification of discontinuity. In the case of the contemporary French prostitution policy regime, the apparent reinterpretation of core abolitionist principles in current policy debates suggests discontinuity on the level of ideas. Moreover the inconsistent reform of policies beleaguers the notion that French abolitionism has been reproduced, unchanged. In light of this, this thesis will concern itself with processes of incremental transformation, rather than with processes of adaptation.

The emerging theoretical framework used to capture gradual institutional change distinguishes four modes of incremental transformation: drift, layering, conversion, and displacement. Drift occurs when an institution is not maintained to meet the changing needs and characteristics of an ever-evolving society. Institutions do not exist in a static environment: the issues they were created to address, and the contexts in which they exist are always changing. This means that, in order to remain functional and appropriate, institutions must be continually adjusted to meet these transformations and secure their reproduction. In this way, Worsham and Stores argue that impressions of institutional stability are often illusions rather than accurate representations of reality: “a system that

appears at rest is, in reality, percolating, with change in institutional, ideational and interest group alignments a constant possibility” (2012: 183). Conversely, the impact and outcomes linked to policies can also change as a result of institutional arrangements not being adapted to meet new circumstances and challenges (Falleti and Lynch, 2009: 1150). Hence, as Heclo originally put it, “one of the easiest ways to change a policy is to fail to change a program to accord with the movement of events” (1974: 211). In cases of drift, the mechanism for change is therefore the deviation of institutions away from functionality and towards obsolescence as a result of either deliberate or unintentional neglect in the face of changing environmental circumstances (Béland, 2007b: 22-23; Hacker, 2005: 42; Streeck and Thelen, 2005: 24-25).

Secondly, institutions can change through layering. Layering refers to the process whereby changes are made at the margins of existing institutional arrangements (Palier, 2005: 138). In a ‘sticky’ institutional context where change is hampered by the high costs and uncertainty linked to deviating from a locked-in policy trajectory, actors can endeavour to bring about change by navigating between the constraints and immutable policy elements (Schickler, 2001: 15; Streeck and Thelen, 2005: 19). They do this not by explicitly challenging traditional institutional arrangements, but rather by “working at the margins by introducing amendments that can initially be “sold” as refinements of or correction to existing institutions” (Streeck and Thelen, 2005: 34). The ‘selling’ of policy proposals, in this context, amounts to securing support through the aggregation of numerous and frequently contrasting interests (Palier, 2005: 138). The ‘layers’ thus created typically circumvent institutional obstacles and avert staunch opposition (Schickler, 2001: 16; Streeck and Thelen, 2005: 23; Thelen, 2002: 226). Layering results in the superimposition of new institutional arrangements over pre-existing ones (Schickler, 2001: 15). In the case of layering, the mechanism of change is differential growth, that is to say the progressive dwindling of existing institutional arrangements as those layered on top grow to gradually crowd them out (Streeck and Thelen, 2005: 23).

Thirdly, institutions can change through conversion. Conversion refers to gradual change brought about by redirecting institutional procedures and objectives towards new ends (Béland, 2007b: 22). In cases of conversion, institutional

arrangements are neither amended nor neglected but rather diverted towards new goals or to serve new interests (Streeck and Thelen, 2005: 26). This means that the formally determined rules and protocols that comprise an institutional arrangement remain unchanged but are interpreted and implemented in new ways (Mahoney and Thelen, 2010: 17). The mechanism of change in instances of conversion is redirection. The conversion of institutions towards novel objectives can come about for a number of reasons. For instance, the emergence of new circumstances may call for redeploying of the resources of existing institutions towards new challenges. Additionally, alterations to the balance of power away from the original institutional architects and towards new coalitions may see extant policies and programs utilized to advance a different set of interests and goals.

Finally, institutions can change through displacement. Displacement refers to the process whereby actors defect from an existing institutional arrangement in favour of an alternative one that existed all along, suppressed or overlooked, in the periphery or under the surface. The process can either be abrupt or gradual (Mahoney and Thelen, 2010: 16). Displacement arises as a result of the constant competition in which institutional arrangements exist. Indeed, while dominant institutional arrangements may determine the prevailing procedures and behaviours at a given point in time, they rarely exist in a vacuum, free of competing institutional arrangements (Orren and Skowronek, 1994: 321; Streeck and Thelen, 2005: 20). Actors may pick up on, and nurture, underlying institutional alternatives over time, progressively defecting to new modes of action and interpretation until these supersede and topple established arrangements. In the case of displacement, the mechanism of change is 'substitution'. Substitution takes place as actors actively advance institutional alternatives in order to publicise them, increase their salience, and make them seem less unconventional over time.

These modes of institutional transformation provide a clear conceptualisation of the different paths and mechanisms that can lead to incremental institutional transformation. The gradual change framework also highlights the cumulative potential of these modes of change. The understanding that "gradually unfolding changes may be hugely consequential causes of other outcomes" lies at the heart

of this perspective (Streeck and Thelen, 2005: 3). Nonetheless, this theoretical framework has yet to develop explicit and testable propositions regarding the manner in which different modes of gradual change can succeed each other in time, about the conditions in which they might, or about the ultimate nature of institutional change brought about by a combination of incremental modifications. This is important because the gradual transformation of policy regimes such as the boundary-spanning French abolitionist regime show evidence of being the result of, if not multiple modes of change, at least several instances of modification. This means that later change is likely to be predicated on the outcome of early change. In other words, both the nature and the sequence of change are potentially causally significant in the unfolding trajectory of the French prostitution policy regime.

Because policy is not made in a vacuum, its design, implementation and transformation can feed back and impact on the context in which it is embedded. By existing through time, policies and their effects can condition the very environment in which they are reproduced or modified (May and Jochim, 2013: 430). The process whereby existing policies come to influence politics and policymaking in an area over time is referred to as policy feedback (Béland, 2010b: 571). In the short term, stakeholders react and respond to their experience of the effects of policies and, in the longer term, these effects are often translated into the relative empowerment or disenfranchisement of certain groups (Schneider and Ingram, 1997: 6). This process serves to redefine the experiences of individuals, revise social expectations, redraw the rules according to which resources and power are distributed, and ultimately reshape the political environment in which policy is being made. This is why May and Jochim argue that feedback processes “give political life to policies” (2013: 431). Greater consideration of how processes of gradual change can feed back on one another over time therefore stands to clarify the mechanisms of accumulation. Therefore, the second theoretical refinement this thesis will attempt to undertake concerns the specification of the possible relationships between modes of change over time.

3.3.2. The role of agency and ambiguity in creating space for change

The modes of gradual change set out in this conceptual framework are predicated on three core theoretical assumptions concerning the properties of institutions. These theoretical pillars are key to understanding the relationship between structures and agency as actors seek to effect or hamper change. This makes this framework well suited to explaining how institutions change (Béland, 2007b: 22) and, increasingly, to explaining why one mode of change takes place rather than another (Rocco and Thurston, 2014: 35). Nonetheless, in its current form, this theoretical perspective still presents some conceptual and analytical limitations that need to be resolved in order to advance what we know about how institutions, and particularly large boundary-spanning institutional arrangements, change and why. Specifically, theories of gradual institutional change have difficulty accounting for the direction of policy change, that is to say the process whereby a course of action comes to be selected over competing alternatives (Béland, 2007b: 23).

The first theoretical assumption is that institutional arrangements owe their continued existence not to passive and automatic processes of reproduction, but to the active involvement of actors who tend to their survival (Hacker, 2005: 42; Streeck and Thelen, 2005: 19; Worsham and Stores, 2012: 171). Explanations based on automatic reproduction are the result of having privileged ‘conservative’ punctuated equilibrium accounts of institutional change where only significant disruption is considered evidence of transformative activity, and the long periods of apparent stability that characterise institutional paths outside of critical junctures are reduced to passive and automatic institutional self-reproduction. Conversely, the gradual change framework recasts the process by which institutions exist, even during periods of stability, as a dynamic process (Mahoney and Thelen, 2010; Streeck and Thelen, 2005).

The second theoretical assumption is that the form and function of institutions are as much a result of the day-to-day enactment of institutions as they are of formal institution design (Streeck and Thelen, 2005: 18). Institutions exist one way on paper and in statute books, but the manner in which institutional rules and procedures are executed in reality hinges on actors’ understanding and interpretation of them. Institutional rules and the way they are implemented

should therefore be considered analytically distinct. This distinctness explains how, over time, a gap can be created between institutions as they were initially and formally created, and the way they are enacted by actors on a daily basis (Streeck and Thelen, 2005: 16). The degree of interpretive freedom available to actors is largely determined by the extent to which the meanings and objectives embedded in initial institutional arrangement are open to contestation. Rocco and Thurston refer to this as ‘initial institutional ambiguity or malleability’ (2014: 39), while Jackson calls it an ‘interpretive gap’ (2005: 230) and Mahoney and Thelen refer to it as the degree of ‘play’ available to actors (2010: 11). The gradual change framework is helpful in drawing attention to, and unpicking, the way actors deal with the constraints imposed on them and make use of this creative space over time. This perspective is particularly valuable in the context of boundary-spanning regimes where actors from different subsystems, each with their different traditions and perspectives, are more likely to interpret their objectives and environment differently (Jochim and May, 2010a: 311).

Finally, meanings associated with the form and function of institutions are considered not to be fixed and predetermined, but rather the result of continuous (re)interpretation by actors. The notion that rules and protocols are not objectively self-evident, and that they are mediated, filtered, and interpreted by actors before they can be transformed into meaningful and purposive action is not new (Thacher & Rein, 2004; Thelen and Streeck, 2005: 14). This is particularly true of nebulous constructs that are often used to justify and motivate significant action without individuals agreeing over their exact meaning. Wolfers (1952: 481) argues such terms as ‘national security’, ‘public interest’ or, indeed, ‘abolitionism’, are problematic because they do not clearly inform on a single, indisputable course of action, or on how it differs from alternatives. This does not mean that these terms have no meaning at all, rather that they refer to policy elements that distinguish themselves in only vague and general ways from others, if at all (Wolfers, 1952: 481). In public policy, this is problematic because, to the extent that policymaking is considered purposeful, that purpose is informed by the meanings gleaned and constructed about both the problem at hand and the solutions that may be brought to bear on it.

Nevertheless, the extent to which policy ideas, such as those associated with

French prostitution policy, can vary and still be considered legitimate and appropriate is limited by two sets of constraints: the rules enshrined in institutional arrangements and the principles comprised in the ideational framework that, together, make up the policy regime (Rocco and Thurston, 2014: 40-41). In the context of gradual transformation, policy change is undertaken within or at the margins of the institutional arrangements in which they are embedded (Streeck and Thelen, 2005: 19). This means that any amendments appear or must be made to appear at a minimum compatible with existing arrangements. Any changes that appear to be path-departing are instead associated with radical transformation. Consequently, in cases of gradual change, the extent to which different policy proposals can diverge in intentions or implementation and still be considered minor and incremental is predicated on the 'play' offered by the malleability and ambiguity of existing institutional and ideational frameworks (Rocco and Thurston, 2014: 40-41; Streeck and Thelen, 2005: 19). Seen this way, ambiguity is one of the conditions in which efforts to "soften-up" institutional and ideational strictures and dominant orthodoxies are undertaken in order to introduce new meanings and procedures to key decision-makers (Kingdon, 1984: 128).

Ambiguity entails the existence of multiple understandings of a single phenomenon or circumstance. The possibility of interpreting and enacting rules differently raises the importance of ambiguity and compliance in creating the space and constraints in which actors can imagine and enact change. This is because by establishing a space where multiple meanings can co-exist until ordered through preference, ambiguity also appears as a space for creativity and strategy (Jackson, 2005: 232). On the one hand, ambiguity can be the source of conflict over the meaning of institutional rules and procedures (Jackson, 2005: 232). On the other hand, ambiguity can also be an opportunity for coalition building and the introduction of new meanings and ideas (Stone, 2012: 181). By offering room for interpretation, ambiguity can facilitate collective action by enabling political actors to draw together otherwise disparate interests around broad goals, rather than risking alienating swathes of potential supporters by specifying discrete goals and motivations (Giroux, 2006: 1232; Page, 1976: 742). As Stone argues: "in politics, ambiguity works a kind of magic that allows

political actors to do two incompatible things at once. Symbolic meaning can combine and reconcile seemingly contradictory alternatives and therefore make possible a new range of options” (2012: 258). Ambiguity, in this sense, can be a space for strategic action and inventiveness.

Nonetheless, ambiguity poses an empirical and analytical challenge to the study of policy change. Empirically, ambiguity is notoriously difficult to evidence (Rocco and Thurston, 2014: 56). This is because current theorising remains unclear about what needs to be ambiguous and to what degree in order to open up the possibility for competing interpretations. This makes ambiguity hard to identify and measure. Moreover, there is no reason why ambiguity should remain fixed in time. Indeed, the openness of institutional arrangements to different interpretations may very well vary, as feedback processes loosen or constrict the breadth of meanings associated with established rules and expectation. Consequently, more rigorous accounts of the mechanisms that allow actors to make use of the ‘play’ available to them must be developed. The third refinement this thesis therefore proposes to make concerns identifying some of the empirical fingerprints of ambiguity in the context of institutional and policy change. This has the potential to advance theorising on the causal significance of ambiguity by facilitating the development of clearer indicators and measurements of institutional ambiguity.

Together these three theoretical postulates paint a complex picture of actors’ influence on the reproduction or modification of their policy environment. The continued existence of institutional arrangements, in either an identical or altered form, depends on a dynamic process rather than automatic self-reproduction. Moreover, it is this dynamic, practical, and day-to-day enactment of institutions that translates their formal structure into reality. Finally, this process is necessarily imperfect, because individual policy actors may have different interpretations of the same institutional instructions. Streeck and Thelen explain this process:

“those who control social institutions [...] are likely to have less than perfect control over the way in which their creations work in reality. What an institution *is* is defined by the continuous interaction between rule makers and rule takers during which ever

new interpretations of the rule will be discovered, invented, suggested, rejected or, for a time, adopted” (2005: 16).

As a result, a gap can come to exist between institutions’ form and functions, as they were originally intended, and the behaviours and expectations of those who maintain them in existence.

These assumptions help explain how different combinations of actors’ resources, information and institutional openness makes certain modes of gradual change more likely than others (cf. Rocco and Thurston, 2014). Recognition of the differential interaction between structure, agency, and material resources is what makes the gradual change framework particularly well suited to explaining how institutional arrangements come to change. Nonetheless, the institutionalist view of the gradual change framework limits its ability to explain why certain policies or changes get adopted over others. This is because institutional change is only one facet of policy change; the other facet concerns the transformative potential of actors’ ideas over time. Both regime theory and theories of incremental institutional transformation therefore stand to benefit from drawing on constructivist theories of ideational change.

3.4. Ideational transformation

3.4.1. Bringing ideas back in

The endurance of the contemporary French prostitution policy regime despite its weakness and variability challenges the notion that persistent institutional arrangements are necessarily characterised by internal stability and consistence. Specifically, it illustrates the capacity of changeable institutions to remain stable over time, and challenges the ‘conservative bias’ of traditional institutional theories. The gradual change framework provides useful conceptual tools with which to identify these different forms of incremental change, which occur when institutional structures are no longer perfectly reproduced by actors but nonetheless endure. At the heart of this framework lies the understanding that cumulative institutional transformation is caused by a “mismatch of an institution’s intentions and outcomes” (van der Heijden, 2011: 11). As a result, actors often interpret and enact existing rules in new ways and, in doing so,

create a departure from the institutional status quo (Mahoney and Thelen, 2010: 13).

Nonetheless, this conceptual framework, just like the regime lens, is primarily descriptive. This means that, while it provides useful analytical insight into *how* institutions gradually change as a result of this ‘mismatch’, it does not in itself possess the explanatory capacity to shed light on *why* institutions change the way they do. Indeed, the gradual change framework describes the outcome of actors’ reaction to the institutional opportunities and constraints they face, as they choose to adopt a strategy of layering, conversion, or displacement, or simply allow an institutional arrangement to drift. It cannot, however, explain the particular direction this change will take. For instance, the gradual change framework struggles to explain what actors will opt to layer an institution *with*, or what they will try to convert it *to*.

Consequently, in order to flesh out the causal processes implied by the gradual change framework, we need to draw on theories that account for actors’ active reasoning, rather than simply their structured reaction to their institutional environment. To this end, there is a growing agreement that institutionalist theories are usefully supplemented by theories concerning how policy actors come to interpret, understand, and navigate their environment in light of their beliefs and interests (Béland and Cox, 2011; Béland and Waddan, 2015; Campbell, 2004; Parsons, 2007). Constructivist theories of the causal power of ideas and ideational analyses, in particular, are helpful for explaining how actors, their ideas, and institutions interact to produce policy and institutional change. Constructivist theories emphasise the influence of ideas, norms, knowledge, and discourse in politics, focusing in particular on the implications of shared understandings in structuring social and collective behaviour (Finnemore and Sikkink, 2001: 391).

Adopting what Béland and Waddan term a ‘hybrid’ approach, which combines institutional and ideational analytical factors, also has implications for refining our understanding of policy regime change (2015: 178). From the outset, Jochim and May introduce an ideational dimension to their regime ‘lens’ by arguing that ideas are necessary for constructing and sustaining policy regimes (2010a: 307).

Indeed, they argue that, in order to effectively address complex and crosscutting issues over the long term, policymakers have to do more than coordinate the implementation of programs; they also have to integrate the action of multiple subsystems, each pulling in a different direction in accordance with their interests or organizational habits (Jochim and May, 2010a: 307). Building integration through consensus often requires overcoming substantial inertia or antagonism and is facilitated by the construction of common understandings. In this sense, Jochim and May emphasise that regimes amount to more than just institutional arrangements, and that institutions “are only meaningful insofar as they embody and reinforce shared understandings and beliefs regarding the problem at hand” (2010b: 120). In this context, ideas are the ‘currency’ exchanged in policy debates in order to bind and direct collective action to common goals and operating procedures (Béland, 2010a: 623; Jochim and May, 2010a: 312).

Thus, on the one hand, May and Jochim argue that ideas are crucial determinants of the strength, stability, and effectiveness of complex policy-making arrangements (Jochim and May, 2010a: 312). On the other hand, however, they have yet to address the role of ideas in sustaining or undermining the persistence of weak regimes. In other words, current scholarship on boundary-spanning policy regimes has not yet answered whether persistent anemic regimes endure *because* of shared ideas, or *in spite* of conflict over shared meanings. By unpicking the transformative effect of actors’ capacity to interpret their shared environment differently, integrating a more explicitly ideational dimension to the analysis of policy regimes therefore stands to shed considerable analytical light on their gradual transformation.

Nevertheless, it remains difficult to fully capture the interplay between ideas and institutions because of the vague nature of the concept of ‘ideas’, and the contested nature of other concepts associated with it. Broadly speaking, ideas refer to causal beliefs that ‘give definition’ to actors’ values, interests and preferences (Béland and Cox, 2011: 3). Policy ideas are more specifically those beliefs and assumptions associated with particular policy alternatives, and the causal and normative principles on which they are based (Béland, 2005: 2). In the public policy literature, there are three broad types of ideas associated with policies: norms, programmatic ideas, and frames. Norms are collectively held

beliefs about what is and is not appropriate and how “actors “ought” to act” (White, 2009: 390). Programmatic ideas are more precise cognitive assumptions about the nature of a policy problem, its causes, and its possible solutions (Campbell, 1998: 385, 2002: 28). These types of ideas concretely specify how resources and structures should be deployed to address a policy issue (White, 2009: 391). Finally, frames refer to strategically constructed representations of ideas deployed in order to persuade other actors of the worthiness and suitability of the policy preferences they promote (White, 2009: 391). There does, however, exist an alternative and more critical conception of frames and framing which questions the assumptions that frames necessarily involve intentionality or strategy (cf. Bacchi, 2005, 2009; Marx Ferree, 2003; Verloo, 2005; Verloo and Lombardo, 2007). For these authors, framing also refers to discursive practices that are shaped by, and often unconsciously and unintentionally reproduce and strengthen, dominant institutional meanings and power asymmetries.

Nevertheless, while they disagree on the nature of actor’s intentionality in deploying frames, both bodies of scholarship agree that ideas matter. In particular, they matter because they exist at the intersection of structure and agency. More specifically, by building a bridge between actors and their environment: ideas are the channels through which institutional structures and human agency can influence each other. On the one hand, the moment when an ‘idea’s time will come’, as Kingdon put it, is heavily determined by institutional factors (1984: 1). Indeed, the conditions under which particular ideas can rise to the surface, supplant competitors, and steer change are conditioned by institutional structures and political context (Béland, 2009: 702). On the other hand, ideas are ineffective without agency (Berman, 1998: 18; Carstensen, 2011: 603; Guy, Pierre and King, 2005: 1296). This is because ideas are constructs of the mind, they cannot cause change without being introduced into the world through mediation. Mediation allows ideas to become collectively, or ‘intersubjectively’ shared, giving rise to social behaviours and expectations.

Policy ideas come to be shared between actors in two ways. Firstly, frames can be used to embed ideas in discourse because they “fix meanings, organise experience, alert others that their interests and possibly their identities are at stake, and propose solutions to on-going problems” (Payne, 2001: 39). Secondly, ideas

can become collectively held through shared ‘paradigms’ (Béland, 2005: 2; Hogan and Howlett, 2015: 5), that is to say frameworks of collectively held ideas and norms that operate in the social and political background and specify the nature of the policy problem, the goals of a policy solution, and the type of instruments that can and ought to be used to achieve them (Hall, 1993: 279). Policy paradigms therefore form a bridge of shared understandings between social expectations on a particular issue, and the formalised policy arrangements that govern collective and public action on it. They serve as the cognitive and normative tool chest of ideas with which to approach a particular policy issue and delineate the scope of acceptable and legitimate action (Hall, 1993: 279). As such, paradigms constitute both the cultural lens according to which policy ideas and arguments are evaluated, and the shared cultural resource from which any new meanings and interpretations are generated (Campbell, 2002: 28).

Within these ideational frameworks, ideas can have three principal functions. As maps or ‘blueprints’, ideas can contribute to shaping institutional design (Béland, 2007a: 124; Bleich, 2002: 1064; Blyth, 2001: 3; Campbell, 1998: 385; Goldstein and Keohane, 1993: 12). This can include serving to construct policy issues and delineating the ‘spectrum’ of policy proposals deemed appropriate and desirable (Béland, 2009: 702). Secondly, as discursive ‘weapons’ of mass persuasion, ideas can contest existing institutional arrangements and introduce alternative policy notions (Béland, 2005: 11; Bleich, 2003: 1064; Blyth, 2001: 3; Campbell, 1998: 385). This is the case, for instance, with the influence of ideas in creating and setting policy agendas when used to socially construct the need to reform a policy (Béland, 2009: 702; Cox, 2001: 475). Finally, ideas can conversely act as ‘cognitive locks’ that reinforce the institutional status quo by constituting a common framework to which actors adhere and which obscures alternatives (Béland, 2009: 705; Blyth, 2001: 4; Goldstein and Keohane, 1993: 11-12; White, 2002: 734). This range of mechanisms helps explain how ideas can be behind both continuity and change. This makes ideational theories well suited to being used in the analysis of both gradual institutional change and anemic policy regimes.

3.4.2. The role of ideas in the gradual transformation of policy regimes

The principal contribution of ideational theories to explaining how regimes develop over time is the contention that, just as actors do not reproduce institutional arrangements perfectly over time, nor are the ideas or knowledge associated with them shared identically between actors (Mahoney and Thelen, 2010: 11). This is because, as Blyth argues, the ideas that underpin shared institutional frameworks “do not come with an instruction sheet” (2003: 702). New ideas emerge in the process of being discussed and negotiated, leading to new expectations and behaviours. This is because it is in the nature of ideas, norms and symbols not to be self-evident, but rather to take on intersubjective meaning in a fluid and contingent manner through processes of interpretation and mediation (Béland and Cox, 2011: 9; Legro, 2000: 420; Stone, 2012: 157). As a result, these new ideas can either pose a fundamental challenge to existing policy frameworks and provide opportunities for radical institutional change, or they can be ‘grafted’ into established paradigms in a less disruptive manner. In this context, grafting refers to the gradual integration of new ideas into existing belief systems by establishing their resonance with it through framing (Payne, 2001: 39; White, 2009: 391). The greater the ‘resonance’ between new ideas and deeply held beliefs and assumptions, the greater the likelihood it can be introduced (Payne, 2001: 39; White, 2002: 727).

It is precisely through this incremental grafting of new ideas into existing frameworks of beliefs and norms that paradigms can change cumulatively and gradually (Carstensen, 2011: 602; White, 2009: 399). This is because paradigms are composite frameworks, within which programmatic ideas and normative values are indexed to form a repertoire, that is to say a “relatively coherent set of cultural symbols and political representations mobilised during policy debate to frame issues and shape public opinion” (Béland, 2005: 10). Paradigms and their constitutive ideational elements are therefore inherently connected and relationally constructed through frames into an interrelated but fluid and mutable ‘web of meaning’ (Carstensen, 2001: 600; White, 2009: 391). It is the compound nature of paradigms and the ambiguity of ideas that creates the space for change (Béland and Cox, 2011: 9).

Over time, a single paradigm can gradually come to be constituted by different ideas and norms, or different interpretations of its original ideational elements. The reason why ideas tend to be gradually introduced, or ‘grafted’, into existing paradigms is because, while their elements may be amenable to minor modification, paradigms are not easily overhauled (Legro, 2000: 424). This is because, as with dominant institutions, paradigms are deeply embedded into social life, making it difficult to defect from, or supplant, them (Radaelli, 1995: 167). In this sense, paradigms should be understood as institutionalised ideas (March and Olsen, 1989: 17; Smith, 2013: 82). Thus, on the one hand, just like institutional arrangements, paradigms can and are sometimes quickly upended or profoundly changed (cf. Hall, 1993: 280). Such a radical unsettling of an existing ideational framework is referred to as a ‘paradigm shift’. On the other hand, just like the cumulative transformation of institutions, paradigms can also be gradually and incrementally changed (Braun and Busch, 1999: 190; Hall, 1993: 280). Thus, insofar as they transcend individual beliefs, paradigms constitute a coordinated and aggregated, though not fixed, ideational path adopted by a collectivity that takes on the mantle of a ‘dominant orthodoxy’ (Legro, 2000: 420). To say that an ideational framework is dominant is not to say that everybody adheres to it, only that its support is such that it is endowed with a dominant status which grants it the legitimacy to be used to guide, constrain, and organise current and future actions or solutions to identified problems.

Consequently, one of the principal reasons why the French abolitionist regime gives the impression of enduring is because of the apparent durability of its dominant ideational framework. In particular, three core ideas persist in policy debates: the normative belief that individuals in prostitution are ‘victims’, and the associated causal assumptions that, therefore, French prostitution policy should not regulate prostitution, but that it should criminalise those who profit from the prostitution of others. These fundamental values and causal beliefs undergird the two central ‘pillars’ of French abolitionism detailed in Chapter two that have, seemingly without interruption, underpinned all public action on this issue since 1960.

Yet, despite the apparent stability of the abolitionist paradigm, the policies housed under its auspices over the last fifty years have not only varied considerably but

have also sometimes contradicted each other. One striking example of policy contradiction under the abolitionist regime concerns the offence of passive soliciting. This offence was scrapped during the overhaul of the French penal code in 1992 only to be reintroduced in 2003 with the adoption of the Domestic Security Bill.⁸ This case, discussed in detail in Chapter seven, illustrates well the ability to house one policy and its contrary under the banner of abolitionism.

This continued dominance of the abolitionist policy paradigm coupled with the inconsistent development and application of policy constitutes a paradox. According to current theorising on regimes, a regime cannot have elements of strong ideational frameworks but foster uncoordinated and weak action and nonetheless persist in time. Policy regime theory posits that the tendency for actors to be “on the same page” when addressing a single policy issue is characteristic of strong regimes (May, Jochim and Sapotichne, 2011: 290). Helpfully, ideational theory shows how apparently stable ideational frameworks are actually continually open to new interpretation. This is because of the ambiguous nature of ideas that make up paradigmatic ‘webs of meaning’. The multiple interpretations generated by the ambiguous nature of ideas and gradually propagated through new frames that come to be grafted into existing paradigms can lead to variation, and even inconsistency, between the ideas contained in a regime over time.

Thus, the policy variety accommodated under the banner of abolitionism challenges the assumption that the abolitionist paradigm is stable just because it appears to be so. This also suggests that the French abolitionist paradigm should not be considered a fixed and internally consistent ideational monolith from which policy ideas derive pre-determined and settled meanings. Instead, both the institutional and ideational frameworks that make up the abolitionist regime are being continually (re)constructed over time. More specifically, the institutional and ideational arrangements that comprise it are constantly being reproduced and modified in accordance with changing interpretations of what they mean and what they are good for in relation to actors’ changing interests.

⁸ Article 50 of the *loi n° 2003-239 du 18 mars 2003*.

However, there currently exists no conceptual equivalent to the gradual change framework with which to capture the gradual transformation of paradigms. Short of a radical paradigm shift, the non-disruptive transformation of ideational frameworks has been largely overlooked by policy theory. This is particularly true of policy areas, like prostitution policy, that are considered to be governed by concerns over morality more than by policy-makers' instrumental interests to maximise their own gains. This is because, in cases of morality policy, even small adjustments to the values and norms that underpin them can take on the mantle of fundamental or paradigmatic change. Indeed, Heichel, Knill and Schmitt point out:

“Morality policies – by definition – entail decisions on the regulation of societal value conflicts. This implies that minor adjustments [...] might be discussed in a paradigmatic manner as they affect the involved actors' deeply rooted core beliefs. In other words, the strong dominance of value conflict may imply that any morality policy change is *per se* paradigmatic. As long as decisions over societal values are at stake, policy change is always about paradigmatic core issues rather than instrumental aspects.” (2013: 322).

This conceptualisation of ideational change in the context of morality or highly contentious policies is not adapted for cases, like that of the current transformation of contemporary French abolitionism, where the ideational framework shows evidence of both significant continuity and change. Indeed, the evolution of the French abolitionist paradigm from a framework supporting the abolition of the regulation of prostitution to one that supports the abolition of prostitution itself entails a high degree of continuity between some of the principles underpinning prostitution policy, and a transformation of ideas about the goals of policy in this area should be and what instruments should be used.

This is why the fourth and final theoretical refinement proposed in this thesis concerns the development of conceptual measures with which to capture the incremental transformation of ideational frameworks. These descriptive tools could serve to complement those offered by the gradual change framework for

understanding institutional change. This could contribute to a more detailed understanding of how the incremental alteration of *both* institutional and ideational structures can cumulatively lead to the transformation of boundary-spanning governing arrangements. Moreover, this refinement could improve our current ability to discern the ‘subterranean’ change processes from the frequent illusions of stability that, too often, are still used as an indicator of the absence of change (Hacker, 2002: 43). Finally, if regime shift can only be claimed when substantial changes to ideational and institutional arrangements are identified, then the development of a conceptual framework with which to capture ideational change is crucial to the advancement of policy regime theory.

3.5 Conclusion

Since France began abolishing the regulation of prostitution in 1946, policy-making on this issue has been characterised by a heterogeneous coalition of support, ambiguous ideas concerning the ultimate aims and instruments that should be used, and a tendency for policies to be weakly and inconsistently implemented. This identifies the contemporary French prostitution policy regime as ‘anemic’. In some ways, this is hardly surprising. The crosscutting nature of prostitution as a policy problem means that the French prostitution policy regime has to seek to integrate action among a wide range of disparate actors and institutions, each with their different perspectives, interests, and historical traditions. Nonetheless, while the organisational complexity of the regime may explain its weakness, it cannot explain its endurance. More generally, the resilience of such a weak governing arrangement challenges the analytical value of the concept of regime ‘strength’ as the principal indicator for a regime’s viability and resilience.

A more robust explanation of the anemic French abolitionist regime’s persistence departs from the understanding that, to a large extent, the apparent stability of enduring institutional arrangements is an illusion. Traditional accounts of policy change hold that, by virtue of constraining actors’ behaviors and stabilising their expectations, institutional arrangement tend to feature long periods of stability, infrequently punctuated by abrupt periods of radical transformation. However, new institutionalist theories criticise this reductive view of institutional stability

for explaining away the small changes that take place during periods of supposed stability as minor adjustments of no causal significance. They argue instead that once an institutional arrangement emerges, it is constantly subjected to continual, if incremental, contestation and modification.

At the heart of this new gradual change framework is therefore the understanding that institutions are not inanimate structures that are passively reproduced. Instead, institutions are enacted daily by actors who give them life. These actors base their enactment of institutional procedures on their interpretations of the different principles and objectives that underpin them. This creates a space in which actors can be creative with their understanding of institutional arrangements and can introduce new conceptions of the forms and functions of the institutions they give life to. The ultimately ambiguous nature of rules and traditions can give rise to multiple interpretations and, over time, to the imperfect reproduction of institutions. This process of active, and often approximative, institutional reproduction opens the door for changes that transform the shape and outcomes of institutions and policies without marking a fundamental departure from the existing arrangement.

Changes that transform policies without marking a stark rupture with the existing institutional arrangements occur as a result of the friction between actors' creative interpretation of institutions rules and the pressures of an ever-changing external environment. Nevertheless, this conceptual framework has yet to be systematically applied to governing arrangements as broad and enduring as a boundary-spanning policy regime. As a result, the mechanisms by which different modes of gradual change can accumulate into the substantial revision of a regime's core institutional and ideational structures have yet to be fleshed out. This chapter therefore argued that the notion of policy 'feedback', central to regime theory, could be helpful in explaining how the effects of policy implementation and change at one point in time can shape the context in which that policy is implemented later on.

Finally, while the gradual change framework is a helpful conceptual tool, it needs to be further developed before it can bridge the gap between describing instances of gradual change and explaining the causal mechanisms behind them. This is

important because a full account of the evolution of the contemporary French abolitionist prostitution policy regime must explain not just the nature of change but also the direction of change. This requires a theoretical framework with which to analyse why policies changed in the direction they did. This is possible by drawing on ideational theories which posit that the ideas actors hold can change over time and, as they become shared widely through discursive processes of framing, come to influence the direction of policy change. Drawing on ideational theories therefore helps understand how the core ideas and values associated with French abolitionism have gradually shifted over time and yet appear to remain embedded in a stable and enduring paradigm.

Nevertheless, deploying a synthetic theoretical framework which draws on institutional and ideational theories in order to explain the outcome of a historical process of policy reform has very specific methodological and epistemological implications. In particular, it entails the crafting of a research design that can identify the entrance of ideas into the material world through communication, both verbal and written, and unpick the causal mechanisms which grant them a causal capacity. The next chapter will therefore set out the research design and methodology that will allow the assumptions made in this theoretical framework to be tested.

Chapter 4. Tracing the process of contemporary French prostitution policy change

The purpose of this thesis is to explain why French prostitution policy has evolved the way it has over the last 55 years. The first section of this thesis is concerned with developing a research framework with which to account for the cumulative transformation of prostitution policy in France and, in so doing, refine existing theories of gradual policy transformation more broadly. This chapter completes this first section by introducing the empirical case study, setting out and justifying the methodological framework underpinning the analysis, and explaining what methods were used to collect data. The central argument of this chapter is that using a process-tracing approach that develops the explanatory causal mechanisms behind gradual institutional change, and basing the analysis on rich qualitative data drawn from archival research and interviews with policy actors, are the key to fully understanding the evolution of contemporary French prostitution policy. The chapter addresses the questions:

How does this thesis operationalise “cumulative institutional transformation” empirically, and what methodological framework and methods will it employ?

The chapter answers these questions by arguing that:

1. Employing process-tracing methodology is appropriate for this study because it allows us to open the ‘black box’ of causality and fully explain the empirical puzzle. It also allows us to draw contingent and provisional generalizations about policy reform processes from a single case.
2. The process by which changing institutional configurations and beliefs come to influence the outcome of policy debates is best explained by the presence of causal mechanisms such as policy drift, layering, conversion and displacement.

3. The case-study of contemporary French abolitionism is usefully unpacked by distinguishing three consecutive policy ‘movements’ that make up its historical trajectory. Employing sequential movements in research on regime change provides an analytically coherent and empirically fertile sample in which to develop historical explanations of policy reform.

4. Empirical primary and secondary source data collected using a varied strategy combining archival research, the systematic archiving of online news sources, and 18 semi-structured interviews with key policy actors facilitates reflexivity and the triangulation of evidence. This approach therefore improves descriptive, interpretive, and internal validity.

These arguments are developed in three sections. The first section introduces process-tracing methodology and explains why it is particularly useful for achieving this thesis’ objectives. The principal value of adopting a process-tracing approach is that it places the investigation of causal mechanisms at the heart of the analysis. Subsequently, the second section briefly sets out how the different modes of gradual institutional change will be operationalised as theorised causal mechanisms capable of explaining the trajectory of contemporary French prostitution policy. Secondly, the historical case study and the three ‘movements’ it comprises are introduced and justified. This section also sets out the case for temporally segmenting policy regimes in order to capture both the overall diachronic nature of policy change, that is to say the way it unfolds over time, and the discrete episodes throughout which change is accrued. A final section discusses and justifies the different data collection strategies employed. Finally, this chapter engages with the challenges encountered during the process of collecting and analyzing data, as well as the actions undertaken to address them, and what limitations they present for the final analysis.

4.1. The research design

4.1.1. A comparative historical case study design

The focus of this research is on explaining how the contemporary French prostitution policy regime has persisted over time. Because it seeks to gain an in-depth historical understanding of a specific unfolding process, this project lends itself well to a qualitative research design aimed at the detailed investigation of a single case. This approach is referred to as the qualitative case study and is aimed at explaining outcomes in particular instances (Gerring, 2007: 18). George and Bennett (2005:17) define these instances, or ‘cases’, as “an instance of a class of events”, and the case study method as “the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events” (2005: 5). In this sense, cases are the single or multiple spatially and temporally bounded phenomena that make up a unit of analysis and through which this unit is observed (Gerring, 2004: 342). In this project, the unit of analysis is weak policy regimes, and the case under study is the anemic French abolitionist regime.

Furthermore, with its capacity to yield rich, intricate, and contingent explanations of particular phenomena, this research framework is well suited to the investigation of complex processes, such as gradual institutional change. Indeed, the development of case study insight is based on the assumption that individual outcomes are rarely brought about by a single cause (Bennett and Checkel, 2015: 7; Goertz and Mahoney, 2006: 237; Steinberg, 2007). This is important because, as Chapter three explains, the best explanation for the resilience of weak regimes is likely to involve the combined causal influence of a range of factors, from issues and interests to institutions and ideas. It is also important because the boundaries between the phenomenon under study and the context in which it is embedded are not always clear (Gerring, 2007: 20). This makes the intensive study of a phenomenon *in situ* by means of a case study particularly well suited to the study of the gradual transformation of a boundary-spanning policy regime, which involves the interaction of myriad actors, with their own interests and ideas, over time and at different institutional levels (cf. Yin, 1989). Moreover, to accommodate the need for multi-factorial and contingent explanation, the

qualitative case study method can also be used in the context of what Sil and Katzenstein refer to as ‘analytical eclecticism’: a pragmatic research stance aimed at generating practically useful scientific insights that bridge disciplinary and philosophical debates without losing sight of the causal complexity of social phenomena (Sil and Katzenstein, 2010).

Analytic eclecticism fosters openness to both methodological pluralism and alternative accounts of causality by encouraging researchers to remain theoretically and empirically observant and creative in their use of data collection and analysis methods. This is particularly important in the context of a research agenda that seeks to draw on multiple theoretical frameworks derived from neo-institutionalist and constructivist traditions. This hybrid, or ‘eclectic’, approach supposes that two analytically distinct but empirically interrelated processes come to bear on the trajectory of policy regimes. From the new institutionalist theories and, in particular, the gradual change framework, we glean insights concerning the constraints that come to bear on the development and implementation of policy solutions to a perceived problem. From constructivism, we gain leverage into the process by which the (un)successful portrayal of normative values and causal ideas as consistent with, and beneficial to, broader ideational frameworks held by key decision-makers, leads to the unequal satisfaction of demands through policy. As a result, research into the unfolding transformation of policy regimes must grapple with uncovering a complex causal process, where multiple factors work in combination to produce particular outcomes.

Fortunately, ideational explanations tend to be multivariate. Multivariate explanations understand events to be the result of a combination of causal factors. In the case of ideational explanation, we know from communication theory that ideational messages are not ‘magic bullets’ that are directly, unreflexively, and wholly accepted by other actors involved in the debate (Sproule, 1989). Rather, as previous chapters have argued, the broader socio-cultural context, and institutional and political frameworks in which policy debates take place, serve to guide and constrain the manner in which policy actors present and take up policy ideas (cf. Béland, 2005: 23). Consequently, multivariate ideational accounts of policy change operate within an explanatory space that also accounts for the impact of other, non-ideational factors, on the same outcome of interest (Parsons,

2011: 128). For Campbell, it is this openness to multivariate explanations that makes ideational analysis particularly amenable to being combined with institutional theories in order to develop explanations of particular outcomes (1998: 378). This analytic eclecticism is therefore compatible with the theoretical assumptions underpinning the policy regimes lens, which considers factors such as institutions and interests to be causally relevant in the development of policy. Nevertheless, it also raises a number of methodological issues concerning the identification of ideas and their impact on regime development.

4.1.2. Conceptual and methodological implications of researching ideas and institutions

This thesis seeks to explore the factors that contribute to the gradual transformation of policy regimes by combining elements of change and institutional reproduction. Furthermore, there is a particular focus on the causal role of ideas, with the aim of understanding how the (re)interpretation and (re)deployment of policy ideas helps loosen institutional constraints and the incremental modification of enduring policies. However, institutional analysis that seeks to draw on ideational theories can face difficulties ascribing causality to actors' beliefs and values (Jacobs, 2015: 45). As previous chapters have argued, ideas do not float freely and are ontologically incapable of influencing the real world unless they are translated by actors who act as mediators (Berman, 1998: 22). The implication is that ideational scholars have to look for evidence of the entrance of ideas into the real world through processes of mediation. This raises two methodological challenges: how to empirically ascertain ideas and their influence on the policy process; and, subsequently, how to develop a truly causal explanation from the analysis rather than a merely descriptive historical narrative.

Because of the difficulty involved in capturing the causal impact of ideas, Jacobs argues that establishing an empirical link between policy ideas and an unfolding institutional process requires three conditions to be met (2015). First, supposedly causal policy ideas must be shown to pre-date any reform they are argued to have influenced and, indeed, they must be evident in the debate leading up to the reform (Jacobs, 2015: 65). Second, congruence between the substance of the ideas being disseminated and the nature of the policy change must be demonstrated (Jacobs, 2015: 49). Third, the causal impact of non-ideational factors must also be

accounted for through the development of a rich multivariate explanation (Jacobs, 2015: 69).

Nevertheless, even with these three empirical requirements fulfilled, establishing the causal impact of ideational elements remains difficult. This is because causality is not something easily observed, but rather something researchers make inferences about (Bennett and Checkel, 2014: 12). On the one hand, it is relatively easy to *describe* a putatively causal link between ideas and episodes or elements of political life. On the other hand, it is more difficult to break down and *explain* how ideas bring about changes to policy. For Woodward, the crucial difference between description and explanation concerns the ability of the latter to provide information on factors that, if we were in a position to manipulate them, would “produce changes in the outcome being explained” (2003: 10). In the case of ideational explanations, the near impossibility of empirically disentangling actors’ interests from the ideas they express makes it difficult to irrefutably ascribe causal weight to ideational factors (Jacobs, 2015: 45). As a result, a recurrent critique of ideational approaches concerns its overreliance on “descriptively useful and causally suggestive” data as the basis for causal explanation (Yees, 1996: 72). Establishing causality in ideational research requires combining description and explanation, rather than simply substituting the former for the latter (Berman 1998: 19; Collier 2011: 824). More specifically, it requires the systematic investigation of the causal processes linking specific policy ideas to the outcome of interest (Salmon, 2006: 127; Yees, 1996: 72).

4.1.3. Process-tracing methods

Once the complex constellation of causally suggestive factors has been laid bare, their relationship with a particular phenomenon can be investigated by means of ‘process-tracing’ (Beach and Pedersen, 2013: 2-3; George and Bennett, 2005: 207; Mahoney, 2015: 201). Process-tracing refers to a set of methods that use “evidence from within a case to make inferences about causal explanations of that case” (Bennet and Checkel, 2014: 4). They do this by identifying and breaking down the causal mechanisms through which certain factors exert an influence in the real world.

Broadly defined, causal mechanisms are the “ultimately unobservable physical, social, or psychological processes through which agents with causal capacities operate, but only in specific contexts or conditions, to transfer energy, information, or matter to other entities” (2014: 15). They are often made apparent by causal-process observations, that is to say “an insight or piece of data that provides information about context or mechanism [...] essential to causal assessment” (Brady and Collier 2004: 252-3). This explicit focus on causal analysis is what sets process-tracing methods aside from descriptive historical narratives. More than simply describing a sequence of events leading to an outcome, process-tracing is used to investigate whether or not a hypothesized causal factor was necessary or sufficient, by itself or in combination with other factors, for bringing about the outcome (Mahoney, 2015: 203).

In the study of cumulative institutional change, the gradual change framework specifies a number of causal mechanisms, each associated with a mode of incremental institutional transformation. As detailed in Chapter three, there exist four main modes of gradual institutional change: drift, layering, conversion, and displacement; and each of these modes is understood to be the result of a particular causal mechanism. Moreover, Rocco and Thurston provide a broad set of observable empirical indicators with which to identify the nature, presence or absence of a particular mechanism or mode of change (2014).

Firstly, when institutions are layered with new rules or procedures, they change as a result of *differential growth* (Streeck and Thelen, 2005: 23). The empirical markers of layering include the formulation and implementation of “modest changes” or “marginal amendments” to an existing institutional framework (Rocco and Thurston, 2014: 40). Layering is further evidenced by institutions changing in ways that make them more closely resemble the new institution layered on top of them (Rocco and Thurston, 2014: 40).

Secondly, the causal mechanism responsible for institutional or policy drift can most accurately be described as *deviation*. Deviation is the process Béland (2007b: 22-23) and Streeck and Thelen (2005: 24) discuss whereby the function or impact of an institution no longer fit for purpose appears to naturally take a turn towards obsolescence. The main empirical marker of drift is the failure of

policymakers to bring institutional reform onto the political agenda (Hacker, 2004; Rocco and Thurston, 2014: 43). Evidence of drift can be found when institutions themselves do not change, but their impact before and after a period of time is markedly different (Rocco and Thurston, 2014: 47).

Thirdly, institutions can also be converted. This means that existing institutions are applied to achieving new objectives (Béland, 2007b: 22). In cases of institutional conversion, the causal mechanism is therefore *redirection*. The empirical markers of conversion include the manipulation and reinterpretation of existing institutional rules (Rocco and Thurston, 2014: 45-46). A change in function between an institution before and after actors' efforts to alter its meanings is evidence of conversion (Rocco and Thurston, 2014: 47-48).

Finally, institutions can change gradually through displacement, in which case actors slowly overturn the dominance of an existing institutional arrangement by preferring a new one that existed, suppressed, either at the margins or underneath (Mahoney and Thelen, 2010: 16; Streeck and Thelen, 2005: 19). Consequently, in instances of displacement, the causal mechanism is the *substitution* of one institutional arrangement for another. The empirical markers of institutional displacement include the unseating of a dominant institution after a process of gradual actor defection.

Defined in this way, process-tracing is not a research technique like participant observation, interviews, and surveys. Instead, a variety of research procedures to collect and analyse data can be used in process-tracing (George and Bennett, 2005: 207-208). Furthermore, though this project deploys process-tracing to investigate the causal influence of utterances and ideas, alongside institutional and material factors, this method is nevertheless distinct from others aimed at analysing discourse. In particular, unlike critical frame analysis, which is concerned with laying bare the power structures inherent to the social construction of reality through discourse (Verloo, 2005; Verloo and Lombardo, 2007), process-tracing is more broadly concerned with establishing the constitution, and presence or absence, of a theorised causal mechanism, in which framing and other discursive processes may play a part.

Process-tracing can be used for different research objectives, such as testing hypotheses or developing new ones. Each research objective has its own variant of the methods (cf. Beach and Pedersen, 2013: 9). This project is concerned with resolving an empirical puzzle: what explains the way in which contemporary French prostitution policy has evolved over the last half-century? The scientific ambition of this project is therefore to provide a sufficient explanation of the causes of a particular historical outcome in a single case. Consequently, the variant of process-tracing selected in this research design is therefore the case-centric ‘explaining-outcome process-tracing’, the objective of which is “to craft a minimally sufficient explanation of a puzzling outcome in a specific historical case” (Beach and Pedersen, 2013: 3). Nevertheless, the risk with single qualitative case studies and, in particular, those in which explaining-outcome process-tracing is deployed, is that the explanation crafted as a result of the analysis is too specific to yield generalizable insights.

At first sight, process-tracing within a single case can seem like a very narrow undertaking with little relevance for the wider world. It is for this reason that case studies are primarily criticised for being unrepresentative of other cases. Yet, explaining-outcome process tracing seeks to yield insights useful beyond the single case under study. Thus, in order to reconcile the theoretical ambitions of process-tracing with the difficulties of generating more broadly relevant insights from single cases, it is necessary to distinguish between the parts of the causal mechanism that are specific to the case, and the parts that are generic, that is to say the properties and functions of which may hold true in other cases (Braun and Pedersen, 2013: 34; Falleti and Lynch 2009: 1148).

Even then, however, conclusions drawn from case study research based on process-tracing are likely to remain contingent, that is to say narrow in the extent to which they apply to other cases. This limited generalizability is a property of both case studies, which privilege rich and detailed accounts of few cases over broad representativeness, and of process-tracing, which “seeks a *historical explanation* of an individual case” where “this explanation may or may not provide a theoretical explanation relevant to the wider phenomenon of which the case is an instance” (Bennett 2008: 704). Nevertheless, by laying bare the causal mechanisms behind particular outcomes, conclusions remain explanatory because

they shed light on the causal impact of certain factors or events (Beach and Pedersen, 2013: 29; Checkel 2006: 363). Moreover, Guzzini explains that, unlike general laws, “mechanisms can explain (ex post) why something happened, but cannot be used for predictions, since we cannot know whether a mechanism will be activated or not and/or whether it will always have the same effect” (2011: 332). In this sense, causal mechanisms operate at an explanatory level between the particular and the general.

4.1.4. Increasing generalizability through historical comparison

The extent to which findings from process-tracing can be said to hold true beyond the case under study depends on the representativeness of the case (Blatter and Haverland, 2012: 82). In light of the paucity of research on anemic policy regimes, the representativeness of French abolitionism remains unclear. As a result, this thesis aims to add empirical and developmental knowledge about another weak but enduring institutional framework to what is only an emerging research agenda. In particular, it seeks to test a number of theoretical assumptions underpinning current understanding about policy regimes and, where appropriate, provide conceptual and theoretical refinements of the tools with which we analyse their strength and durability.

In the context of contemporary prostitution policy studies, however, France belongs to a larger class of cases, namely those formerly abolitionist countries, such as Sweden and Canada, that went on to adopt neo-abolitionist policies. From this perspective, the case of France constitutes an interesting outlier. While it was the first non-Nordic state to consider such a transition, as early as 2002, it did not pass the relevant legislation until 2016, unlike Canada, which adopted a policy of client criminalisation four months after it was proposed in June 2014 (cf. Sampson, 2014). From this perspective, the conclusions of the analysis can help further our understanding of how international policy models and ideas concerning prostitution can be blocked or introduced at the national level. This is especially important in light of the current effort by domestic policy entrepreneurs and international norm advocates to promote new prostitution policy regimes in Western countries (cf. Euchner and Knill, 2015).

Consequently, the selection of a single spatial unit in a project that aims to both explain particular outcomes and draw modest and contingent generalisations is appropriate for two reasons. Firstly, investigating the single information-rich case of the contemporary French abolitionist regime offers the opportunity to develop fine-grained understanding of the combination of factors that contribute to regime strength and durability. Secondly, while process-tracing methods are powerful tools with which to open up the ‘black box’ of causality, they are also extremely data intensive (Braun and Pedersen, 2013: 123-125; George and Bennett, 2005: 223). It is therefore rare, and certainly beyond the scope of a doctoral thesis, to conduct rigorous process-tracing in more than one case.

Nevertheless, despite the necessarily contingent nature of the conclusions drawn from this research, one way of further increasing their external validity – or generalizability – to other possible cases is to introduce a comparative dimension into the research design (Smelser, 1976: 200). Comparison increases the number of observations that can be made from a small number of cases (n) and, therefore, the inferences that can be made from even small- n studies. The most common comparative method operates cross-sectionally, contrasting variance in process and outcomes across different different units. This project adopts another approach by examining variation in one case over time.

Comparative historical research has traditionally had two objectives (Lange, 2013: 444). Firstly, where possible, it seeks to extend the validity of these explanations beyond the single case. In contrast to studies that compare geographical units such as countries or regions, the specificities of historical comparative case studies, and of historically oriented political and social science more generally, is that processes and case properties are primarily compared over time rather than over space (Rueschmeyer and Mahoney 2003: 6; Thelen and Mahoney, 2015: 4-5). This is done by bringing issues pertaining to timing, sequencing, and path dependence to bear on the analysis, and using them to “account for the patterns of difference and similarity in the trajectories of political communities separated in time, or in time and space” (Lustick 1996: 605). Accordingly, this comparative dimension widens the scope for inferences to be drawn from the single country under study that may apply to other cases and

mitigates cases' unrepresentativeness (Falleti and Mahoney, 2015: 235; Jacobs, 2015: 61).

Secondly, comparative-historical analysis aims to explain particular events within a specific historical context in a way that is sensitive to issues of timing, sequencing and temporal unfolding (Bartolini, 1993; Falleti and Mahoney, 2015: 211; Jacobs, 2015: 61; Rueschmeyer and Stephens, 1997: 56-57). This is important because, as Rueschmeyer and Stephens explain, causation is inherently related to sequence because “[o]ne needs diachronic evidence, evidence about historical sequences, to explore and to test ideas about causation directly” (1997: 57). Consequently, a worthwhile explanation of the public policy process must be sensitive to the temporal dimension and unfolding nature of the policy process (Greenberg et. al 1977: 1542). For Jacobs, this matters particularly in ideational research because establishing the order in which ideas and material interests influence each other is necessary for proving the causal impact of ideas (2015: 61).

More broadly, the sensitivity of this approach to timing and sequence makes it well suited to process-tracing, since this method analyses “evidence on processes, sequences, and conjunctures of events within a case for the purpose of either developing or testing hypotheses about causal mechanisms that might causally explain the case” (Bennett and Checkel, 2014: 7; also see Falleti and Mahoney, 2015; Mahoney, 2015). Finally, from the perspective of policy regimes, a historical perspective is necessary to ‘backward map’ the governing arrangements it has comprised over time (Elmore, 1980: 604; May and Jochim, 2013: 427). This approach therefore obviates the risk of presenting a truncated analysis of incremental institutional change based on the analysis of short temporal snapshots. Furthermore, it allows a sufficiently broad analysis to appreciate the unfolding, or diachronic, nature of policy making while also tracing the evolution of the policy process in detail.

4.2. A symphony in three movements

This project is a longitudinal historical comparative case study of contemporary French prostitution policy. In order to account for both the causal complexity and the temporal development of policy change, this project adopts a variant of the

comparative-historical case study method. To do so requires selecting and justifying the time frame that will constitute the case under investigation.

4.2.1. Delimiting contemporary French prostitution policy

The case this thesis will seek to explore is the contemporary French prostitution policy regime. There is broad agreement that contemporary French prostitution policy refers to the courses of action taken by the French government with regards to prostitution since the country's transition from regulationism to abolitionism between the end of the Second World War and the signature of the United Nations *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* in 1960. Certain authors (e.g. Maugère 2009) start at the beginning of the period, with the closing down of brothels in 1946. Others, (e.g. Mathieu, 2001; Mazur 2004) begin their analysis later with the emergence of a sex workers' rights protest movement in the early 1970s.

The different periodization strategies are due to diverging research objectives. A conception of contemporary French prostitution policy as starting in 1946 denotes a historical approach aimed at charting both the decline of regulationism and subsequent rise of abolitionism. From the perspective of policy outputs, however, the issue of prostitution was noticeably absent from the political agenda from 1960 until 1971 when the Ministry of the Interior decided to clamp down on prostitution as part of a wider campaign to eradicate police corruption. Thus, most research on the contemporary prostitution policy process tends to start with the early 1970s when prostitution re-emerged as a policy problem (e.g. Mathieu, 2001; Mazur, 2004).

However, because it is concerned with tracing the evolution of the contemporary French abolitionist policy regime in its entirety, this project adopts a third periodization strategy. It chooses to trace the emergence and evolution of the regime from its inception in 1960, drawing on the period leading up to the adoption of abolitionism as a source of historical data and a means of recontextualising the study within post-war French history more broadly.

4.2.3. Capturing the three movements

In order to subject a single unit, like the contemporary French abolitionist regime, to historical comparison, the unit of research must be broken down into specified temporal units (Bartolini, 1993: 147; Jacobs, 2015: 57). In the context of contemporary French prostitution policy, three distinct episodes can be distinguished since 1960. The first episode in the regime's history covers the gradual establishment of an abolitionist policy framework. While this process began with the dismantling of the country's regulationist regime after the Second World War, it was not completed until the 1980s when the new Ministry of Women's Rights succeeded in setting up a boundary-spanning policy subsystem to address the issue. Then, between the late 1980s and the early 2000s, this traditional abolitionist framework was confronted with competition from norms and goals reflecting growing fears concerning first AIDS, then, later, public security, labour migration, and human trafficking. Finally, from the early 2000s onwards, efforts were made to redefine French abolitionism and, in the context of changing domestic and international gender norms concerning women's rights and violence against women, to transform it into a regime aimed at abolishing prostitution entirely.

These episodes each feature a full policy cycle. Each policy cycle begins with the (re)definition of the policy problem and ends with the modification of policies or institutional arrangements to address it. In this way, each cycle features an episode during which the policy regime is incrementally transformed. These policy cycles are contiguous and, at times, overlap somewhat. In this way, they constitute a sequence, that is to say an ordered arrangement of elements or events (Falleti and Mahoney, 2015: 215). The complex and interlinked sequence in which these policy cycles combine to write the integral historic trajectory of the contemporary French prostitution policy regime is reminiscent of elaborate and harmonious musical arrangements. Thus, the transformation of French prostitution policy since 1960 appears to be a symphony in three 'movements'.

Breaking down a sequence into contiguous movements within a developmental case-study has three main analytic advantages. First, analysing each movement by itself will yield valuable insight into the main historical episodes that have characterised social and political debate over this issue in the last sixty years.

Secondly, comparing the movements with each other will enable us to develop inferences about the causal processes that have driven the persistence of such an anemic policy regime. Finally, testing the theorized causal mechanism over the historical case as a whole allows us to account for the causal influence of time, and in particular to take into consideration any maturation and feedback effects from one period to another (Falleti, and Lynch 2009: 1154; George and Bennett 2005: 212). Thus, in order to develop a fully-fledged sequential analysis of French abolitionism's three 'movements' by means of process-tracing, it is necessary to generate and analyse a wide range of empirical data likely to yield information regarding the causal mechanisms behind the changeable regime's endurance.

4.3. A complementary and diverse data collection procedure

The data collection and analysis procedure for this project features two complementary strategies: qualitative document analyses of primary and secondary sources, and semi-structured elite interviews. The development of a pluralist and complementary data collection protocol which increases source diversity is not only the best means of generating sufficient evidence on which to conduct process-tracing but also permit the limitation of potential non/random biases (Johnson, 1997: 283). Nevertheless, these procedures for collecting and analysing data raise challenges regarding the validity and reliability of findings that need to be addressed.

4.3.1. Qualitative document analysis

The qualitative analysis of primary and secondary documentary sources is aimed at recording the evolution of the different prostitution policy debates and of the regime more broadly. According to Schensul, a document is, broadly speaking, a "text based file that may include primary data (collected by the researcher) or secondary data (collected and archived or published by others) as well as photographs, charts and other visual material" (2008: 233). This project involves the analysis of three types of documentary sources: the internal and public documents from key actors and groups; public documents such as legislative bills, hearing transcripts, official reports; and news and commentary expressed in the media throughout the period. Documents were compiled from three main sources.

Firstly, documents were sourced from the French national archives. This included online repositories of official state documents, departmental historical archives, the archives of the Bibliothèque nationale de France, and the Institut National de l'Audiovisuel (INA). A second set of documents were collected from personal and organizational archives documenting: the history of socialism in France⁹; the involvement of different associations in political debates on prostitution;¹⁰ the personal activity of key political actors involved in the debates;¹¹ and charting the development of feminism in France.¹² Finally, a personal archive of digital media sources from 2000 to 2015, featuring textual and audio/visual sources pertaining to the prostitution policy debate, was systematically compiled. In total, over 2400 documentary sources were collected, coded and analysed.

An important benefit of archival research is the generation of large amounts of data, which is necessary when employing a data-intensive method like process-tracing. However, the biggest problem attached to relying on archival sources when conducting research on contemporary issues is not getting access to documents. While most of the content of France's national archives is accessible soon after its reception and cataloguing, documents concerning the interests of the state or 'protected secrets', are subject to a delay of between twenty-five and one hundred years depending on their nature.¹³ Fortunately, the data required for this project was overwhelmingly, if not entirely, of a nature exempt from the restriction. While it is possible to apply for derogations to obtain restricted documents from the archives, the need never arose. Moreover, in research interested in peoples' ideas, not finding or gaining access to documents detailing these ideas is only truly problematic if the absence of source is immediately equated to the absence of ideas. This challenge is addressed by systematically

⁹ Including, but not limited to: L'Office Universitaire de Recherches Socialistes (the University Office for Research on Socialism), the Fondation Jean Jaurès Centre d'Archives Socialistes (official Socialist Party archive), and several of the 38 archives housed under the umbrella of the Collectif des centres de documentation en histoire ouvrière et sociale (the Collective of documentation centers and archives on worker and social history).

¹⁰ In particular the archives of the Fondation Scelles and of the Mouvement français pour le Planning Familial.

¹¹ Such as the personal archives of former Minister of women's rights, Yvette Roudy, at the Archives du Féminisme, or the – as-yet uncatalogued – personal archives of Simone Iff, former vice-president of the Mouvement français pour le Planning Familial (MFPF).

¹² In particular the Archives du Féminisme at the Université d'Angers, and the research archives of the Centre Louise Labé at the Université Lyon 2.

¹³ In accordance with article L. 213-2 of the *Code du Patrimoine*.

triangulating carefully evaluated sources and exercising caution when inferring from documentary sources (Johnson, 1997: 284; Scott, 1990: 19-35).

4.3.2. Semi-structured elite interviews

Qualitative interviews are a form of conversational inquiry into individuals' lived experiences, and the meanings they confer to these experiences (Seidman, 2013: 8-9). There are four principal uses for qualitative interviews. Firstly, interviews can be used to gather information from a select set of individuals from which to derive generalizable claims about the thoughts and decisions of this group (Aderbach and Rockman, 2002: 673; Goldstein 2002: 669; Tansey 2007: 766). Secondly, interviews can facilitate the discovery of particular information or document and/or to the reconstruction of an event(s) (Goldstein 2002: 669; Tansey 2007: 766). Thirdly, as part of a diverse data collection strategy, interviews are a useful means of corroborating and triangulating data from other sources. Finally, and relatedly, the open and reflexive researcher can use interview data to guide further work (Tansey 2007: 766), and as a means of keeping the net cast wide open for possible alternative explanations to the puzzle they are investigating (Bennett and Checkel, 2015: 18).

The selection of the interview sample is determined by the purpose of the research. In other words, the sample should seek to include all individuals who might shed light on an aspect of the puzzle or corroborate and strengthen previously gathered data pertinent to the issue at hand (Aderbach and Rockman, 2002: 674). The purpose of this project is to account for the dynamics driving policy change on the issue of prostitution in contemporary France. The sample was therefore devised to cover all the individuals who have contributed the policy debate in an important manner. By virtue of their "close proximity to power", Lilleker refers to this type of sample as an 'elite' (2003: 207). In order to probe these elites about their political ideas and their perceptions about the policy process, a semi-structured interview structure was deployed. Semi-structured interviews aim to elicit complete and meaningful responses based on respondents' own knowledge and experience by asking open-ended question to which the answer is not simply "yes" or "no" (King and Horrocks, 2010: 3; Sarantakos, 2012: 301). Thus, the semi-structured operates between the narrow specificity of

structured survey interviews and the unstructured expansiveness of the ethnographic interview (Leech 2002: 665).

When using qualitative interviews, there are three areas in which potential bias needs to be evaluated and minimized. The first concerns the introduction of bias at the level of the sample if key respondents refuse to participate, the second concerns the possible factual and interpretive errors in transcription and translations, the third concerns the possible non/deliberate introduction of bias into the information by respondents at the level of the interview or when they review their transcript. For each, procedures were introduced into the research design to minimise risk of bias being introduced by non-response, and to maximise the reliability of interview data.

4.3.2.1. Sampling, structure and mode of interview

In total eighteen in-depth semi-structured interviews were conducted with individuals selected for their ability to illuminate the historical evolution of contemporary French prostitution policy. This elite sample comprised current and former political actors, civil servants, third sector workers, and activists. Sampling was undertaken according to a three-pronged strategy. In a first instance, a crucial ‘core’ of respondents who had participated significantly and first hand in political debates over prostitution policy was identified for each of the three movements. In a second instance, a ‘supplementary’ sample of individuals was identified who, by virtue of their involvement in the implementation of policies, their access to key decision-makers, or their knowledge of historical events, could provide additional contextual and technical information. Including a supplementary sample has the added value of increasing the number of sources with whom to verify and triangulate information. Finally, every interview protocol included a ‘snowball’ or ‘referral’ dimension that enabled new contacts to be made, access to existing contacts to be strengthened, and the direction of data collection to be continually refined in light of new and emerging information (Baumgartner et. al 2009: 6; Goldstein 2002: 671).

However, just as not getting access to documentary sources is problematic, interview research can be compromised by not gaining access to enough individuals from the sample. This introduces non-random or systematic error in

the analysis because the data collected is only partial and reflects the view of only a few of the key respondents. This problem is referred to as nonresponse bias and the data is therefore considered to be unrepresentative. In this research project, there were two potential sources of nonresponse bias that needed to be accounted for and addressed. Firstly, while this thesis deals with contemporary policy processes, its historical dimension entails actors involved in the most recent political debates are more numerous and accessible than those active in the 1960s. Here, the risk here was that earlier events in the period would be insufficiently documented compared with later periods.

This challenge was not definitively solved, and there are still voices from all three movements that are, and will forever remain, lost to us. Nevertheless, the issue of bias was addressed by casting the net wide for supplementary accounts of the involvement of these key figures from second-hand sources, and the systematic archiving of all documentary evidence pertaining to them. Secondly, the elite nature of the sample entailed further possible difficulties in getting access to respondents. Access to political elites, and in particular French elites, can be notoriously difficult because of issues concerning busy schedules or mistrust of outsiders (Leufen, 2006: 343). Nevertheless, the centralised nature of the French state means most incumbent policymakers are concentrated in Paris. This made them relatively easy to locate and contact. Furthermore, the snowball sampling strategy opened up access to many more retired or unelected actors. More generally though, the issue of nonresponse is less problematic in research aimed at gathering specific factual information and data with which to weave a rich and detailed explanatory account of a historical development. In such cases, elite interviewing, even with nonresponse from a segment of the sample, can still allow the validation and triangulation of information through getting a range of views on an issue or phenomenon (Goldstein 2002: 671). Moreover, triangulating the ideas and information expressed by individuals in the sample with documentary sources served to limit possible error introduced by nonresponse.

Of the eighteen interviews carried out, four involved face-to-face interviews, ten were conducted by telephone, and a further four were conducted over the internet using Skype. According to Sturges and Hanrahan (2004: 108-109), what mode(s) of interview are suitable depends on the nature of the research and a number of

practical considerations ranging from financial resources to researcher safety. In this project, the use of diverse interview modes was justified for two reasons. Firstly, with the researcher based in the UK and respondents in France, conducting qualitative interviews over the internet and telephone offered a pragmatic solution to the challenge of undertaking as many in-depth interviews as possible with key political actors in a context of limited time and resources. Secondly, and more importantly, the use of telephone interviews has been shown to increase participation from hard-to-reach populations (Miller, 1995: 36; Sturges and Hanrahan, 2004: 114; Tausig and Freeman, 1988: 419). In particular, the convenience of participating in a telephone interview is argued to increase the likelihood of respondents consenting to participating (Sturges and Hanrahan, 2004: 114). In light of their status and demanding schedule, French political elites arguably constitute a hard-to-reach population who may prefer the less intrusive option of a telephone interview. Moreover, as long as they are conducted correctly, data collected from in-depth telephone interviews has not been shown to be of lesser quality than data collected from face-to-face interviews (Miller, 1995: 36; Sturges and Hanrahan, 2004: 112). For the analysis, full transcripts of all interviews were then produced and coded.

4.3.2.2. Translation, transcription and right to response

As Nikander explains, translation and transcription are processes of ‘double rendering’ that add “another layer of complication” to the already unstructured, partial and intersubjective data yielded by qualitative interviews (2008: 229). The limitations they present must be acknowledged, and the measures implemented to limit their impact must be justified.

Interview transcripts serve two main purposes: they convert audio and/or visual information into textual data that can be coded and reported; and they constitute a verifiable written record of the empirical basis of an analysis, which is crucial for transparency, reliability, and validity (Nikander, 2008: 225; Oliver, et al., 2005: 1273-1274; Peräkylä, 1997: 208). Transcripts should not be treated as integral and definitive reports of what ‘actually happened’ during the interview process (Poland, 1995: 292). Rather, as Rapley points out, “transcripts are by their very nature *translation* – they are always partial and selective textual representations”

(2007: 50). In addition to the figurative translation of interview data through the prism of the researcher's subjective interpretation, the data in this project was also literally translated into English from the original French. In this project, original text from interview and archive data is systematically included in the footnotes below originals. Translations used in the body of the thesis were produced by the researcher, who is bilingual in French and English. Being a native speaker of both languages can help limit the risk of mistranslation (Pokorn, 2005: 29). This approach was selected in keeping with current best practice in publishing bilingual research. Including both the original and the translation has the benefit of making the data accessible to readers of both languages and increasing the validity of translations by featuring the original for immediate scrutiny.

The transcription process focused on verbal information obtained during interviews rather than performance. The final reporting transcripts were generated by enlisting participants to actively review and comment on the transcription of their interview. This is a form of participant feedback referred to as 'member checks' (Guba and Lincoln, 1985: 314; also see: Mero-Jaffe, 2011). In this project, participant feedback performed two important tasks. Firstly, it enhances the credibility of the transcript by opening it up to multiple sources of scrutiny, not least of all from those best placed to know what to validate, rectify, or clarify. Nevertheless, in addition to valuable corrections to the first transcript, participant feedback can introduce errors into the final record if interviewees attempt to recant or reconstruct their account after the fact (Hoffart, 1991: 531; Polland, 1995: 305). Content errors are a challenge inherent to intersubjective qualitative methods such as interviews more broadly. Whether they have been member checked or not, it is problematic to uncritically treat the content of retrospective interviews as reliable primary evidence upon which to base analysis of key conjectures (cf. Wolfram Cox and Hassard, 2007). It is not implausible to imagine that respondents may guard themselves from revealing particular ideas even during the interview – especially if they are perceived as belonging to a socially unacceptable or politically incorrect repertoire. Additionally, hindsight bias, which sees respondents mis-remember or simply forget, are frequent challenges for research with a historical dimension and which requires participant recollection (Wolfram Cox and Hassard, 2007: 477). Nevertheless, Poland

highlights that, despite increasing the risk of content being purposefully modified, granting participants the right to respond allows them to “retain ultimate control over how their stories are reported and interpreted” and is an important aspect of an ethically sound project (1995: 305). This second function of member checks was especially important in the case of this project, where most interview respondents agreed to wave their right to anonymity.

4.3.3. Coding according to grounded theory

In social science research, the burden of establishing the validity and reliability of qualitative evidence and subsequent inferences drawn is high. This is because qualitative data is unstructured, which means it is not easily categorised into set and structured analytical categories immediately when it is collected, but rather requires figurative or, as we have seen it, literal translation into analytically meaningful information (Bryman, 2016: 245). According to Guba and Lincoln (1985: 314), one of the crucial assurances of the ‘trustworthiness’ of qualitative research rests on the explicit discussion of the process by which evidence is interpreted. In this project, coding documentary sources and interview transcripts in order to identify, visualize, and group data into meaningful analytic categories facilitated analysis and interpretation.

Saldaña defines codes as “most often a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data” (2013: 3). Coding therefore refers to the process of assigning explicit labels that identify concepts to segments of data (Benaquisto, 2008: 87; Charmaz, 2006: 110). In this sense, Miles, Huberman and Saldaña argue that ‘coding is analysis’ (2014: 72). However, because of the unstructured nature of qualitative data, the coding and analysis of empirical information necessarily entails a degree of interpretation, which increases the risk of compromising the validity of analysis by introducing subjectivity and researcher bias into the research (Johnson, 1997; Seale, 1999). In order to limit the risk of researcher bias, data pertaining to actors’ ideas was coded according to a grounded theory approach to qualitative data. Grounded theory emphasizes the emergence of theory from data, rather than resorting to the top-down imposition

of a theoretically predetermined conceptual framework on data (Glaser and Strauss, 1967/2012: 37).

Coding according to grounded theory involves exploring data and developing conceptual codes in three phases. In a first phase, codes were initially generated inductively, with patterns and salient elements that emerged directly from observation of the data were assigned conceptual labels derived directly from words or phrases uttered by participants in a process referred to as open or initial coding. In a second instance, axial coding was undertaken by refining and developing the codes and the conceptual information they contain in a dynamic process iterating between data and theory. Finally, because meanings and ideas exist in interrelated webs (Carstensen, 2011: 600), selective coding was performed by narrowing the analytical focus to explore the relationships between particular codes. Throughout the process, coding was undertaken according to Glaser's method of constant comparison, whereby the extent to which each new piece of data fits with existing things is systematically assessed, and existing concepts and themes are constantly compared to each other in order to yield ever finer-grained codes. The coding matrix was considered complete when no new themes or ideas emerged from the data, and when all relevant segments of data were assigned to a code. Coding was done with the help of the NVivo computer-assisted data analysis software (cf. Appendix 2).

The value of deploying a coding strategy anchored in grounded theory is that it builds on initially low-inference codes. This means that the labels assigned to data are designed to closely match individuals' accounts, rather than imposing constructed readings on the views and words of others. Departing from low-inference codes increases the descriptive and interpretive validity of qualitative data analysis by ensuring that the reporting and assignation of meaning to data are accurate, and limiting researcher bias in the form of selective reporting and interpretation (Johnson, 1997: 283; Seale, 1999: 475). Nevertheless, because of resource and time constraints inherent to many doctoral research projects, the reliability and consistency of coding were not independently verified by increasing the number of coders and measuring inter-coder reliability. The possibility may exist for multiple understandings of the same data. This means that the way in which data has been coded in this project should be considered a

necessarily subjective interpretation. Nonetheless, this particular interpretation draws its reliability and validity from having been undertaken both within a systematic conceptual framework, and alongside a reflexive process aimed at accounting for, and minimising the uncritical imposition of, the researcher's own perspective on readings of the data.

4.4. Conclusion

For Johnson, the key to reliable and valid qualitative analysis rests in the researcher channelling their inner detective, by “searching for the true cause(s) of a phenomenon, examining each possible clue, and attempting to rule out each rival explanation generated” (1997: 287). This chapter has therefore argued that an explaining-outcome process-tracing approach to analysing the trajectory of contemporary French prostitution policy is the best means of explaining the empirical puzzle, while also increasing the internal and external validity of the inferences made from a single case. This is principally because the development of causal mechanisms, central to process-tracing methods, allows us to go beyond thick description and explain why contemporary French prostitution policy has changed the way it has over time. Mechanisms break open the ‘black box’ of causality by empirically operationalising theoretical concepts and accounting for the constellation of factors that drive policy change. Thus, concepts at the heart of theories of gradual institutional change, such as policy drift, layering, displacement, and conversion, are empirically revealed to be causal mechanisms that have contributed to the cumulative and incremental transformation of the nevertheless persistent anemic abolitionist.

Moreover, by seeking to develop a sufficient explanation of the causes of a particular historical outcome in a single case, this variant of process-tracing is well suited to a longitudinal historical comparative case study. This research design combines the particularistic ambitions of case studies, which focus on explaining specific historical events in detail, with the broader diachronism of longitudinal historical analysis. The sixty-year life-span of the French abolitionist prostitution policy regime is therefore broken down into its three constituent policy ‘movements’. The resulting analysis of sequential policy movements allows us to explore the political and historical trajectory of contemporary French

prostitution policy in great depth and detail, while comparing the unfolding policy debates among each other, thereby increasing the number and scope of inferences drawn from them that may apply to other cases.

This approach is particularly appropriate for research aimed at accounting for the influence of ideational factors on policy reform debates over time. Indeed, Linda White, in her study of French family and employment policies, advances that “[o]ne concern in asserting ideational explanations for historical policy development is it is impossible to go back in time and ask the actors involved: are these ideas what motivated you?” (2004, 258). By applying process-tracing methods which capitalise on the richly detailed testimonies of key players in the context of a historical case study, this project aims to offer the next best thing to time-travel: a combination of thick historical description and theoretically-driven causal explanation, firmly rooted in substantial empirical evidence. This is made possible by deploying two complementary data collection strategies: semi-structured qualitative interviews with elite policy actors (Appendix 3), and extensive archival research. The data collected in these procedures is then transcribed, translated and coded according to a reflexive analytical framework derived from grounded theory. On the one hand, this approach allows history and the political actors that shape it, to speak for themselves. On the other hand, the reliance on a systematic and grounded coding practice means that this project can aspire to make an empirical contribution to the growing body of case-based knowledge processes by which actors’ ideas and beliefs are introduced into the world, and go on to influence it.

Section II. Contemporary French prostitution policy, a ‘symphony in three movements’ (1946-2015)

This thesis contends that, since France signed the *United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* [hereafter ‘1949 UN convention’ or ‘New York convention’] in 1960, French prostitution policy has come to constitute a policy regime, and that this regime has changed over time. The first section conceptualised contemporary French prostitution policy as a boundary-spanning policy regime. In doing so, it highlighted the paradox posed by the enduring dominance of a regime characterised by ambiguity and weak policy implementation. It then proposed a theoretical account and methodological framework with which to analyse the persistence and incremental transformation of French prostitution policy since the Second World War. Subsequently, the second section of this thesis is concerned with empirically tracing the French prostitution policy process in order to investigate this paradox and refine our understanding of policy regimes. This section comprises three chapters, each chapter analysing a policy ‘movement’ in the ongoing life-cycle of France’s post-war prostitution policy regime. First, chapter four examines the institutionalisation of an abolitionist policy framework in France, from the abolition of state regulated prostitution in 1960 until the full establishment of an abolitionist boundary-spanning policy subsystem in the late 1980s. Then, chapter five charts the ascendancy of abolitionism from a policy subsystem in 1988 to a dominant, albeit inconsistent, regime in 2002. This chapter explores how policymakers strove to articulate policy responses to emerging challenges, in particular those posed by the AIDS epidemic and the globalisation of migration. Finally, chapter six explains how the contemporary struggle between policy actors promoting new conceptions of prostitution as a threat to domestic security, and those who consider it an inherent form of violence against women, contributed to converting the ideas and objectives at the heart of the abolitionist regime.

Chapter 5. Movement one: The emergence and institutionalisation of French abolitionism (1946-1988)

This thesis is concerned with explaining why contemporary French prostitution policy has evolved the way it has. In particular, it seeks to understand how such a weak and changeable policy regime has nevertheless remained the dominant framework through which the French state has interpreted and addressed prostitution for over fifty years. To explain the ascendancy and dominance of a regime characterised by ambiguity and weak policy implementation, this chapter argues that it is important to trace the emergence and establishment of France's abolitionist policy framework after the Second World War. This is because, as institutional and ideational frameworks, policy regimes do not arise fully formed out of the ashes of their predecessors. Instead, new institutional configurations and policy beliefs take time to assert themselves sufficiently to form a stable and enduring regime. This gradual process, through which social behaviours, expectations, and duties "come to take on a rulelike status in social thought and action", is referred to as institutionalisation (Meyer and Rowan, 1991: 42; see also: Hannan and Freeman, 1989: 56). Consequently, this chapter presents an analysis of the emergence and institutionalisation of an abolitionist prostitution policy framework in France. The core contention is that this process took close to three decades to complete: from the definitive abolition of all regulationist policies in 1960, until the establishment of prostitution as a legitimate policy issue to be jointly tackled by all government departments as part of a boundary-spanning subsystem in the mid 1980s. The chapter therefore uses the historical case study of French prostitution policy from 1946 until 1988 to investigate the process through which demands for abolishing regulated prostitution after World War Two gave way to a new policy framework associated with strong beliefs concerning the nature of prostitution and what ought to be done about it. The question this chapter seeks to answer is:

What role did institutionalisation play in the establishment of a dominant yet anemic prostitution policy regime after the Second World War?

In doing so, this chapter presents three claims:

1. The institutionalisation of the contemporary French abolitionist policy regime did not begin with the abolition of state-regulated brothels in 1946, but with the gradual translation into law, and implementation in policy, of commitments made with the signature of the New York convention in 1960.
2. While abolitionist principles guided policymaking from 1960 onwards, an abolitionist prostitution policy framework was not fully institutionalised until the late 1980s when the Ministry of Women's Rights established prostitution as a legitimate and boundary-spanning policy issue.
3. The process by which French abolitionism came to be institutionalised was not purposeful and constant. Instead, it was initially reactive and event-driven. As a result, the infrequent changes to the policy framework in this early period have tended to be undertaken at the margins rather than through comprehensive reform.

Consequently, this chapter is structured into four sections tracing the prostitution policy process from the end of the Second World War until the institutionalisation of a boundary-spanning policy subsystem in the late 1980s. The first part explores the context in which the French regulationist system began to be dismantled in 1946 with the flagship policy banning state-licensed brothels. Then, the second part investigates France's final transition towards the full abolition of regulation by means of the ratification of the United Nations New York convention in 1960. This section argues that the emergent abolitionist policy framework was only ever unequally, inconsistently, and incompletely applied, leading to the emergence of a substantial implementation gap and a disinvestment of the state in delivering specialised social services to individuals in prostitution. The third section investigates the impact of this inconsistent implementation on exacerbating the insecurity and inequity experienced by women in prostitution, and recounts the subsequent development of a prostitutes' rights movement in the 1970s. In doing so it highlights the absence of a clear implementation arrangement setting out which state actors are responsible for addressing the issue of prostitution through

policy. The chapter therefore finally ends by exploring the impact the Ministry of Women's Rights' leadership on this issue had for establishing a lasting prostitution policy subsystem based on institutional norms of interministerial collaboration.

5.1. Tracing the roots of a policy regime

In a speech celebrating the 65th anniversary of the New York convention in 2013, Najat Vallaud-Belkacem, the French Minister of Women's Rights at the time, proudly proclaimed: "France is abolitionist, and has been since the liberation"¹⁴ (2013). In doing so, she reiterated the dominant historical interpretation of French prostitution policy: that the country's transition from regulationism to abolitionism coincided with the end of the Second World War. Yet, this representation of France's conversion to abolitionism is problematically simplistic. Empirically, this portrayal only partially captures the policy conversion process. Indeed, the full abolition of state-regulated prostitution in France was only completed fifteen years after the end of the Second World War. Furthermore, this representation is analytically problematic because it assumes that new policies and institutional frameworks acquire regime status merely by being introduced. This is not so. Indeed, while it may be enough for a country to abolish the regulation of prostitution to be *anti-regulationist*, it may not be sufficient to be *abolitionist*. Indeed as a policy regime, abolitionism encompasses more than legislative reform. Instead, it spans an embedded framework of shared social norms and expectations based on what prostitution is believed to mean, why it is problematic, and what ought to be done about it. Becoming abolitionist is therefore a process, rather than an event.

5.1.1. Becoming abolitionist

The popular caricature of France's transition to abolitionism after the Second World War as swift and decisive is not merely the product of cynical policymakers cutting the corners of history. Rather, it is the result of a simple – and simplistic – inference: at some point, between abolishing the regulation of prostitution in 1960 and celebrating the New York convention's 65th anniversary, France became abolitionist. In other words, abolitionism today is retrospectively

¹⁴ "La France est abolitionniste et cela depuis la libération."

deduced as being fully institutionalised from the existence, and persistence, of apparently long-established policy principles and normative beliefs. However, nobody knows quite when these ideas and commitments became sufficiently integrated in shared institutional and social frameworks as to constitute the only legitimate approach to prostitution policy. This teleological view holds France to be abolitionist simply because it has allowed abolitionist principles to guide its prostitution policymaking for over half a century. In essence, this account elides the gradual process of institutionalisation by which the country *became* abolitionist.

This elision echoes a recurrent conceptual trap in contemporary policy theory, whereby institutionalisation is merely deployed as a ‘just so’ explanation for the existence of institutions, rather than being explained in its own right (c.f. Gorges, 2001: 142; Stone Sweet, et al, 2001: 4). This gives the false impression that enduring institutional arrangements are the result of natural and unavoidable processes. Explaining away institutionalisation in this way deprives us of a full account of why certain ideas and practices come to supersede others, or become dominant enough to shape behaviour and expectations in the first place. Thus, on the one hand, institutionalisation is often the answer to questions regarding enduring political and policy frameworks. On the other hand, it is rarely the object of inquiry regarding how and why certain rules, practices, and beliefs originally come to endure. Tracing the institutionalisation of policy regimes is therefore analytically important for the development of policy theory because it can shed light on how initial rules and ideas come to be so widely shared as to structure later behaviour and expectations (Tolbert and Zucker, 1996: 179). Indeed, according to Powell, institutionalisation results in structures and behaviors being taken for granted, and no longer being challenged or at risk of overthrow by alternatives (1991: 194).

Moreover, repositioning institutionalisation at the heart of policy regime theory also has empirical implications. By unpicking the gradual establishment of policy regimes, we are better able to view the genesis of a regime’s properties, including those associated with regime strength or weakness. In the context of the contemporary French abolitionist regime, institutionalisation therefore refers to the gradual embedding of the beliefs, principles, procedures and practices

associated with abolitionism into a unitary institutional and ideational framework serving to structure policy actors' understandings and expectations concerning prostitution policy. In this way, all stories of institutionalisation first concern the emergence of new institutional or ideational elements that, in time, may achieve primacy and become embedded in enduring frameworks.

5.1.2. Rejecting regulationism: banning brothels in 1946

The birth of French abolitionism is often associated, in both policy discourse and historical scholarship, with the high-profile outlawing of brothels in 1946. This event marked a radical break from France's long-standing regulationist system, which had structured the state's policy concerning prostitution since the early 1800s. In reality, support for the notorious *système français* had been steadily declining since the late 19th century, at the same time as abolitionist aspirations were gaining traction in West European countries (Corbin, 1996: 214; Limoncelli, 2006: 31-32). In this way, the story of French abolitionism starts not with a bang in 1946, but earlier, with a seditious whisper.

The first substantial policy impacts of diminishing support for regulationism surfaced in the 1920s. At this time, a number of local authorities, including Nancy and Strasbourg, voted to repeal the municipal regulation of brothels, and banned them from their territory (cf. Corbin, 1996: 348). Nevertheless, this only represented a small minority of local councils, and support for regulationism continued to hold sway at both the national and local level, bolstered by the strong backing of powerful and wealthy associations representing the interests of brothel keepers (Corbin, 1996: 340-342; Limoncelli, 2006: 45-46; Sacotte, 1971: 144). As a result, a first attempt to abolish the country's brothel system in 1935 failed when a bill proposed by Health Minister Henri Sellier was defeated in the Senate. Over the next decade, the debate over prostitution policy took a back seat, as Europe and France were engulfed by war.

The final decline of the *système français* subsequently unfolded during the final phase of World War Two, after the end of the occupation of France by German forces. On March 12th 1945, Christian Socialist deputy Paul Boulet reignited the debate in the constituent Assembly by denouncing "the shameful system of the

regulation of prostitution, this last remnant of slavery”¹⁵ (in Coquart, 2006: 189). Support for the abolition of regulationism quickly culminated and, in March 1946, Health Minister Robert Prigent, tabled a bill to dismantle France’s brothel system because of its “uselessness”, the “sanitary peril” it posed, and its “incompatibility with human dignity” (in Romagnoli, 2010: 82). The bill obtained a majority and was signed into force on April 13th 1946. This law is commonly referred to as the *Marthe Richard* law, after the local councilor who tabled the initial proposal at the Paris municipal council in December 1945 – a former secret service agent made famous by her supposed patriotic exploits during the First and Second World Wars (cf. Coquart, 2006; Maugère, 2009: 161). This law put an end to the compulsory registration of women in prostitution by the police, introduced penalties for soliciting (*racolage*), and called for the creation of state-run institutions dedicated to rehabilitating individuals in prostitution.

The timing of this radical reform of France’s prostitution policy regime has been a recurrent subject of historical analysis. There are two principal explanations for the coincidence of the closure of brothels with the country’s efforts to rebuild itself after World War Two. Both explanations are predicated on a common assumption that France underwent a national process of *épuration* – purification – after the war, aimed at symbolically eliminating all people, practices, and institutions associated with the country’s subjugation by foreign powers during the conflict (Rousso, 1992).

On the one hand, authors such as Sacotte (1971), Corbin (1996), Adler (1999), Limoncelli (2006), Maugère (2009), Limoncelli (2010), Romagnoli (2010), and Mathieu (2013), consider the dismantling of the *maisons closes* in 1946 to be a consequence of the nation seeking to cleanse itself of all vestiges of the Vichy regime, and of collaboration with the German occupants between 1940 and 1944 more generally. One of the most violent dimensions of this *épuration* concerned the targeting of women, from domestic staff to concubines, believed to have collaborated with the occupying forces, regardless of any coercion they may have faced (Adler, 1999: 51; Duchon, 2000; Leclerc and Weindling, 1995; Virgili, 1995). Women deemed guilty of ‘sentimental’ or ‘horizontal’ collaboration by sleeping or forging relationships with the enemy were held in particular contempt,

¹⁵ “le honteux système de réglementation de la prostitution, dernier vestige de l’esclavagisme”

and were assimilated with prostitutes in the national psyche (Adler, 1999: 47). Furthermore, prostitutes who had served German clients were cast aside as unpatriotic, and brothels were reframed as indefensible theatres of collaboration (Adler, 1999: 51). This explanation therefore highlights the close association, in the public's mind, between the *maisons closes* and collaboration during the occupation. This was reinforced by the German authorities' extensive involvement in running and regulating prostitution in France during the occupation, from enforcing strict sanitary and operational procedures, to providing the bulk of the clientele (Adler, 1999: 51; Corbin, 1996: 347; Maugère, 2009: 162).

On the other hand, Roberts attributes the closing of brothels at the dawn of reconstruction to the country's desire to rid itself, and Paris in particular, of its reputation as the "brothel of Europe" as a consequence of being the favourite destination of American soldiers on leave (Roberts, 2010: 104). Specifically, Roberts argues that this development amounts to the explicit rejection of "the domination of French culture by American wealth and power" (2010: 104). To this, Corbin adds the social atmosphere of "longing for freedom", which may have spurred women in prostitution to rebel against their own brothel-based captivity (1996: 347).

Despite their different emphases, these two explanations converge on the identification of the period immediately following the liberation and covering the early years of reconstruction, as a critical juncture during which long-established institutions and practices were radically reformed to herald a new and promising post-war era (cf. Hauvuy interview, 29 July 2013, paragraph 7). Conceptualising the dismantling of France's system of regulated brothels as a critical juncture supposes that the historical context at the time provided the occasion for a radical departure from an enduring institutional path (c.f. Capoccia and Kelemen, 2007: 341). Indeed, abolitionist organisations had called for the dismantling of France's regulationist regime as early as 1874 (Mathieu, 2013a: 28). Yet, it was only after the Second World War, that these demands began to find political purchase and achieved the outlawing of brothels. For Maugère (2009: 163) and Mathieu (2013a: 45) this is because the post-war context offered a 'window of opportunity' for abolitionist ideas to take hold and ultimately supplant the

entrenched regulationist regime, as the country sought to make a clear break from the collaboration of the Vichy regime and the trauma of the war.

Windows of opportunity are relatively rare moments when the constraints that usually hamper radical policy change are temporally suspended or weakened as a result of external crises or political developments (Keeler, 1993: 229-230; Kingdon, 1984: 174). In this sense, the end of World War Two provided both a political and cultural window of opportunity for change in the domain of prostitution policy in France. Politically, new interim institutions set up to govern the transition towards a new Republic, such as the constituent National assembly, were dominated by left-wing, radical left, and Christian Democrat deputies with abolitionist sympathies (Mathieu, 2013a: 45; Maugère, 2009: 162). Socially, public opinion was increasingly hostile to institutionalised prostitution, later coming to associate it with wartime impropriety (Maugère, 2009: 162). Together, these factors contributed to the softening of regulationism's historical dominance in France and facilitated the disappearance of brothels.

Nonetheless, the 1946 reform process stopped short of abolishing all regulatory practices. Shortly after brothels and police registration were outlawed, a new law was signed which instituted the compulsory medical registration of women in prostitution.¹⁶ For the next fourteen years, French prostitution policy primarily consisted of shutting down illegal brothels, prosecuting their owners for hotel-based pimping (*proxénétisme hôtelier*), and, compulsorily monitoring up to 30 000 individuals in prostitution over the period (Conseil National du Sida, 2010). Thus, while it can be argued that France had begun a transition towards abolitionism in 1946, this process was only partial (Mathieu, 2013a: 46). While prostitution was no longer regulated through state-licensed brothels, individuals in prostitution were nevertheless still subjected to medical and police procedures that did not apply to the rest of the population. Furthermore, the government justified the penalisation of soliciting as a means of identifying individuals in prostitution and forcing them to medically register and undergo obligatory health checks.¹⁷

¹⁶ Loi n° 48-1086 du 8 juillet 1946.

¹⁷ Circulaire d'application du 30 mai 1946, in Brunet (1990: 117).

These policies were ostensibly set up to address what Corbin refers to as the ‘disenclosure’ of prostitution: its release from the traditional confines of brothels and into the public sphere (1996: 350). Accordingly, the only significant legislative reform between 1946 and 1960 was aimed at clarifying the offences individuals in prostitution could be found guilty of. Specifically, a legislative decree taken on December 23rd 1958 created a distinction between soliciting and a new offence of ‘public indecency’, which would later come to be referred to as ‘passive’ soliciting or *racolage passif*.¹⁸ France would remain suspended in a semi-regulationist limbo, without brothels but with officially monitored prostitution, until it finally repealed the medical and police surveillance of prostitution as a result of signing an abolitionist United Nations treaty in 1960.

5.1.3. Abolishing regulationism: Signing the New York convention in 1960.

The upsurge of anti-regulationism in France since the late 19th century took place within the broader context of a growing international abolitionist movement spurred by discontent over the regulation of prostitution and growing fears concerning human trafficking and the ‘white slavery’ of European women abroad (Corbin, 1996: 351; Limoncelli, 2006: 47; Mathieu, 2013a: 42-45; Maugère, 2009: 178). Historically, there have been two waves of abolition (Limoncelli, 2006: 32; Maugère, 2009: 173). The first wave took place before the Second World War and includes countries like England, Norway, and Denmark, which abolished regulation in 1886, 1902 and 1906 respectively. This first swell of support for abolitionism in Europe, and the desire to formalise international anti-trafficking efforts, led to the drafting of the United Nations *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* in 1949 (Limoncelli, 2006: 32; Mathieu, 2013a: 37; Outshoorn, 2005: 142).

This treaty was approved by the United Nations General Assembly on 2 December 1949 in New York, and entered into force two years later in 1951. The convention sets out the requirements for states adopting an abolitionist approach to prostitution policy. Crucially, it binds signatories to rescinding state regulation of prostitution by implementing “all the necessary measures to repeal or abolish

¹⁸ Ordonnance n° 58-1303 du 23 décembre 1958.

any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject [...] to special registration [...]”.¹⁹ This is predicated on its definition of prostitution as “incompatible with the dignity and worth of the human person”, and therefore of individuals in prostitution as victims of a practice that “endanger[s] the welfare of the individual, the family and the community”.²⁰ Consequently, the treaty also sets out the two core principles associated with an abolitionist prostitution policy framework. First, the treaty calls for the criminalisation of the exploitation of prostitution. This involves punishing the encouragement, facilitation, and exploitation of another’s prostitution, even with the consent of that person.²¹ In this sense, the convention does not recognise a distinction between forced and voluntary prostitution. Second, the convention stipulates that individuals in prostitution must be provided with social support with the purpose of securing their exit and rehabilitation from prostitution.²²

In this way, the New York convention constitutes the first full legislative codification of the normative principles and practical commitments associated with abolitionist prostitution policy. On the one hand, for many first-wave adopters of abolitionism, such as Norway, which signed the treaty in 1952, the New York convention provided the opportunity to reaffirm their commitment to abolitionism. On the other hand, the treaty served as an opportunity for other countries, which had begun but not finished dismantling their regulationist or prohibitionist regimes to take the final step towards abolitionism. This is the case, in particular, with France and Spain, which ratified the treaty in 1960 and 1963. In prompting such countries to take the final leap to the full abolition of their regulationist or prohibitionist frameworks, the 1949 New York treaty heralded the beginning of the second wave of abolition in Europe.

Nevertheless, the road to France’s ratification of the New York convention was a long one. On the one hand, France’s abolition of state-regulated brothels – the lynchpin of the *système français* – in 1946 largely precedes the treaty. On the

¹⁹ *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (1949), article 6.

²⁰ *ibid.* preamble.

²¹ *ibid.* article 1

²² *ibid.* article 16.

other hand, it maintained a framework of medical and police monitoring of prostitution for another fourteen years, until it finally decided to commit to the final dismantling of all remaining regulation of prostitution on its territory by ratifying the UN convention in 1960. However, the policy process that leads from the outlawing of brothels in 1946 to the ratification of the New York convention in 1960 is virtually absent from the historiography on contemporary French prostitution policy. This is largely a factor of prostitution's low salience as a policy topic during this period (Sacotte, 1971: 145). Nevertheless, this gap entails that the rationale and timing of France's accession to the convention remain largely unaccounted for.

Currently, the only analyses of France's protracted path to ratifying the New York convention implicitly attribute it to the entrenched nature of support for regulation, as well as the radical nature of the convention itself (Corbin, 1996: 350-351; Maugère, 2009: 171). Indeed, France's ratification of the treaty would constitute a legislative watershed. Not only would it represent a substantial practical and normative refocusing of the country's prostitution policy framework, but it would also mark the final break from a historically entrenched regulationist regime. In particular, it would require putting an end to the medical monitoring of women in prostitution, as well as closing the brothels in France's colonies, which had hitherto been exempt from the *Marthe Richard* law (Corbin, 1996: 353; Limoncelli, 2010: 124; Maugère, 2009: 158). The hypothesis of strong regulationist opposition to signing the treaty is further supported by evidence of policy debates over the possibility of overturning the ban on brothels regularly resurfacing during this period.²³ Nevertheless, while support for abolitionism at the time was insufficient to convince a parliamentary majority to vote to sign the convention, it was widespread enough to hold sway against this neo-regulationist resurgence (cf. *Le Monde* 22 February 1952, 27 June 1952, 07 February 1955).

However, documentary analysis of parliamentary debates and contemporaneous secondary sources reveals another crucial reason why France only finished its transition towards abolitionism in 1960. Specifically, evidence suggests that abolitionist MPs made a concerted effort to lobby for France to ratify the treaty from the mid 1950s onwards (cf. Dienesche, in *JORF*, 21 November 1959: 2685;

²³ cf. table 1.

Le Monde, 17 December 1956, 13 March 1959, 06 April 1959). The emergence of a strong abolitionist coalition at this point allowed the gradual formation of a broad and cross-party consensus in favour of the ratification of the treaty by 1959. In this sense, the convention's ratification did not take place out of the blue. Rather, it represented the end of a long road paved by a multi-party effort to see France join the growing ranks of abolitionist countries.

Calls for France to become fully abolitionist were primarily driven by mounting political dissatisfaction with a perceived culture of tacit tolerance for illegal brothels and pimping (Dominjon in *JORF*, 8 July 1949: 4415; Genebrier, 1957; *Le Monde*, 7 February 1955, 20 March 1956, 25 September 1957; Piatier 1957a, 1957b; Scelles, 1957). In fact, official support for the policy principles enshrined in the convention was such that the government began to organise the country's compliance with some of its chief requirements even before its official ratification (cf. Dienesche, in *JORF*, 21 November 1959: 2685). This was particularly the case concerning the criminalisation of the exploitation of prostitution. Thus, France became the first country to set up an administrative body responsible for centralising information concerning prostitution and trafficking, and coordinating investigations, as stipulated by article 14, a full two years before it would sign the treaty. The *Office Central pour la Répression de la Traite des Êtres Humains* (OCRTEH – Central Office for the Repression of Human Trafficking) was created in 1958. Subsequently, when it came time to debate and vote on the ratification of the New York convention 1960, there existed a strong pro-abolitionist consensus in parliament (cf. *JORF*, 1959: 2684-2686, 1960: 1546-1548; Sacotte, 1971: 145).

The government, through its Minister of Public Health, announced its intention to ratify the treaty in a parliamentary debate on November 20th 1959 (*JORF*, 1959: 2685). The only opposition it faced came from the historically pro-regulation politicians representing Paris (*Le Monde*, 04 July 1960).²⁴ Support for the proposal grew during parliamentary debates, as abolitionist MPs framed the move as a natural and necessary legislative step in establishing a coherent, defensible, and modern prostitution policy framework. This means that, while the treaty's

²⁴ Between them, the *conseil municipal de Paris* and the *conseil général de la Seine* made demands that brothels be reauthorised on at least five different occasions between 1957 and 1960 (cf. table 1).

ratification cannot definitively be attributed to the framing efforts of pro-abolition policy actors, the context in which it took place was characterised by widespread political endorsement of this approach.

The parliamentary debate on June 28th 1960 over the signature of the convention illustrates this consensual pro-abolitionism policy discourse (*JORF*, 1960a: 1546-1548). During this debate, the ratification of the 1949 UN convention was unanimously presented as the correct and necessary next step in France's fundamental reform of its prostitution policy regime. Advocates of the treaty argued that taking this step was important because it promised to enhance the coherence of the country's prostitution policies, and enshrine strong principles that would serve to guide policymaking on this matter in the future. This argument was made in three ways. Firstly, deputies framed the convention as the logical next step in France's prostitution policy reform efforts. In particular, attention was drawn to the complementarity between the convention and earlier efforts to close brothels. In fact, MPs congratulated themselves over the certainty that France had originally inspired the UN convention by setting an example and outlawing brothels three years before the treaty was drafted. For instance, the bill's rapporteur, Émile Dubuis, declared: "our legislation has greatly anticipated this convention and has even, in a certain manner, inspired it" (in *JORF*, 1960a: 1546), while MP Marcelle Devaud, stated "we have been almost the precursors [to this treaty], since the April 1946 law sought to remedy the enslavement that is the legal organisation of prostitution" (in *JORF*, 1960a: 1547). In this way, advocates of the treaty depicted France as a former leader and pioneer in the abolition of state regulated prostitution who now owed it to itself to 'catch up' with the other countries that had adhered to a convention it had inspired (cf. Devaud in *JORF*, 1960a: 1547).

The second rationale for France's ratification of the convention concerned the perceived need to complete the country's transition away from regulationism, and make its prostitution policy framework more coherent. MPs highlighted the contradiction presented by, on the one hand, the dismantling of France's system of brothels, but, on the other hand, the enforcement of obligatory medical registration and regular health checks (*JORF*, 1960a: 1546-1547). Moreover, abolitionism was presented as the only way forward, and a line was drawn over

any possibility of a return to regulationism (cf. Dubuis in *JORF*, 1960a: 1546). In this way, abolitionism was framed as a matter of national and policy ‘progress’. For example, during the debate, Dubuis declared: “the international convention constitutes undeniable progress and it is therefore natural to enact it throughout this nation”²⁵ (in *JORF*, 1960a: 1546). Conversely, a dogmatic refusal to shake off the last remnants of regulationism and, in particular, to close brothels in the North African colonies, was depicted as unjustifiably conservative (cf. Devaud and Dubuis, in *JORF*, 1960a: 1546-1547).

Finally, signing the convention was presented as a means of officially endorsing a particular view of prostitution and of the appropriate way to tackle it. In particular, deputies argued that the convention’s definition of prostitution as a “social danger” that is “incompatible with the dignity and value” of individuals was congruent with the values of the Republic. Thus, for instance, Dubuis states that “this convention constitutes a victory over the most distressing and the most shameful of subjugations and [...] consecrates a principle that has always been the major concern of France and of this Assembly: the dignity and value of the human person”²⁶ (in *JORF*, 1960a: 1546). Thus, overall, there was consensus over the signature of the convention, and its implementation in policy, as virtuous, progressive, and necessary.

Consequently, after a short debate, the Parliament voted unanimously to grant the Government the powers necessary to ratify the convention and, on 19 November 1960, France became the 25th country to do so. In this way, the country completed its legislative transition away from regulationism. This act marked the definitive end of the *système français* and the triumph of anti-regulationism. It also signaled the advent of a new policy framework, which would need to be translated into law and policy practice.

²⁵ “la convention internationale constitue un incontestable progrès et il est donc naturel d’en faire bénéficier tout le territoire national.”

²⁶ “cette convention constitue une conquête sur le plus pénible et le plus honteux des asservissements et [...] consacre une notion qui a toujours été le souci majeur de la France et de cette Assemblée: la dignité et la valeur de la personne humaine.”

5.2. Introducing abolitionism into policy (1960-1970)

The high-profile ratification of the UN convention marked the end of France's regulationist regime, and opened a new chapter for contemporary French prostitution policy. Yet, after the initial flurry of interest in the topic immediately following the signature of the treaty, the issue quickly fell away from the political agenda and was again noticeably absent from policy debates until the early 1970s. For this reason, the 1960s are generally considered a quiet decade for prostitution policy. Consequently, historical accounts of contemporary French prostitution policy tend to leave this period aside in the analysis of salient policy debates. Indeed, most authors choose to skim over much of the decade and dive directly to a discussion of the more turbulent post-1968 period (cf. Mathieu, 2004b; Mazur, 2004; Solé, 1993). Nonetheless, many of these authors also hint at the importance of early decisions, taken in Autumn 1960, for establishing key legislative and policy measures that would continue to structure later policymaking on this topic (Mathieu, 2013a: 47; Mazur, 2004: 123). In so doing, these authors implicitly contest the portrayal of the period between 1960 and 1971 as 'uneventful'.

5.2.1. Transposing a new policy framework: the '1960 decrees'

The propensity for the literature to simultaneously elide the decade following the ratification of the New York convention and attribute significant policy outcomes to it constitutes a paradox. On the one hand, this period is accurately conceptualised as 'uneventful' insofar it features a relative absence of noticeable changes to, or debates over, prostitution policy. On the other hand, this conceptualisation is misleading on two counts. Firstly, it misleads us into overestimating the role of the signature of the UN convention in institutionalising a new policy regime. Indeed, the mere fact of ratifying the treaty did not automatically and instantaneously establish a fully-fledged abolitionist policy regime comprising widely shared policy-related norms, ideas, and expectations. Institutionalisation, by definition, is the "gradual stabilisation of definitions of problems and approaches, of strategies and solutions in and around specific policy domains" (Leroy and Arts, 2006: 10). Thus, the ratification of the abolitionist treaty only inaugurated a new policy framework; it constitutes the momentous first step on a longer journey during which the meanings and prescriptions codified in the New York treaty would need to be interpreted, shared and

embedded into domestic policy and institutions. Secondly, and conversely, this conceptualisation also overshadows the significance of the ‘subterranean’ processes that may take place under the surface of seemingly ‘uneventful’ periods (Hacker, 2004: 244; Mahoney and Thelen, 2010a: 1; Streeck and Thelen, 2005a: 6). While less noticeable, the processes whereby the meanings and implications of initial high-salience ‘trigger events’ are (often quietly and routinely) interpreted and implemented over time, generally contribute to the longer-term institutionalisation of meanings and practices (Mahoney and Thelen, 2010a: 13).

The paradoxical over- and under-estimation of events during this period highlights the problem of treating institutional structures as ‘*déjà-là*’ (already there) rather than unpicking the unfolding institutionalisation through which they come to be. Consequently, the process through which ‘uneventful’ periods are linked to important outcomes needs to be investigated and explained before we can attribute causal significance to them. Between 1960 and 1971, French prostitution policy experienced three important developments that may have contributed to the lasting influence of early policy decisions on later prostitution policy-making. Firstly, in November 1960, the Government set out the practical modalities of its new abolitionist prostitution policy regime in law. However, and secondly, this framework was only ever inconsistently and weakly implemented. Finally, the gap in service delivery that resulted from this imperfect implementation created a policy vacuum that was quickly filled by a number of third sector abolitionist organisations (Mathieu, 2004b: 155). Over time, these organisations carved out a role for themselves as the state’s foremost partner in the design and delivery of public services aimed at individuals in prostitution (Mathieu, 2013a: 54-55).

To begin, in the months following the ratification of the UN convention, the government translated its new policy commitments into a corresponding legislative framework (Assemblée nationale, 1960a, 1960b). These initial policies were established by means of decrees (*ordonnance*) rather than laws (*loi*). This is because Parliament had recently granted the government the right to use what it perceived to be a swifter and more responsive instrument in order to tackle “certain social scourges”, including homosexuality, alcoholism, and prostitution

(Assemblée nationale, 1960c).²⁷ Two decrees in particular, adopted on November 25th 1960, set out all the broad principles the country had committed to by signing the UN convention.²⁸ Through these decrees, often referred to as the ‘1960 decrees’ (*les ordonnances de ’60*), the state focused on developing two dimensions of prostitution policy: a criminal dimension, and a social one (Mathieu, 2013a: 52).

The first decree concerned itself with setting out a criminal justice framework aimed at strengthening the fight against all forms of exploitation of prostitution, including pimping, brothel keeping, and trafficking for sexual purposes.²⁹ This text introduced new offences pertaining to these activities into the penal code. As a result, the penal code was modified to make an offence of: brothel keeping (including using hotels as brothels – *proxénétisme hôtelier* and renting accommodation to individuals known to be practicing prostitution); homosexual prostitution; public indecency; living with an individual in prostitution and profiting from their gains in any manner; and impeding the prevention of prostitution or the rehabilitation of individuals in prostitution. Henceforth, these offences would be punishable by 2 to 5 years imprisonment and a fine of between 20.000 and 250.000 Francs. This decree was accompanied by another introducing offences aimed at repressing all public manifestations of commercial sex.³⁰ Specifically, this *ordonnance* sought to criminalise soliciting. While soliciting had been illegal since 1939,³¹ this text clarified the definition of the offence and increased its associated penalties. Henceforth, soliciting would refer to “those who, through gestures, speech, writing, or by any other means, publically proceed to the soliciting of others [...] in order to incite them into debauchery.”³² In addition to criminalising the active soliciting of individuals with a view to exchanging sex for money, the state also transformed public indecency from a

²⁷ Loi No. 60-773 du 30 juillet 1960.

²⁸ Ordonnance n° 60-1245 du 25 novembre 1960; ordonnance n° 60-1246 du 25 novembre 1960.

²⁹ Ordonnance n° 60-1245 du 25 novembre 1960.

³⁰ Ordonnance n° 60-1246 du 25 novembre 1960.

³¹ cf. Assemblée nationale (1939).

³² Article R.40 du code pénal: “Ceux qui, par gestes, paroles, écrits ou par tous autres moyens, procéderaient publiquement au racolage de personnes de l’un ou de l’autre sexe, en vue de les provoquer à la débauche”

minor to a more significant offence in order to tackle soliciting-related loitering.³³ It did so by creating a new offence of ‘passive’ soliciting targeting all individuals whose demeanour in public is of a nature as to incite debauchery”.³⁴ The new offences hereby instituted were intended to curb the visible nuisances associated with prostitution many feared would spill over into the public sphere now that all forms of organised indoor prostitution were illegal.

In addition to these criminal measures, policymakers published an executive order (*décret*) laying out an embryonic social policy framework aimed at rehabilitating individuals in prostitution.³⁵ In particular, this text modified elements of the family and welfare code to reflect France’s new engagements regarding the prevention of prostitution and the provision of social support to individuals involved. The intention of using this decree to instill the social ‘spirit’ of abolitionism into policy is clear:

“[...] the Government has not been simply satisfied with adapting existing legislation to meet the new demands imposed by the ratification of the [1949 convention]. It has also sought, in the spirit of the text itself [...], to take social measures aimed at preventing engagement in prostitution and facilitating the reeducation and rehabilitation of prostitutes”³⁶ (Assemblée nationale, 1960b: 10606)

Concretely, this text created two new types of organisation dedicated to delivering the social dimension of the new abolitionist framework: Accommodation and Social Rehabilitation Centers (CHRS – *Centre d’hébergement et de réadaptation sociale*); and Prevention and Social Rehabilitation Services (SPRS – *Services de prévention et de réadaptation sociale*).³⁷ The former refers to public, private, or third sector shelters licensed to receive individuals wishing to exit prostitution and

³³ From a first first category offence (*contravention de 1ère classe*), entailing a 1 to 50 Franc fine and up to three days imprisonment, to a third category offence (*contravention de 3ème classe*), entailing an 11 to 15 Franc fine and up to five days imprisonment.

³⁴ Article R.34 du code pénal.

³⁵ Décret n° 60-1248 du 25 novembre 1960.

³⁶ “[...] le Gouvernement ne s’est pas contenté d’adapter la législation existance aux exigences qu’impose la ratification de la convention du 2 décembre 1949. Il a encore voulu, dans l’esprit même du texte [...], prendre les dispositions d’ordre social propres à prévenir l’exercice de la prostitution et à favoriser la rééducation et le reclassement des prostituées.”

³⁷ Article L. 293 du code de la famille et de l’aide sociale.

be rehabilitated into society. The latter had a mandate to seek out and provide support to individuals in prostitution or at risk of becoming involved.

The decree stipulated that an SPRS was to be established in every *département* in France. Accordingly, the creation and funding of these organisations was made compulsory. These organisations were conceived as joint ventures between the State and local authorities (Mathieu, 2013a: 47; Ouvard, 2000: 219). The Ministry of Social Affairs allocated budgets for both types of organisation to each *département*'s health and social services. Each *département* had the responsibility to commission and set up CHRS and SPRS. Meanwhile, the principles according to which these organisations functioned would remain under the remit of the central State, to ensure service coherence and uniformity.

5.2.2. The rapid emergence of an implementation gap

Together, the new criminal offences and social policy measures set out in the 1960 decrees constituted two distinct but complementary dimensions of a nascent policy framework, echoing the two principles associated with abolitionism in the 1949 convention: the prevention of prostitution and the rehabilitation of those already involved (Mathieu, 2013b: 52). Nonetheless, the measures set out in these *ordonnances* were never equally, consistently, or completely implemented (Allwood, 2008: 78).

With regards to the criminal dimension, which was the remit of the criminal justice system, the effort to tackle the public manifestation of prostitution frequently outpaced the effort to tackle pimping and brothel keeping over the next decade. On the one hand, individuals in prostitution and abolitionist organisations operating in large cities such as Lyon and Paris perceived the repression of soliciting and unpaid taxes to be relentless (Mathieu, 2001: 41). On the other hand, there existed a widespread collusion between the police and certain pimps and hotel-based brothel keepers who were used as informants in exchange for being allowed to operate (cf. *Le Monde*, 20 and 21 August 1972). This discrepancy is further illustrated by the inconsistent interpretation of the offence of 'soliciting'. Indeed, the police and judges frequently disagreed over what constituted an attitude likely to 'incite another to debauchery', and over the burden of proof required to substantiate the offence (Ouvard, 2000: 64). As a

result, there have historically been vast disparities between the number of women arrested for soliciting, and the number actually sentenced (Ouvard, 2000: 64; Pinot, 1976: 12-13). In this way, the exploitation of prostitution – unequivocally banned by the New York convention and domestic law – was unequally and arbitrarily tackled across different French cities (Mathieu, 2001: 41-42).

Though inconsistent, the implementation of the various repressive measures constituting the criminal dimension of French abolitionism was nevertheless more sustained than that of preventative and rehabilitative social measures (Mathieu, 2013a). The implementation of the social dimension of the new prostitution policy framework, through its departmental SPRS and CHRS, was so piecemeal and incomplete that it came to be deemed a failure (*'un échec'*) by later policymakers (Derycke, 2000: 65; see also: Geoffroy, 2011: 144; Pinot, 1976: 9). The State became aware of these deficiencies very early on. From the early 1970s until the late 1980s, repeated attempts were made to remind civil servants and local authorities of their obligation to establish SPRS, to provide secure accommodation for individuals wishing to exit prostitution, and to hold regular multi-agency meetings to monitor progress (e.g. Ministère de la Santé Publique et de la Sécurité Sociale, 1970, 1971; Ministère de la Santé et de la Famille, 1979; Ministère de la Solidarité Nationale 1981; Ministère des Affaires Sociales et de la Solidarité Nationale, 1983; Ministère des Affaires Sociales et de l'Emploi, 1988). Yet, each successive ministerial notification went largely unanswered. At the height of compliance with the 1960 decrees, in the early 1980s, only thirteen SPRS had been established, most of them in large urban centres such as Paris and Bordeaux (cf. Ministère des Affaires Sociales et de la Solidarité Nationale, 1983). Thereafter, the number quickly dwindled and, by the 1990s, the remaining five SPRS were entirely run by third sector organisations (Mathieu, 2001: 23).

Mathieu advances two interlinked explanations for the failure of local authorities to implement the social measures contained in the law (2013a). The first explanation concerns the lack of interest on behalf of state representatives in departments, and prefects (*préfets*) in particular (Mathieu, 2013a: 47). This is likely to have been further compounded by rapid state divestment from services aimed at preventing or addressing prostitution (Chastaing, 1981; Direction de l'Action Sociale, 1981; Geoffroy, 2011: 151; Pinot, 1976: 12; cf. Cousin

interview, 16 January 2013, paragraphs 23-25). Finally, the few SPRS that had been established by the early 1980s were subsequently closed as a result of the large-scale decentralisation reform of 1982 which devolved significant competencies to *départements* in the area of social welfare and dissolved the state's responsibility for direct service provision in this area. Aware that third sector organisations were already providing the requisite services, *départements* were disincentivised from spending their limited time and resources developing their own services on such a low priority issue (Mathieu, 2013a: 47).

Thus, secondly, Mathieu argues that historically abolitionist third sector organisations such as the Mouvement du Nid (MDN) increasingly filled the gap in the provision of public prevention and rehabilitation services (2013a: 47, 77; also see: Cousin interview, 16 January 2013, paragraph 38; Théry interview, 23 November 2012, paragraph: 30). This is supported by evidence, early on, of the widespread reliance on dedicated third sector organisations to deliver the statutory social services called for by the 1960 decrees (e.g. Cousin, interview 16 January 2013, paragraph 17; Théry, interview 23 November 2012, paragraph 30). In some areas, such as Nice, social support to individuals in prostitution was contracted out to third sector organisations created before the end of the decade. Indeed, the association *Accompagnement Lieux d'Accueil Carrefour* (ALC) was commissioned by Nice city council to provide social support to individuals in prostitution as early as 1968 (cf. Hauvuy, interview 29 July 2013, paragraph 8).

It is likely that these two dynamics had a somewhat circular and mutually-reinforcing impact whereby, on the one hand, abolitionist organisations exploited the gap in service provision to establish themselves as key service providers and, on the other hand, local authorities felt no need to duplicate what they considered to be already well-established services. Nevertheless, these two dynamics contributed to bringing about the third significant development in prostitution policy in the period between 1960 and 1970: the bolstering and legitimisation of the involvement of voluntary sector abolitionist organisations, chief of which was the MDN, in the shaping and delivery of public services aimed at individuals in prostitution.

Thus, while policymakers had initially sought to transpose the New York convention's 'abolitionist spirit' into a unitary policy framework featuring complementary repressive and social dimensions, the implementation of this framework was fragmentary and ineffective from the beginning. The state rapidly disengaged from the provision of social support to the 'victims' of prostitution. Consequently, the social dimension of contemporary French prostitution policy was quickly appropriated by abolitionist third sector organisations, while the state remained the sole but inconsistent custodian of public order and decency. Almost from the outset, the result was a weakly integrated framework characteristic of 'anemic' policy subsystems.

5.3. The 1970s: A decade of discontent.

For over a decade after the ratification of the 1949 UN convention, the inconsistent application of the French prostitution policy framework posed no particular challenge to the state. Its repeated attempts to improve policy implementation were feeble and ineffective. Towards the end of the 1960s, the problems posed by this implementation gap were of particularly low salience and garnered little attention from an embattled government facing fractious political and social contestation. As a result, the impact of prostitution policy, and of its application, on the existence of those it concerned the most – the individuals in prostitution themselves – never featured in public or political debate during the 1960s. In fact, it was not until a series of high profile murder and police corruption cases in the early 1970s highlighted the perilous, paradoxical, and precarious condition of women in prostitution that the issue reemerged onto the policy agenda.

5.3.1. The rise of a 'prostitutes' rights' protest movement (1970-1975)

The perilous nature of prostitution first emerged through media coverage of the brutal murder of several women involved in prostitution between 1971 and 1974. The insecurity generated by these events was exacerbated by the police's lack of effort and interest in solving cases involving prostitutes (Les Cahiers du Féminisme, 1978; Corbin, 1996; Mathieu, 2001). Secondly, a national police corruption scandal broke out in Lyon in 1972, thereby exposing the troublesome relationship between prostitution and law enforcement. An anonymous tip-off had

led to the discovery that the ‘vice’ squad of the Lyon police service, as well as prominent political figures including a local MP, were involved in organising and facilitating hotel-based pimping (Denuzière, 1972a; 1972b; Mathieu, 2001: 38; Mazur 2004: 126). As a result, the Lyon ‘vice’ squad was broken up, many of its officers and commanders were arrested for pimping, and notorious illegal hotel-based brothels were closed (Denuzière, 1972a). Further, the Ministry of the Interior also entirely restructured the OCRTEH (Boucher, 1972), and put an end to the unofficial protection of pimps in exchange for cooperation in investigations (Sarazin, 1973).

Paradoxically, the involvement of the police in protecting and even running illegal brothels did not stop them from zealously arresting, fining and imprisoning women for public soliciting (Mathieu, 2001: 41, 2003: 31; Mazur, 2004: 126-127). The financial pressure of repeated fines was further compounded by the *service fiscal*’s (internal revenue service) indefatigable pursuit of women in prostitution over unpaid taxes. Indeed, while the French state has repeatedly rejected any assimilation of prostitution to a form of labour or employment (cf. Ministry of Women’s Rights 1981; Ministère de l’Économie, 1981), the principle of fiscal equality entails that anybody earning money (legally or not) is obliged to contribute to taxes.³⁸ However, despite having to pay taxes and contribute to social security, individuals in prostitution were not entitled to any national insurance coverage (Ouvard, 2000: 142-143; Solé, 1993: 187-188). This is because, while anybody earning money must pay taxes, social security cover is only granted on the basis of practicing a recognised profession. This fiscal incongruity further highlighted the paradoxical nature of the state’s relationship to prostitution and fueled discontent among women in prostitution (Mathieu, 2001: 42).

This police and fiscal repression increased the sense of insecurity among women in prostitution, who feared personal and social destitution, such as losing custody of their children, or having to work twice as hard to earn money to reimburse tax arrears (Corbin, 1996: 359; Mathieu, 2001: 42). Nevertheless, in the summer of 1972, a number of women in prostitution in Lyon took the risk of revealing their identity in an attempt to air their concerns and raise awareness of their condition.

³⁸ Article 92-1 du Code général des impôts.

This resulted in an unsuccessful demonstration in the centre of Lyon in August 1972 involving approximately thirty individuals who were arrested and taken away almost as soon as they arrived, under the baffled and amused gaze of local onlookers (Denuzière, 1972c; Mathieu, 2001: 38-39).³⁹ Therefore thirdly, and finally, the precarious and isolated existence of women in prostitution, characterised by daily insecurity and repression, began to be revealed through the media's scrutiny of the Lyon scandal, and the women's ill-fated attempt at publicly voicing their discontent.

Nevertheless, rather than work to address these issues, the state and local police forces redoubled their efforts to crack down on prostitution, in a bid to clean up the image of law enforcement (Corbin, 1996: 359; Mathieu, 2001: 41; Mazur, 2004: 126). This was particularly the case in Lyon, where the police force was still trying to recover from the corruption scandal of 1971 (*Le Monde*, 20 and 21 August 1972). As repression in Lyon grew, so did the insecurity of the local women involved in prostitution (Corbin, 1996: 360; Mathieu, 2001: 41-42). Thus, on 2 June 1975, sixty of these women made a second attempt at staging a protest in Lyon. This time, they took over the Saint-Nizier church in the city center. In contrast to its thwarted precursor, this highly-mediatised prostitutes' rights protest was well organised, sustained, and successfully captured the state, the nation and the world's attention (cf. *Le Monde*, 13 June 1975).

The occupation of the church was a direct consequence of the women's earlier demands remaining unaddressed, as well as the perception of worsening conditions (Mathieu, 2001: 43). The protesters vowed to remain cloistered in the church until their demands were met by the government. These demands included: the repeal of the offence of passive soliciting; the modification of the definition of pimping in the penal code to distinguish between pimps and legitimate partners, with whom women may wish to live; and either a halt to the taxation of individuals in prostitution, or the granting of an official status with adequate social and insurance coverage in exchange for taxes (*Le Monde*, 4 June 1975).

³⁹ While this ill-fated demonstration is often presented as the first attempt by women in prostitution to protest and make political claims, an earlier protest in Paris in December 1960 was similarly put down (cf. *Le Monde*, 14/12/1960).

They also wished to establish themselves as a group worthy of acknowledgement by the government (Corbin, 1996: 359; Mathieu, 2001: 68).

The protest did not, therefore, constitute an ‘unexpected clap of thunder in an otherwise tranquil atmosphere’⁴⁰ (Les Cahiers du Féminisme, 1978: 32). Neither was it spontaneous. Rather it had been meticulously planned by a group of women involved in prostitution who had set up the ‘Collective of women in prostitution’ (*Collectif des femmes prostituées*) and their allies, a coalition of left-wing trade unionists and members of the local branch of the abolitionist *Mouvement du Nid* (Mathieu, 2001: 42-44). The support of abolitionist activists with strong links to social Catholicism was instrumental in the women’s choice to occupy a church (2001: 46). The occupation of churches has its roots in the tradition of ‘religious asylum’ (*ecclesiam confugere*) that emerged in the early Middle Ages in France, and in which churches offered refugees an inviolable sanctuary from the authorities (cf. Ducloux, 1994). By the 1970s, the occupation of churches was being used by disparate vulnerable and stigmatised minorities, such as illegal immigrants, both to protect them from the authorities and to raise awareness for their cause (Mathieu, 2001: 45; cf. Siméant, 1998). In this sense, the occupation represents the appropriation of historical protest strategies by a highly stigmatised group that had previously faced insurmountable obstacles when seeking to organise collective action (Mathieu, 2001: 46).

With a banner declaring “Our children do not want their mothers to go to jail”⁴¹ prominently displayed on its façade (CLEF, 1989: 64) and regular television updates from the women inside (Mathieu, 2001: 44), the Saint Nizier church became a national focal point. By its nature, and by its magnitude, this protest was the first of its kind worldwide. Within days, relayed by intense media attention, the Lyon protesters’ revolt quickly spread to other cities, notably Paris and Marseilles, where other women involved in prostitution also began to occupy their local churches (Corbin, 1996: 361). Nevertheless, the women’s numerous requests to be received by government representatives continued to go unanswered despite the intensification of the protests (Mathieu, 1999: 496).

⁴⁰ “La révolte des prostituées de Juin 75 n’a pas éclaté subitement comme un coup de tonnerre dans un ciel serein.”

⁴¹ “Nos enfants ne veulent pas que leurs mères aillent en prison”

Ultimately, in the early hours of 10 June, the Minister of the Interior Michel Poniatowski ordered the police to evacuate the church. He justified his decision as necessary to restore public order, stating: “churches are places of religious practice, not places of disorder” (in *Le Monde*, 11 June 1975).⁴² Many individuals in France and abroad, however, were deeply critical of what they perceived to have been the unnecessarily heavy-handed expulsion of vulnerable women (e.g. *Le Monde*, 13 June 1975: 14). The women’s protest lasted just over one week. During this week the women of the Saint Nizier church had managed to capture the French public’s attention and raise awareness for their cause. Nonetheless, by the time of their expulsion, they had still not succeeded in having their demands acknowledged by the government.

5.3.2. A reticent and symbolic policy response to the protests

The June 1975 revolt of women in prostitution in Lyon represented the boiling over of unresolved grievances concerning the safety, status, livelihood, and dignity of women in prostitution. Yet, despite intense media attention and the high visibility of their protest, the women faced difficulty convincing politicians to engage with their demands. Throughout their occupation of the Saint Nizier church, the women did not succeed in securing an audience with any of the Cabinet ministers they had called upon (Mathieu, 2001: 68-69). The government’s reticence to engage with the women and their demands during this period reveals a tension at the heart of the policy framework set up to address the issue of prostitution at the time. Specifically, while it had pledged to provide support and protection for the ‘victims’ of prostitution by signing up to the New York convention in 1960, the country had never clearly defined who would be responsible for delivering on these commitments. As a result, each minister appealed to by the protesters denied being responsible for the issue. This indifference further suggests the political elite considered prostitution to be a low-salience social problem, rather than a legitimate policy issue. However, the women’s expulsion from the church marks a turning point in the political management of the crisis: faced with social discontent over the manner in which the crisis was handled, the Government was compelled to make an overture towards the protesters. This section explains why and how the State ultimately

⁴² “les églises sont des lieux de culte et non de désordre”

came to engage with the women and their demands in the aftermath of the crisis. This is important because this episode represents the first sustained involvement of the Government with the issue of prostitution policy since the country became abolitionist a decade and a half previously.

Women first sought the assistance of Françoise Giroud, the Junior Minister dedicated to the condition of women (*Secrétaire d'État auprès du Premier Ministre chargée de la Condition Féminine*) (*Le Monde*, 4 June 1975a). Giroud's post entailed "promoting all measures aimed at improving women's condition, at enabling women to gain greater access to positions of power in French society, and to eliminate the discriminations which they may face" (in Frappat, 1975a). When called upon, however, Giroud refused to engage with the protestors, and more broadly with the issue of prostitution itself (Mazur, 2004: 129-130). This is because she did not consider prostitution to be a policy problem in itself, and even less a women's problem. Instead, she believed that "prostitution is the direct product of the male condition, and not of the female condition" (Giroud, 1975). Moreover, she considered prostitution to be an acceptable, if somewhat unfortunate, occupation women could consent to and should be allowed to carry out freely (*Le Monde*, 7 December 1978). Nonetheless, Giroud strongly opposed any form of exploitation of the prostitution, and considered it unacceptable that male pimps should profit from women's prostitution (*Montreal Gazette*, 13 August 1974). In this way, she recognized the conditions in which prostitution often took place were problematic. She therefore suggested the protesters contact the Ministry of Labour to address problems associated to "working conditions" and taxation (Giroud, 1975; *Le Monde*, 4 June 1975a). She also recommended they get in touch with the Ministry of the Interior to air their grievances regarding police harassment (Giroud, 1975). These administrations, and others including Justice and Health, immediately declined any responsibility in the matter (cf. Barbara and De Coninck, 1997: 74; Mathieu, 1999: 496, 2001: 70).

Mathieu (2001) and Mazur (2004) have both investigated the different state representatives' unwillingness or inability to engage with the sex workers' rights protestors. Mazur focuses on explaining Giroud's refusal to take on the issue of prostitution as part of her ministerial remit in the wake of the Lyon church occupation (2004: 130-131). In particular, Mazur (2004: 130) suggests that

Giroud's dismissive response to the protests was the result of both her ministry's minor status and lack of resources, and the fact that she did not identify as a feminist activist (cf. Frappat, 1974). In this way, Giroud was highly selective of the issues she wished to defend using her ministry's limited influence and means, focusing primarily on improving the opportunity for women to reconcile work and family (Mazur, 2004: 130). Mathieu's analysis is broader, focusing on all state representatives' lack of engagement with the protesters and their demands (2001: 68-71). In doing so, he argues that all ministries were equally unwilling or unable to take up the issues raised during the sex workers' rights protests as a result of their unexpected and unconventional nature (2001: 70). Specifically, the demands raised by the protesters did not fit into any of the different ministries' 'institutional routines' (Mathieu, 2001: 70). As a result, state actors were either unsure of how to address them, or uninterested in claiming responsibility for an issue that was not explicitly part of their existing mandate (Mathieu, 2001: 70).

Together, Mathieu and Mazur's analyses depict an institutional context in the mid-1970s that was unprepared and largely uninterested in addressing prostitution as a policy issue. In this way, the state's response to the 1975 sex workers' rights protests served to uncover a previously hidden tension at the heart of the French abolitionist policy framework at the time. On the one hand, a clear and well-defined framework of abolitionist ideas and policies had been established by the state immediately after the ratification of the New York convention in 1960. This framework spelled out what the country's abolitionist commitments were, and how these were to be codified into law. It also singled out two administrative bodies – the police and social workers – as primarily responsible for delivering abolitionist policies on the ground. On the other hand, the different ministries' unwillingness to assume responsibility or leadership over the issue of prostitution in June 1975 suggests that no policy subsystem had yet been explicitly mandated to provide and oversee the delivery of prostitution policy in France. In other words, while there existed well-defined ideas, norms, and programs associated with the abolitionist policy framework, the "policy making arrangements and implementation structure" necessary to put them into motion were still lacking (Wilson, 2000: 258).

In the end, the government did respond to the political ‘crisis’ created by the incongruous sex workers’ rights protests. Immediately after the expulsion of protesters from the Saint Nizier church on June 10th, President Valérie Giscard d’Estaing announced his intention to commission a full inquiry into the issues posed by prostitution. For Mathieu, this overture was the result of the state seeking to symbolically redeem itself in the eyes of the public, whose interest and sympathy had been piqued by the widespread reporting of the protests (2001: 65-66). Consequently, the Ministry of the Interior’s expulsion of the women occupying the Saint Nizier church had been perceived as unnecessarily heavy-handed and somewhat tarnished the government’s image (Mathieu, 2001: 91). As a result, and in the absence of any ministry taking responsibility for the issue, the Government was compelled to take the lead on resolving the issue.

At first, the task of leading a preliminary investigation into “the human problems faced by prostitutes” was delegated to Aimé Paquet, the state’s official ‘mediator’ – an administrative position responsible for facilitating the peaceful resolution of issues arising between citizens and the state (*Le Monde*, 11 June 1975). From the outset, Paquet was favourable to the regulation of prostitution but also wished to see the state’s investment in prevention and rehabilitation strengthened (in *Le Monde*, 10 July 1975). Furthermore, he believed that the law had to be changed in order to distinguish more clearly between pimps and the legitimate partners of women in prostitution. In large part because of his regulationist sympathies, Paquet was rapidly reassigned to another matter (*Le Monde*, 12 June 1975).

Thus, in a second instance, the government opted to task a specific cabinet ministry with commissioning and coordinating a review of existing French prostitution policy. It chose the Ministry of Health. In doing so, the government signaled that prostitution was not inherently a women’s issue, nor that it was necessarily the responsibility of any existing women’s policy agencies. This is important because, by virtue of the socially constructed nature of policy problems, there “are no immutable rules that determine which institutions in society will be granted jurisdiction over particular issues.” (Baumgartner and Jones, 1991: 1047). Rather, institutional jurisdiction and accountability over a particular policy issue is continually (re)negotiated between actors, who each have more or less interest and legitimacy in taking responsibility for a policy area. Moreover, the issue was

entrusted to Simone Veil. Veil was the only woman cabinet-level minister, and more generally a highly regarded, popular, and outspoken individual (Bard, 2007: 12). Giving her responsibility over the issue of prostitution suggests that the government either chose, or felt compelled, to assert a conception of prostitution not just as a minor social problem, but as an issue worthy of political attention.

Thus, on July 21st, Veil appointed Guy Pinot, the president of the Orléans Court of Appeals, to conduct a policy review on the issue of prostitution. Veil had been clear about the purview of Pinot's mission: "[his] mission is not to resolve individual cases or to look into particular situations, it is to try and comprehensively understand the phenomenon of prostitution and to see if certain aspects require judicial or administrative solutions" (Frappat, 1975b). Consequently, Pinot did not intend to merely conduct a simple evaluation of the existing legislation. Rather, he wished to undertake a comprehensive and holistic review of all the dimensions of prostitution in order to address the disparate issues faced by individuals in prostitution and formulate policy recommendations (*Aurore*, 23 July 1975). To do this, Pinot was determined to consult widely during the investigation, in order to capture the different perspectives. "I am a man of dialogue" he explained, "I will have long conversations [and will] try to listen to what I am told in order to synthesise it and see what we might be able to do in this country, what we ought to do, and what might improve the lives of all"⁴³ (in *Le Monde*, 23 July 1975). Nevertheless, by entrusting the review to a judge, rather than a government official, it remained uncertain whether or not Pinot, or his subsequent report, would have any real scope to impel and shape policy reform (*Le Monde*, 8 August 1975; Mathieu, 2001: 92).

The *Rapport de la Mission d'Information sur la Prostitution*, commonly referred to as the 'Pinot report' was submitted to the government in January 1976. The report was highly critical of the existing prostitution policy framework stating that, while abolitionism was the best policy regime in theory, its application in France was ineffectual and, in some cases, harmful (Pinot, 1976: 9, 12). From the outset, Pinot had rejected the option of a return to regulationism (*Le Monde*, 8

⁴³ "Je suis l'homme du dialogue. J'aurais de longues conversations et des contacts. J'essaierai d'écouter ce qu'on me dira pour en faire la synthèse et voir ce que l'on peut faire dans ce pays, ce qui peut être souhaitable et ce qui peut améliorer la vie de tous."

August 1975). He had also been sympathetic to the plight of women involved in prostitution and did not favour increased repression. Instead, Pinot expected just policy solutions to lie somewhere in the “middle ground”⁴⁴ (Aurore, 1975). In these respects, his final report closely echoed these principles. Indeed, with regards to the social dimension of the policy framework, Pinot concluded that a lack of investment, interest and policy coherence were to blame for the weak and inconsistent delivery of support services to individuals in prostitution. With regards to the criminal dimension, the report denounced the police repression of prostitution as ‘prohibitionism by another name’ (Pinot, 1976: 9).

As a result, the report called for France to develop policies “more in keeping with the spirit of abolitionism” (Pinot, 1976: 14). To do so, it made three principal recommendations. Firstly, it recommended that the provision of preventative and rehabilitative policies be given priority over repressive measures (Pinot, 1976: 13). This would include extending social security rights, such as unemployment benefits and parental leave, to individuals in prostitution. Secondly, it suggested the penal dimension of the policy framework be reformed in order to eliminate the repression of women in prostitution, who were considered emotionally or psychologically weak (Pinot, 1976: 4). In particular, it called for the repeal of the offence of passive soliciting⁴⁵ and demanded an end to the imprisonment of women over unpaid taxes. Finally, ruling out a return to regulationism, the report nevertheless suggested the decriminalisation of voluntary indoor prostitution in order to guarantee safe spaces for women in prostitution (Pinot, 1976: 17).

The report was not well received by the government. Neither the Minister of Health, Prime Minister, nor President welcomed its conclusions, which were considered too ‘liberal’ in their demand for partial decriminalisation (Corbin, 1996: 366; Séry, 1976). As a result, the report was never discussed in the Council of Ministers, as had been promised, and was quickly swept under the rug. Indeed, months after having been handed over to the government, the report still had not been made public, much to the anger of the Lyon protestors, who considered they had been duped (Mathieu, 2001: 95). In many ways, Mathieu argues, the government’s appointment of Pinot had been a largely symbolic response

⁴⁴ “dans un juste milieu”

⁴⁵ Article R.34-13 of the penal code.

intended to pacify problematic protestors without actually giving into any substantive policy demands (2001: 96). Symbolic politics “induces a feeling of well-being: the resolution of tension [...] they suggest vigorous activity while in fact signifying inactivity” (Edelman, 1995: 31). Accordingly, the report was never officially published and none of its recommendations acted on. In the meantime, the protest movement had lost momentum, as a result of its leaders and membership gradually disbanding (Mathieu, 2001: 88-89).

In this sense, the prostitutes’ rights protests of the early 1970s had no immediate impact on policy reform: no laws were amended as a direct consequence of the demands formulated by the protestors (Mazur, 2004: 128). Nevertheless, the 1975 Saint Nizier church occupation and the government’s subsequent response to the protest did have an important impact on the ongoing construction of the contemporary French prostitution policy framework. Specifically, the protests compelled the government to acknowledge the existence of prostitution as a legitimate policy problem (Mathieu, 2001: 96). Commissioning a ministerial investigation into prostitution transformed the issue from a social problem no ministry was willing or able to take responsibility for, into a legitimate policy problem. However, the state’s response remained largely symbolic and Pinot’s evaluation was never taken under advisement. This revealed, once again, that prostitution continued to represent a low salience policy issue, in which the government was only reluctantly and superficially involved. More broadly, the lack of voluntary involvement of the different Cabinet ministries highlights the absence of a clear and well-supported implementation arrangement to enact the ideas and measures set out in the state’s abolitionist policy framework. Consequently, in the mid-1970s, the French prostitution policy framework was a set of beliefs, values, and laws in search of a policy subsystem dedicated to delivering it.

5.5. Establishing a boundary-spanning policy regime (1981-1991)

The first two decades of the new abolitionist policy framework had been characterised by a stop-and-start oscillation between apparent policy inertia and high-visibility, but largely symbolic, responses to unexpected crises. In this context, prostitution policy was weakly, inconsistently, and ineffectively

implemented. Moreover, the low salience of prostitution as a policy issue ensured that the two-dimensional abolitionist policy framework was only superficially integrated into the consciousness, mandates, and administrative practices of governmental institutions. Thus, while the new abolitionist goals and values the country had espoused upon signing the New York convention had been transposed into a fully-fledged policy framework on paper, in practice their implementation was limited to the piecemeal efforts of disparate political and third sector actors on the ground. This began to change in the early 1980s as a result of efforts from the Ministry of Women's Rights to recast prostitution as a boundary-spanning policy issue worthy of state attention and of concerted and joined-up government intervention.

5.5.1. Policy leadership under Yvette Roudy's Ministry of Women's Rights (1981-1986)

After his election in 1981, President François Mitterrand made true to his promise to improve women's representation in government by appointing six women to his cabinet (Jenson and Sineau, 1994: 39). One of these cabinet positions was a full-fledged Ministry of Women's Rights under the stewardship of Yvette Roudy, a well-known pro-Mitterrand feminist. Roudy's Ministry contrasted sharply with previous offices dedicated to the 'condition of women' under Giscard. It was a relatively powerful ministry with both a broad and clear policy remit (Murray, 2008: 476; Sarde, 1988: 931). In particular, the ministry had a substantial budget (nearly 110 million francs in 1984), and veto power over all legislation concerning women (Northcutt and Flaitz, 1985: 56). Moreover, Roudy came to be known as a strong and effective minister.

While her Ministry is principally remembered for its work on gender and professional equality (cf. Sarde, 1988), Roudy was also keen to improve France's prostitution policy, which she considered insufficiently supportive of the needs of the women involved (*Nice Matin*, 9 September 1981; Ministry of Women's Rights *ad hoc* Committee, 1982). For Roudy, prostitution was not a form of labour but the unacceptable commercial objectification of women (Ministry of Women's Rights, 28 September 1985). Consequently, she considered women in prostitution to be victims of exploitation or circumstance, and abhorred the exploitation of the prostitution of others, which she blamed on both pimps and

clients (Ministry of Women's Rights, 28 September 1985). Roudy was therefore committed to developing prevention, and providing individuals wishing to exit prostitution with genuine alternatives through education and skills training. In addition to Roudy's personal involvement in the issue, she also appointed the president of the *Mouvement Français pour le Planning Familial* (MFPF), Simone Iff, to coordinate her ministry's work on the issue. Iff had become involved with securing social rights for women in prostitution after the Lyon protest and was instrumental in giving a voice to women involved in prostitution in political forums, including Roudy's ministry (Duverger, 2015: 161; cf. Iff, 1980).

Under Roudy, the Ministry of Women's Rights (1981-1986) positioned itself as a leader and facilitator on the issue of prostitution policy. In particular, Roudy was keen to foster dialogue between different government departments concerned with prostitution (*Le Quotidien de Paris*, 10 September 1981). Consequently, the Ministry established an inter-departmental working group composed of representatives from its own administration as well as from the ministries of National Solidarity, Finance, the Interior, Justice, and Foreign Affairs. Reflecting the State's position on prostitution at the time, the group defined abolitionism as a policy framework which considers prostitution to be a private matter and restricts its public or organised manifestation (Ministry of Women's Rights, 1981). Nevertheless, it criticised the application of the criminal dimension of the country's prostitution policy framework, arguing that the harsh and arbitrary enforcement of anti-soliciting laws criminalised women in prostitution and undermined state efforts to prevent prostitution or rehabilitate individuals wishing to exit it (FAI, 1982; Ministry of the Interior, 1981: 2; Ministry of Women's Rights, 1981). Drawing on the unpublished Pinot report, it also called for the reinforcement of the social dimension of France's abolitionist regime (Ministry of Women's Rights, 1981).

The group's work on this topic fell into three strands. Firstly, the group strove to improve the implementation of the existing social policy framework. It did so primarily by reissuing decrees calling for the creation of the requisite social structures in each local authority, as stipulated in 1960 (Ministère des Affaires Sociales et de la Solidarité Nationale, 1983; Ministère des Affaires Sociales et de l'Emploi, 1988; also see Ministère de la Solidarité Nationale, 1981). Secondly, it

sought to develop new ways of preventing entry into prostitution and helping individuals already involved. To do so, the government looked abroad – to Sweden (Gaussen, 1981) and the European Economic Community (Delaplace, 1982), for example – participated in international abolitionist conferences for inspiration and support,⁴⁶ and developed its input on the matter in the United Nations (e.g. Fernand-Laurent, 1982; Josselin, 1982). Finally, it attempted to reform the way fiscal and criminal penalties against individuals in prostitution were enforced, in order to better coordinate the social and criminal dimensions of the abolitionist regime (Chief of Staff, Ministry of National Solidarity, 1981). As a result of Iff and Roudy's sympathetic stance towards women involved in prostitution, the latter were regularly consulted in the early 1980s (*L'Écho du Macadam*, 1981a; Solé, 1993: 246; *Le Matin*, 14 and 15 June 1980).

Consequently, in 1984, the working group published five policy recommendations intended to improve and coordinate government efforts to address prostitution (Ministry of Women's Rights, 1984). Concerning the social dimension of the existing prostitution policy framework, the group recommended that government funding to accredited third sector organisations dedicated to providing preventative and rehabilitative social support be increased, and that women's employment opportunities be enhanced through better skills training. Concerning the enforcement of the criminal dimension of prostitution policy, the group argued that efforts to tackle pimping should be undertaken without harassing individuals in prostitution. It also suggested that tax services abandon all penalties against individuals who have left prostitution. Finally, it called for the modification of the penal code to reflect the fact that individuals in prostitution are victims, not criminals. In particular, it recommended the removal of passive soliciting from the penal code and the clarification of the offence of active soliciting to eliminate the possibility of the arbitrary arrest of women by male police officers. It also suggested that the legal definition of pimping be revised in order to allow individuals in prostitution the right to a private life, without fearing their partner be considered guilty of pimping.

⁴⁶ For example, Roudy announced the creation of the interministerial working group while participating in the International Abolitionist Federation's 27th international congress in Nice in September 1981.

5.5.2. An institutional legacy in the absence of major reform (1986-1991)

However, despite Roudy's ministry's efforts to provide steering and leadership, the government achieved no substantial gains in advancing the policy agenda or fostering cross-departmental collaboration. Indeed, Mazur notes that the Ministry of Women's Rights had only a "limited degree" of impact on the issue during the period (2004: 125). This is largely because the different Ministries, labouring alone or as part of the working group, failed to achieve the government's primary stated aim: the reform and improvement of prostitution policy in France. In particular, Roudy's ministry did not succeed in having existing social policies better implemented: no additional SPRS were created, and government interest and investment in this policy area did not increase substantially (Solé, 1993: 247). While the impact of the Ministry of Women's Rights, and of its working group, fell short of its ambitions, it can be argued that its efforts over the period nevertheless influenced the construction of a boundary-spanning policy subsystem in two significant ways.

Firstly, by working in collaboration with different ministries, the Ministry of Women's Rights helped secure lasting changes to the way in which the social and criminal dimensions of French prostitution policy were implemented. In particular, it directly contributed to the Ministry of the Economy and the Revenue Service reforming how tax services enforced penalties against individuals in prostitution for tax arrears (Solé, 1993: 238). Indeed, while the government, represented by the Ministry of Finance, reiterated its conviction that prostitution was not, and could never be, considered a form of labour even if it was taxed, it nevertheless conceded that forcing individuals wishing to exit prostitution to pay tax arrears could hinder their rehabilitation. Individuals in prostitution would henceforth be eligible for a rebate on two conditions: if they exited prostitution and underwent social rehabilitation; and if they relinquished all profits from their previous involvement in prostitution.

The working group also contributed to the amendment of penal code articles pertaining to prostitution, and three of the group's recommendations would later be introduced in the 1992 overhaul of the French penal code. Thus, the new penal code, which came into force in 1994, increased penalties for pimping and removed the offence of passive soliciting. Moreover, the new penal code no

longer considered the simple fact of cohabiting with an individual in prostitution as evidence of pimping.⁴⁷ In this way, through actors sensitised to the demands of individuals in prostitution during the 1975 protests, the working group acted as a conduit for the later liberalisation of the criminal dimension of France's prostitution policy framework.

The second influence of the working group was to institutionalise prostitution policy as a fully-fledged boundary-spanning policy issue. Crucially, Roudy and Iff repositioned prostitution as a legitimate issue for state intervention. Moreover, rather than monopolising prostitution policy-making, thereby associating it with women's policy issues or, at the very least, with the Ministry of Women's Rights, Roudy instituted a precedent for comprehensive and coordinated policy action by a variety of institutional actors. By involving the other ministries equally in its working group, the Ministry of Women's Rights sought to establish prostitution as a legitimate policy issue that concerns, and requires input from, all administrative and government bodies, from the Ministry of Justice to the Department of Social Security (the *Union de recouvrement des cotisation de sécurité sociale et d'allocation familiales* – URSSAF). In this way, while Giroud and Poniatowski had previously refused to address the issue of prostitution because it did not fall within their remit, Roudy had recast the issue as the responsibility of all institutional actors.

The Ministry of Women's Rights work on prostitution under Roudy served to embed expectations about the best way to tackle prostitution. In particular, the boundary-spanning construction of prostitution as a policy problem, and the norm of interministerial collaboration lasted long after Roudy's powerful Ministry of Women's Rights was disbanded in 1986. This is because, as Argomaniz notes, "as institutionalisation solidifies, institutional competencies are clarified, networks expand and actors' socialisation increases" (2009: 168). Institutionalising prostitution as a boundary-spanning policy domain is therefore important because of its implications for determining the scope of legitimate action and which institutional actors have a legitimate role to play in shaping policy. The Junior Minister for Women's Rights between 1988 and 1991, Michèle André, reproduced patterns of joined-up working, seeking to integrate the action of social

⁴⁷ Article 225-5 du Code pénal.

services and the police on the issue: “Prostitution was something we had on our list of priorities, but it was shared with other ministries like Justice and Social affairs [...]”⁴⁸ (interview, 5 November 2012, paragraph 18). In particular, she highlights the pooling of budgets with the Ministry of Social Affairs in order to address “boundary-spanning issues such as rehabilitation”⁴⁹ (André interview, 5 November 2012, paragraph 18). Moreover, the department’s collaboration with the Ministry of Justice ensured continued lobbying for the interministerial working group’s recommendations to be included in the 1992 penal code reform. Thus, by the beginning of the 1990s, in the last moments of a relatively quiet policy interlude between the turbulent prostitutes’ rights protests of the 1970s and the slowly building fear over a deadly epidemic of human auto-immune deficiency syndrome (AIDS), a persistent if ambiguous boundary-spanning policy subsystem had been institutionalised.

5.6. Conclusion

Between 1946 and 1960, France changed its prostitution policy regime by abolishing its historically entrenched system of brothels and state regulation. This transformation is often portrayed as swift and decisive, the radical banning of brothels in 1946 coinciding exactly with the country’s efforts to purify itself from the war, the occupation, and collaboration with Germany. In reality, the process of transition from regulation to abolition was gradual. The final vestiges of the *système français* were only cast off with the signature of the United Nations New York convention in 1960, and the subsequent abolition of the remaining medical and police registers for women in prostitution. Moreover, the abolition of regulation does not amount to the replacement of a regulationist regime with a new abolitionist regime. Indeed, policy regimes are the outcome of a lengthy process of institutionalisation, whereby ideas, institutions and practices associated with new policy frameworks become embedded over time.

Ultimately, the establishment of a new abolitionist framework would take close to thirty years. The first stage of its development concerned the transposition into domestic law and policy of the normative and practical prescriptions in the New

⁴⁸ “Nous avons le problème de la prostitution en souci, mais c’était partagé avec d’autres ministères comme la Justice ou les Affaires sociales [...]”

⁴⁹ “des problématiques transversales comme la réinsertion”

York convention. This led to the creation of a two-pillared policy framework based, on the one hand, on the repression of the exploitation of prostitution and, on the other, on the provision of social support to individuals in prostitution, who would henceforth be considered 'victims'. From the outset, however, these two policy dimensions were never equally, consistently, or completely applied. In particular, repressive measures were arbitrarily and punitively deployed not only against those exploiting the prostitution of others, but against women in prostitution themselves. Conversely, the state largely divested itself from the delivery of social welfare, leaving abolitionist third sector organisations to step in and fill the implementation gap. As a consequence, the insecurity experienced by individuals in prostitution increased during this period, further exacerbated by the corrupt involvement of urban police forces in organised prostitution. This led to a series of high-profile prostitutes' rights protests during the mid 1970s, aimed at publicising the demands for policy reform of a vulnerable and stigmatised group. Ultimately, the state's response to these protests was limited, reluctant and largely symbolic.

The unwillingness and inability of state representatives to engage with the issues and demands raised by the sex workers' rights protesters reveals a further inconsistency in the French prostitution policy framework in the mid-1970s. Specifically, it highlights the absence of a clear implementation and accountability structure with which to deliver the strong ideals and ambitious policy objectives France pledged to advance when it ratified the New York convention. Consequently, the first concerted and sustained effort at addressing the contradictions and gaps in policy implementation were made under the leadership of Yvette Roudy during her incumbency as Minister of Women's Rights. Between 1981 and 1986, the Ministry successfully reestablished prostitution as a legitimate area of state intervention and introduced a norm of inter-ministerial collaboration. As a result, a boundary-spanning policy subsystem, implicating all facets of the state, from justice to taxation and social affairs, was established and institutionalised. Nevertheless, in order for an institutionalised policy subsystem to take on the mantle of a dominant policy regime, it must establish itself as the single legitimate policy approach to a problem. The opportunity for abolitionism to definitively solidify its primacy as

the dominant prostitution policy orthodoxy would only present itself in the late 1980s and early 1990s, when the growing AIDS epidemic reignited the policy debate over reopening brothels. The following chapter therefore explores the emergence of French abolitionism as a boundary-spanning policy regime from 1990 onwards.

Table 1. Neo-regulationist policy debates in post-war France	
1947	Members of the Paris municipal council attribute the increase in sexually transmitted diseases between 1946 and 1947 to the closure of brothels. Many demand a stricter medical and police surveillance of women in prostitution, and Janine Rastier-Caillé (RPF) recommends brothels be reopened (<i>Le Monde</i> , 29 March 1947, and 30 December 1947).
1951	In November, senator Jean Durand tables a bill seeking to repeal the 1946 law banning brothels (Durand, 1951). The proposal is rejected by the parliamentary committee on the Family (<i>AFP</i> , 13 April 2006).
1952	In January, socialist MP Pierre Mazuez, tables a bill seeking to overturn the <i>Marthe Richard</i> law and reopen brothels (Mazuez, 1952). The proposal is rejected by the parliamentary committee on the Family (<i>Le Monde</i> , 25 January 1952). On June 17th, senator Vourc'h submits a parliamentary report recommending brothels be reopened.
1953	Dubar, independent Paris councillor calls for brothels to be reopened during council meeting in November (<i>Le Monde</i> , 25 November 1953). On December 9th, the regional council of the Seine region takes on this recommendation and calls for a repeal of the Marthe Richard law and the reopening of brothels (<i>Le Monde</i> , 11 December 1953). This demand is reiterated in 1954.
1958	Several local authority representatives in the Paris municipal council call for the reopening of brothels during the council meeting on December 4th (<i>Le Monde</i> , 6 December 1958).
1960	Within days of the vote to grant the government the power to ratify the New York convention, members of the Seine general council call for brothels to be reopened in order to "clean up the streets" (<i>Le Monde</i> , 4 July /1960).
1959	André-Yves Breton (UDR), of the Paris council, proposes brothels be reopened exclusively for North African migrants working in France, who are considered to be the primary clients of prostitution, and are held responsible for the persistence of this social evil (Legardinier, 2006a).

1962	Edouard Charret (UDR MP), attempted to create a parliamentary committee to repeal the Marthe Richard law. He is later indicted on pimping related charges in 1972 during the Lyon police corruption scandal (Saint-Clair, 1972).
1970	Claude Peyret, MP for the Vienne, wanted to see regulated “sexual clinics” opened (Chastaing, 1973a).
1975	In response to the high-profile protest of women in prostitution in Lyon, President of the Mouvement Radical de Gauche, Robert Fabre, calls for the Marthe Richard law to be repealed (<i>Le Monde</i> , 12 June 1975).
1978	Joël Le Tac, Parisian MP tables a proposal for brothels to be reopened (Le Tac, 1978). It is rejected without a debate.
1980	After a high profile court case against organised prostitution in Grenoble, Jean-Pierre Pierre-Bloch, UDF MP, co-signatory of the Le Tac proposal, announces his intention to retable a similar bill (Legardinier, 2006a).
1985	Alain Dumait, mayor of the 2nd arrondissement in Paris calls for brothels to be reopened (<i>Le Monde</i> , 23 October 1985).
1986	Henri Bouvet, UDF MP, calls for brothels to be reopened (Legardinier, 2006a).
1990	Michèle Barzach, former Minister of Health, calls for brothels to be reopened to tackle the spread of AIDS (<i>Le Monde</i> , 8 June 1990).
2002	Françoise de Panafieu, calls for brothels to be reopened as a means of addressing the visible street prostitution she associates with immigration and security issues (<i>Libération</i> , 1 July 2002).
2005	Mayor and UMP MP Jean-Pierre Grand recommends brothels be reopened in his département, in order to address the visibility and nuisances he associates with street-based prostitution (<i>Midi Libre</i> , 27 September 2005).
2010	UMP MP Chantal Brunel declares she is favourable to brothels being reopened in a media interview with Elle Magazine (<i>Elle</i> , 29 January 2010).
2011	UMP senator Alain Fouché calls for brothels to be reopened in the wake of managing director of the International Monetary Fund Dominic Strauss-Kahn's indictment for aggravated pimping in Lille. Fouché argues that "these institutions would allow spillover of nuisances and crimes to decrease, including all types of sexual violence, underage prostitution, crime, and dirty money" ("ces structures permettraient une diminution des dérives: agressions sexuelles en tous genres, prostitution des mineurs, crimes, argent sale") (<i>Le Figaro</i> , 21 October 2011).

Chapter 6: Movement two: Challenges, remobilisation, and policy displacement (1987-2002)

This thesis investigates the evolution of contemporary French prostitution policy since the Second World War. The previous chapter focused on the period between 1946 and 1986. It argued that, during this time, a two-pillared boundary-spanning abolitionist policy subsystem was institutionalised in France. However, it concluded that this institutional framework was also characterised by the inconsistent and incomplete application of its hallmark social and criminal policies, and the state's delegation of key service delivery responsibilities to specialised third sector organisations. At the end of this period, however, new challenges began to emerge, which threatened the primacy of abolitionist ideas and policies as the state's preferred framework for addressing prostitution as a policy problem. Starting with the emergence of AIDS in the early 1980s, and the ensuing moral and political panics it triggered, dominant abolitionist representations of prostitution as a social, rather than a public health, issue were strongly challenged. Nevertheless, despite pressure from waning social support and the re-emergence of strong demands for a return to regulationism, political support for abolitionist principles appeared to be galvanised throughout the period. Consequently, this chapter uses the historical case study of the unfolding French prostitution policy process from 1987 until 2002 to investigate how a weakly implemented policy subsystem nonetheless came to be consecrated as a dominant policy regime, that is to say the only framework of ideas and institutions recognised as appropriate to guide the state's action concerning prostitution. This is important for understanding how a regime can be concurrently characterised by anemic qualities and sufficient support to ensure its dominance and continued survival. The question this chapter aims to answer is:

What processes allow an anemic policy regime to nevertheless consolidate sufficient support as to endure and, in certain cases, achieve dominance over competing alternatives?

The central argument advanced in this chapter is that latent political support for a strong set of ideas can be sufficient to offset the impact of ineffective or incoherent policy implementation. In developing this argument, the chapter presents four claims:

1. The late intervention of the state in addressing AIDS as a public health issue prompted new third sector actors to step in and deliver preventative services. These organisations broke abolitionist groups' monopoly over the representation of, and delivery of welfare services to, individuals involved in prostitution.
2. The AIDS crisis also allowed historically entrenched support for regulationism to resurface in 1986 and 1990. These preferences were definitively sidelined by a spontaneous political consensus that emerged after a long process of delegitimisation of regulationist ideas in French policy debates. Conversely, abolitionism was elevated to the rank of dominant policy regime and orthodoxy.
3. Proponents of abolitionism were therefore compelled to re-establish the relevance of their ideas and services. This 'remobilisation' further benefitted from the growing involvement of feminist policymakers in defending the French abolitionist model at home and abroad.
4. Nevertheless, profound changes to the organisation and visibility of street-based prostitution throughout the 1990s politicised the issue as a local security problem. This led local actors to substitute traditional abolitionist policies, which they deemed ineffective, with restrictive police and urban planning measures following a process of policy displacement.

The chapter is structured into three sections. The first section investigates the impact the discovery and spread of AIDS in the 1980s had on prostitution policy debates in France. The reluctance of the state, traditional abolitionist groups, and social workers to provide targeted prevention and medical support to individuals

in prostitution created a service delivery vacuum. This vacuum was filled by new community health groups that operated in direct defiance of the abolitionist ideal of preventing prostitution as a means of preventing public health issues. Moreover, at the height of the crisis, the conviction that prostitution was primarily a vector of contamination also prompted calls for brothels to be re-opened. While these demands were overwhelmingly and definitively defeated, and policymakers' commitment to abolitionism reasserted, the controversies they caused further demonstrate the difficulties the abolitionist state and third sector were facing in establishing the relevance and effectiveness of their preferred policy framework. The second section therefore details the gradual 're-mobilisation' of abolitionism in the face of these challenges. In particular, it highlights the process whereby efforts by abolitionist organisations to generate support for their ideas and values were bolstered by the growing involvement of feminist policymakers in debating issues of prostitution and trafficking at home and abroad. As a result, a strong abolitionist coalition bringing together feminist politicians and activists succeeded in embedding in institutional discourse new feminist analyses of prostitution as inherently coercive and as a form of violence against women. Nevertheless, the third section explains how the perceived irrelevance and ineffectiveness of the state's broad abolitionist ideals for tackling local discontentment with growing and increasingly visible street-based prostitution caused local policymakers to defect from this policy framework. This final section argues that mayors' substitution of vague abolitionist social policies with police and urban planning strategies aimed at cleansing the streets of the problematic presence of prostitution amounts to a process of policy displacement.

6.1. The returning challenge of public health

In 1981, rumours of a new deadly disease began to spread in the United States. In 1982, it was given the title of acquired immunodeficiency syndrome (AIDS) by the United States Center for Disease Control (cf. Marx, 1982). In the first years of the epidemic, AIDS was principally considered a medical issue. Gradually, however, governments in affected countries, including France, began to respond to what was increasingly being presented as a global public health crisis. Nevertheless, the process by which AIDS was politicized as a national policy problem in France and, in particular, the government's initial reluctance to engage

with the issue, had profound implications for subsequent prostitution policy debates. Not least of all, traditional fears concerning sexually transmitted diseases and public health began to resurface, threatening to upset dominant abolitionist conceptions of prostitution as a social ill.

6.1.1. The politicization of AIDS and its consequences

In the immediate aftermath of its discovery in the early 1980s, AIDS was primarily perceived to be a marginal – if highly problematic and puzzling – health problem affecting specific socially stigmatised groups. As a result, the disease was considered the remit of medical professionals rather than a public policy issue requiring state intervention (Lewis, 1993: 38). Moreover, with little understanding of the transmission of the disease, medical discourse contributed to socially constructing notions of ‘high-risk’ groups and reinforcing the belief that these groups were responsible for transmitting the disease (Deschamps, 2005: 95; Glick Schiller, et al, 1994; Pinell, 2002: 7). By virtue of their overrepresentation among the afflicted, depictions of these high-risk populations focused particularly on homosexuals (cf. Altman, 1984), as well as on migrants, and individuals involved in prostitution (Clatts and Mutchler, 1989: 107). Nevertheless, as the epidemic spread and began to affect the population more generally, the issue soon ceased to be the monopoly of the medical elite, and was gradually politicized as a high-priority policy issue (Mercier, 1992: 125; Pinell, 2002: 16). Throughout this process, notions of ‘high-risk’ groups and practices persisted in shaping public and political understanding of AIDS, as political actors and the mass media integrated simplified medical and epidemiological expertise in their representation of the disease (Mathieu, 2000: 70-71).

In France, AIDS was politicized relatively late compared with the United States and United Kingdom, for example (Steffen, 1993: 240; cf. Harden and Rodrigues, 1993; Street, 1993). The socialist government shied away from direct involvement in the issue until the mid 1980s. This was primarily because of a reluctance to weigh in on an unfamiliar problem that was still perceived as ‘marginal’, as well as the fear of alienating voters as a consequence of the issue’s association with homosexuality (Thiaudière and Pinell, 2002: 78-79). Consequently, the third sector was the first to address the paucity of preventative, medical and social

support services available. The first organisations created to address AIDS – Vaincre Le Sida (VLS) and AIDES – were established in 1983 and 1984 respectively (de Busscher, Thiaudière, and Pinell, 2002: 41, 49; Steffen, 1993: 248).

Thus, the state maintained its ‘non-interventionist’ position until 1985 (Steffen, 1993: 247; Thiaudière and Pinell, 2002: 90), after which, it began to implement public health measures aimed at stemming the spread of the disease, including the systematic testing of donated blood in 1985, and the compulsory declaration of AIDS cases in 1986. Nevertheless, there is a broad consensus that the development of a fully-fledged AIDS policy, bringing together state actors from the Ministry of Health, the Ministry of Research, and the various dedicated public and third sector agencies, only truly emerged in France after the 1986 legislative elections (Favre, 1993: 10; Mathieu 2000: 62; Pinell, 2002: 15-16; Steffen, 1993: 251; Thiaudière and Pinell 2002: 90). One of the new government’s first actions was to declare AIDS a ‘cause of national importance’ (*grande cause nationale*).

By 1986, AIDS and the dominant representations associated with the disease had become a mainstream and incontrovertible ‘element of social life’ few were unaware of (Herzlich and Pierret, 1988: 1111; Solé, 1993: 579). In this context, it became increasingly difficult for political actors to continue avoiding the topic, and many were compelled to publicly state their position on it, lest they be viewed as unconcerned (Favre, 1993: 11). This led to heated polemics. Certain groups, most notably the extreme-right National Front party (*Front National* - FN), sought to exploit the public’s fears about AIDS, and frame the disease as a threat to the nation’s physical, moral, and racial health (Mathieu, 2000: 79; Pratt, 1998: 276; Thiaudière and Pinell, 2002: 93). Others, such as radical left activists and members of the Communist Party, instead emphasised the double-victimisation of those in lower socio-economic groups affected by the disease, who were not only ill, but also disproportionately suffered its negative social and economic impacts of the disease, including stigma and unemployment (Bacot, 1991: 95). It is amid this conflict and contestation that the topic of prostitution re-emerged in policy debates (de Busscher and Pinell, 1996: 33; David, 2006: 115-116; Mathieu, 2000: 79; 2013b: 7; Mazur, 2004:131-132; Pinell, 2002: 16; Pollak, 1992: 26). This was due to prostitution increasingly being held responsible for spreading AIDS to the

general population via ‘unwitting’ male clients (e.g. Barzach in *Le Monde*, 8 June 1990b; Nau, 1989).

The prostitution policy debates that arose during this period challenged the dominant principles and values undergirding the abolitionist regime in two significant ways. Firstly, the representation of prostitution as a prime vector of contamination in policy discourse reframed the issue as a public health problem. As a result, latent public and political support for a return to the brothels and compulsory medical testing of the *système français* was resurrected. This clashed with the explicitly anti-regulationist position of those public and third sector organisations that had historically been responsible for rehabilitating and delivering social support to individuals in prostitution. These organisations had built their service model around a conception of prostitution as a social problem rather than a public health one, associating the latter with regulationist regimes’ preoccupation with curbing sexually transmitted diseases by organising prostitution (Mathieu, 2000: 65). Secondly, as scientists, activists, and policymakers’ attention turned to prostitution as a key battleground for the successful prevention of AIDS, research was conducted, knowledge gathered, and new representations constructed about a previously oversimplified and misunderstood population. This resulted in the gradual emergence of a competing discourse to the one deployed by traditional abolitionist organisations. This new discourse challenged the conception of individuals in prostitution as traumatised victims and, instead, highlighted their agency and advocated the need to grant them greater protection and rights in a deeply stigmatised activity (Mathieu, 2000: 65, 2004b: 155).

6.1.2. Challenging the abolitionist monopoly

Fears concerning the role of prostitution in the AIDS epidemic emerged quickly after the discovery of the disease in the early 1980s (e.g. *Le Quotidien de Paris*, 11 August 1983). By 1987, the linking of both heterosexual and homosexual prostitution with AIDS had become commonplace in the national media (e.g. *Le Monde*, 9 January 1987; *Le Nouvel Observateur*, 20 March 1987). The growing focus on the public health implications of prostitution contrasted sharply with the dearth of health prevention services aimed at individuals in prostitution at the time

(David, 2006: 115-116; Mathieu, 2001: 201). On the one hand, newly established AIDS prevention and support organisations were primarily targeted at the homosexual community. Moreover, traditional abolitionist organisations, such as the Mouvement du Nid, refused to address the issue of AIDS prevention in prostitution as a public health issue, claiming that the only appropriate and effective means of preventing AIDS in this population was to prevent prostitution itself (e.g. Mouvement du Nid, 1993a). On the other hand, government prevention campaigns were universal and did not provide targeted support for the different groups affected. Similarly, social services did not develop preventative initiatives, focusing instead on providing assistance on a case-by-case basis (David, 2006: 116; Mathieu, 2001: 211). For Mathieu, this is because of social work departments' unwillingness to engage with prostitution as a public health issue, for fear of reopening debates about its regulation with a view to curbing sexually transmitted diseases (2000: 69; 1999b).

Nevertheless, in the late 1980s, as a result of the issue rising up the policy agenda, the government began to concern itself with the specific link between prostitution and AIDS as part of its broader prevention strategy (Thiaudière and Pinell, 2002: 90). In particular, it commissioned research to better understand the social and health dimensions of prostitution, with a view to informing targeted prevention (Mathieu, 2005: 366, 2015: 38; Pryen, 1999b: 37; Solé, 1993: 585; Thiaudière and Pinell, 2002: 94). This research into a previously under-investigated and poorly-understood phenomenon revealed two important trends. First, it dispelled the myth of prostitution as a homogenous phenomenon, and instead highlighted the diversity of people and practices involved (Mathieu, 2000: 37, 2004b: 156, 2005: 366). On the one hand, the research identified a declining number of self-proclaimed 'independent' women who worked indoors in apartments and hotel rooms, and who corresponded more to the public's image of 'traditional prostitution' (Mathieu, 2000: 39-40). On the other hand, the existence of a new and very vulnerable group of younger men and women was revealed. These individuals primarily worked on the street and in public places, and many were homeless and abused substances (Mathieu, 2000: 40-41, 2012: 205; Solé, 1993: 587). Second, this research also empirically disproved the claim that prostitution was a leading cause of the AIDS epidemic (cf. de Vincenzi, 1989; Coppel, et al,

1990; Serre, et al, 1994). While certain individuals were particularly vulnerable to infection, mainly as a result of their drug use, others had incorporated sophisticated AIDS prevention strategies into their practices in order to protect themselves (de Vincenzi, et al, 1992: 224; Mathieu, 2000: 41).

Consequently, from 1989 onwards, the government began to subsidize a number of new organisations aimed at providing specialised and targeted health and prevention services for this complex and notoriously hard-to-reach population (David, 2006: 115-116; Mathieu, 2001: 211-213). These new organisations were born out of the relationship between researchers and individuals involved in prostitution who were keen to develop preventative knowledge and skills among their peers (e.g. Nau, 1990a). As a result, these groups decided to adopt a 'community health' model of health promotion and prevention. This model is derived from humanitarian approaches to medicine that actively involve the intended beneficiaries of health interventions in the development and delivery of serviced directed at them (David, 2006: 116; Deschamps and Souyris, 2008: 95; Fournier and Potvin, 1995: 42; Mathieu, 2000: 77).

The first of these 'community health' groups was the *Bus des Femmes* (the 'Women's bus'), a bus that began touring Paris' red light districts in 1990, and was designed to welcome individuals in prostitution and provide them with health advice, condoms, and a moment of respite in a supportive environment. Among the bus' team were several salaried individuals who were either formerly or currently involved in prostitution. The organisation operated according to the rationale that individuals with first-hand knowledge of prostitution would be in a more effective and legitimate position to deliver preventative and support services to others (David, 2006: 116; Mathieu, 2000: 77). Furthermore, the *Bus des Femmes* refused to condition its support on users' exit or rehabilitation from prostitution, restricting its interventions to providing individualised support, and preventative and medical assistance. This model, with its emphasis on 'community health', accessibility, and its refusal to push users towards exit or rehabilitation from prostitution would quickly be emulated by other organisations in France's major cities (cf. Deschamps, 2005: 96; Garcia, 2009; Mathieu, 2000: 78).

Mathieu, who has written extensively about the development, organisation, and operation of these 'community health' groups, has documented the challenge posed by these new actors to traditional abolitionist organisations and social workers (2000, 2001, 2004b, 2005). In particular, he highlights three dimensions of competition that arose from the growing involvement of community health groups in an area that had previously been the monopoly of traditional abolitionist organisations and social services. Firstly, these groups' emphasis on harm reduction, and their unwillingness to seek service users' exit from prostitution were at odds with the abolitionist objective of preventing prostitution (David, 2006: 117-118; Deschamps, 2005: 95, 2007: 48; Mathieu, 2001: 218). Indeed, many of their practices, and especially the distribution of condoms, were considered by organisations such as the Mouvement du Nid to 'facilitate' and enable prostitution (cf. Coppel, 2002; e.g. Mouvement du Nid, 1993a). Secondly, their employment of individuals involved in prostitution was perceived as an attempt to legitimate their experience as a source of expertise (Deschamps, 2005: 96, 2007: 48; Mathieu, 2001: 249-250). Finally, as a result of their close integration of individuals in prostitution into their model of service delivery, these organisations gained and increasingly sought to put forward a more positive conception of prostitution than the one portrayed by proponents of abolitionism (Mathieu, 2004b: 157).

These new representations were gradually embedded into a competing discourse which identified stigma, rather than prostitution itself, to be the source of vulnerability and violence experienced by those involved (David, 2006: 116-117; Mathieu, 2000: 232-233, 2004b: 156, 2005: 367). Gradually, many of these groups began to fight against the social exclusion of individuals in prostitution, and for the greater recognition of their social and civil rights (David, 2006: 116-117). By the mid to late 1990s, a number of these organisations had extended their remit beyond simple health prevention, campaigning for sex workers' rights and providing support in cases of perceived 'harassment' by the authorities through the excessive use of custody and fines against soliciting (e.g. Dabadie, 1998). In certain cases, these organisations also supported individuals in prostitution who wished to have their activity decriminalised and recognised as a legitimate form of labour (Mathieu, 2005: 367; cf. Kremer, 2000a; Prieur, 1996). Furthermore, in

addition to securing rights and the decriminalisation of prostitution, these sex workers' rights activists also increasingly sought to disrupt the abolitionist monopoly over not only the provision of services to individuals in prostitution, but also over the authority to speak on their behalf. To do so, they staged disruptive protests at events organised by abolitionist coalitions, and often attempted to disrupt the proceedings of pro-abolitionism conferences (e.g. Kremer, 2000a, 2000b; Prieur, 1996).

For Mathieu, these new representations and the demand for the full recognition of the civil, social, and labour rights of individuals in prostitution amounted to “a radical reassessment of the role of the welfare state” (2004b: 157). This is because these groups sought to recast the state as the guarantor of individuals' freedom to participate in prostitution, the protector of their rights, and the provider of social and medical services to support them in their decision. In this way, these new organisations and activists sought to challenge not just the monopoly of traditional abolitionist service providers, but the normative pillars upheld by the abolitionist French state, which, they considered, denied the “full citizenship” of individuals in prostitution in the republic (Mathieu, 2004b: 157).

6.1.3. The resurfacing of neo-regulationism

The emergence of new actors whose operating procedures and beliefs were incompatible with traditional abolitionist values was not the only challenge faced by proponents of France's prostitution policy framework. Rather, the state and abolitionist organisations' perceived lack of engagement with the public health implications of prostitution also allowed historical regulationist policy demands to resurface. Thus, from the mid 1980s onwards, fears that prostitution was responsible for the propagation of AIDS contributed to fractious policy debates over the possibility of reintroducing state-regulated prostitution (Solé, 1993: 586; e.g. Bachelot and Lorane, 1988).

The first of these controversies erupted in 1986, when right-wing MP, Henri Bouvet, called for brothels to be reopened to stem the spread of AIDS and other sexually transmitted diseases (Nau, 1986). At the same time, the FN proposed that individuals deemed to belong to ‘high-risk’ populations, including homosexuals, individuals in prostitution, and drug users, should be forced to undergo systematic

testing for AIDS, and that those found to be HIV-positive should be forcibly detained and segregated (*Le Monde*, 14 Avril 1987; Nau, 1986). Representatives of all political parties, left and right, joined together in the unanimous and forceful rejection of this proposal, seeking to repudiate the FN and its extremist views (Mathieu, 2001: 206). The controversy was reignited in 1990 when the Paris council officer for health and former Minister of Health, Michèle Barzach publicly declared that brothels should be reopened as a means of addressing the epidemic (in *Le Monde*, 8 June 1990a). On this occasion, she stated that:

“The current situation is unacceptable and frightening. [...] The bois de Boulogne has become the ‘AIDS boulevard’: we cannot, we must not remain indifferent. Remember that the men who frequent the prostitutes of the bois de Boulogne are often married and that this is how a chain of heterosexual contamination often begins. I therefore believe that we need to reintroduce regulation [...] and reopen brothels. Let us implement a genuine public health system [...]. Enough of this collective hypocrisy and irresponsibility.”⁵⁰ (in *Le Monde*, 8 June 1990a).

The fallout from this declaration was immediate. Over the next week, a wide range of high-profile political and civil society actors publicly condemned Barzach, from cabinet ministers, Paris council representatives, and MPs from across the political spectrum, to abolitionist and secular third sector organisations. Some, such as the Socialist Party, the Mouvement du Nid, the Agence Française de lutte contre le Sida, the Conseil National du Sida, and the president of the French Red Cross, emphasised the ineffectiveness of brothels to prevent contamination (*AFP*, 8 June 1990a, 8 June 1990b; Mouvement du Nid, 1990; *La Tribune*, 11 June 1990). Others highlighted the degrading and stigmatising implications of regulationism for women. This is the case, for example, with the Junior Minister for Women’s Rights, Michèle André, who declared herself to be

⁵⁰ “La situation actuelle est inacceptable et effrayant [...]. Le bois de Boulogne est devenu le boulevard du sida: on ne peut plus, on ne doit plus rester indifférent. Songez que les hommes qui fréquentent les prostituées du bois de Boulogne sont souvent mariés et que c’est comme cela que démarre bien souvent une chaîne de contamination hétérosexuelle. Je pense donc qu’il faut réinstaurer des règles contraignantes, [...] il faut rouvrir les maisons closes. Installons un véritable système sanitaire [...]. Mais assez de cette hypocrisie et de cette irresponsabilité collective.”

“profoundly aggrieved by this proposal”⁵¹, and argued that forcing women back into brothels would do nothing but contribute to their exploitation and objectification (*AFP*, 8 June 1990c). Similarly, the MFPP and the Ligue des Droits de l’Homme claimed a return to regulationism would “undermine women’s dignity”⁵² and amounted to the state-endorsed discrimination against women (*AFP*, 9 June 1990; *Le Monde*, 10 June 1990a). Finally, the mayor of Paris, Jacques Chirac, quickly disassociated himself from his health officer’s comments, stating that her position was not representative of the city council’s position on AIDS and prostitution, and that she had expressed herself in a purely personal capacity (*AFP*, 8 June 1990b).

Those who supported Barzach’s proposal were comparatively fewer. In the immediate wake of Barzach’s statement, the Minister of Health, Claude Evin declared that he was “ready to examine any proposition that would allow us to stem the spread of AIDS”⁵³ (*AFP*, 8 June 1990b). However, two days later, in the midst of the scandal, he rescinded his support for the motion, calling it “unrealistic” and “shocking”, and deploring the fact it would undermine “women’s dignity” (*AFP*, 10 June 1990a; *Le Monde*, 10 June 1990b). Nonetheless, the Junior Minister for humanitarian action, Bernard Kouchner admitted that: “the problem deserves to be discussed”⁵⁴ (*Le Monde*, 10 June 1990b). He argued that the current abolitionist regime forced women to work ‘in the shadows’ thereby compromising their rights, their security, their health, and that of their clients. Lastly, representatives of the police also expressed tentative support for the idea of reopening brothels, arguing that regulation would make prostitution easier to control and contain the risks associated with it (*AFP*, 8 June 1990c; Mouvement du Nid, 1990).

In the face of overwhelming criticism, Barzach initially defended her analysis of prostitution as a public health issue, stating that: “[w]e need to have the courage to recognise that prostitution exists and that the development of AIDS has

⁵¹ “Je suis profondément heurtée par cette proposition”

⁵² “bafoue la dignité des femmes”

⁵³ “Je suis prêt à examiner tout ce qui permettra d’enrayer le développement du SIDA.”

⁵⁴ “Le problème mérit d’être posé.”

complicated the problem”⁵⁵ (Barzach, 1990). She attacked France’s abolitionist policy framework and the *Marthe Richard* law, claiming they had neither liberated women, nor eradicated prostitution. Further, she emphasised the pragmatism of regulationist frameworks, explaining that brothels offered individuals in prostitution safer and cleaner working conditions. This was met with little less than outrage and derision from policymakers and other public figures in the national press (Solé, 1993: 616-617). Consequently, in an interview on December 6th 1990, Barzach distanced herself from the polemic, admitting she had made a “communication error” (in Nau, 1990b).

Barzach’s recanting marked the end of a debate that had spontaneously galvanised elite political and civil society actors into a broad consensus that reopening state-run brothels was an unacceptable and inappropriate option for France (Mazur: 2004: 133). Yet, while the controversy remains one of the most sustained and high-profile challenges to the country’s prostitution policy since the banning of brothels in 1946, it was actually only the last in a long series of such objections to France’s abolitionist stance. Indeed, table 1 in the previous chapter catalogues fourteen such debates between the adoption of the *Marthe Richard* law and the June 1990 controversy caused by Barzach. The frequency with which policy polemics over reopening brothels resurfaced in France during the period prompted historian Jacques Solé to declare them “[o]ne of our favourite political and cultural sports”⁵⁶ (1993: 40). For Berridge (1993), Solé (1993: 621), and Mathieu (2000), the rapid resurfacing of regulationist ideas in the midst of the public health crisis caused by AIDS can be explained by France’s historical and cultural attachment to state-controlled prostitution, even after its abolition.

This analysis is further supported by evidence that the French public has always been in favour of a return to the *système français*. A comparison of all public opinion surveys reported in the national press and referred to in policy debates between 1970 and 2013 reveals that the French public has supported the regulation of prostitution, in particular through state-regulated brothels, throughout the period (cf. table 2). Between 1972, when the first survey was

⁵⁵ “Il faut avoir le courage de reconnaître que la prostitution existe et que le développement du sida est venu compliquer le problème.”

⁵⁶ “Un de nos sports politico-culturels préférés [...]”

released, and June 1990, when Barzach reignited the controversy, support for the regulation of prostitution averaged 59%. At its lowest, in 1979 and 1990, this option was still favoured by 55% of respondents, peaking at 64% in the midst of the Barzach debate. Consequently, public and political support for brothels has always been under the surface of French prostitution policy debates, leading *Le Monde* journalist Bruno Frappat to label neo-regulationism as the “Loch Ness monster of public morality” in France (1978).

Table 2. Comparative public support for brothels (1970-2015)			
Date	Yes (%)	No or Don't know (%)	Reference
1972	63	37	SOFRES, in Chastaing (1973b: 1).
1975	60	40	IFOP, in Mathieu (2001: 71).
1979	55	45	IFOP, in Verges (1979).
1990 (May)	55	45	IPSOS (1990).
1990 (June)	64	36	Louis Harris/VSD, in <i>AFP</i> (1990d)
2002	66	34	CSA, in <i>Le Monde</i> (2002, 14 November)
2003	63	37	CSA (2003).
2006	57	43	CSA (2006).
2010	59	41	CSA, in <i>Le Parisien</i> , (2010, 18 March).
2011	59	41	<i>Paris Normandie</i> (2011, 7 December).
2013	74	26	IFOP (2013).

Nevertheless, accounts that emphasise French cultural attachment to regulationism cannot explain why demands to reopen brothels have been systematically and forcefully rejected each time they have surfaced in policy debates. This is particularly important in the case of the Barzach controversy. By the end of this particular debate, political opposition to reopening brothels was so widespread and overwhelming that it served to definitively delegitimise regulationism as a policy option in France. Indeed, Mazur notes: “Barzach’s

provocative statement allowed a broad coalition of state and society actors to renounce decisively in a highly public manner the re-opening of state-run bordellos and in so doing stopped any further consideration of a regulatory regime in France” (2004: 133). Evidence of this sidelining of neo-regulationist aspirations includes the conspicuous absence of brothel debates for over a decade after Barzach recanted. The next debate of this nature was only ignited in 2002 when the right-wing mayor of Paris’ 17th *arrondissement*, Françoise de Panafieu, once again called for brothels to be reopened (cf. *Libération*, 1 July 2002). Even then, all debates of this nature were hereafter met with overwhelming disapproval from a broad range of political and civil society actors. Most importantly, government officials either rejected these demands out of hand, or ignored them because of their perceived marginal or local nature. This is the case, for instance, with the 2002 debate instigated by de Panafieu, which principally played out between members of the Paris city council, who unanimously opposed the proposal, and which garnered little interest from government ministers (cf. *AFP*, 2 July 2002; Gros, 2002). Subsequently, from the mid-1990s onwards, neo-regulationist demands were made to appear irrelevant at best, and irresponsible and abhorrent at worst.

6.1.4. Ideational policy feedback

The literature on contemporary French prostitution and AIDS policy describes the gradual exclusion of neo-regulationist policy ideas from serious political consideration, and points to the 1990 debate sparked by Barzach as the watershed for the definitive marginalisation of pro-regulation policy demands in contemporary French prostitution policy debates. Nevertheless, the process by which such historically entrenched preferences were progressively delegitimised remains to be explained. To date, the close association of neo-regulationist demands with the controversial National Front party in the late 1980s has been the only conjectured explanation for their rejection by the bulk of mainstream political actors when Barzach raised the issue again (Mathieu, 2000: 72, 2001: 205-206; 2013a: 218). While this may explain the vehemence of the opposition to Barzach’s proposal, it cannot account for the shutting down of brothel debates prior to the arrival of the FN on the political stage in the early 1980s. Moreover, the systematic dismissal of neo-regulationist claims in France after the Second

World War suggests persistent and widespread underlying political support for the country's abolitionist policy framework. This latent but resolute support appears to exist in direct defiance of both public opinion on the issue of regulation, and the relative lack of policymakers' interest in prostitution since the adoption of abolitionism in 1960. Consequently, an account of the subversion of a policy preference so "profoundly rooted [...] in French political folklore" (Solé, 1993: 614) must explain how an otherwise marginal policy framework has progressively asserted its dominance over a historically entrenched policy alternative.

In order to account for the gradual generation of support for a policy over time, institutionalist theories depart from the understanding that, once enacted, policies become more than the passive product of a decision-making process. In particular, once implemented, policies influence the resources, opportunities, and beliefs of the groups they affect (Béland, 2010b: 571; Jacobs, 2010: 97; Lowi, 1964: 688; Pierson, 1993: 596; Schneider and Ingram, 2005: 5; Weaver, 2010: 137). As a result, policies, and their outcomes, can contribute to either reinforcing or undermining their own support and operationalisation.

The mechanisms through which policies come to exert a causal effect on the political and social systems in which they are embedded are referred to as 'feedback effects'. There exist two broad categories of feedback effects: positive and negative. These labels do not reflect an appreciation of a policy's impact on actors as normatively 'good' or 'bad'. Instead, these two types of effects concern the impact of a policy on its continued implementation and perceived effectiveness. Thus, positive feedback effects are those that serve to strengthen political commitment to a course of action (Baumgartner and Jones, 2002: 13). This is the case, for example, when the consequences of a policy serve to gradually empower a constituency, for example by granting them more resources or access to power, which then goes on to fight for the continued implementation of the policy (Schneider and Ingram, 2005: 8). Conversely, negative feedback effects are those processes initiated by the implementation of a policy that, over time, contribute to undermining commitment to it and, consequently, its sustainability (Baumgartner and Jones, 2002: 9). Negative feedback effects usually take the form of increasingly unacceptable social, political, and/or material costs (Béland, 2010b: 576; Weaver, 2010: 137).

Consequently, the notion of policy feedback is closely linked to the analysis of policy implementation. This is because implementation studies are primarily concerned with investigating the dimensions of a policy's enactment that are likely to affect its success, chief of which are feedback effects (cf. deLeon and deLeon, 2002). As a result, Weaver (2010) and May (2014) have sought to investigate the role of policy feedback in the development of policy regime strength and durability. On the one hand, May posits that strong regimes are those that produce positive feedbacks which increase the legitimacy, coherence, and durability of its constituent ideas and institutions (2014: 5). On the other hand, however, the strength of a policy regime does not depend on the absence of negative feedback effects. Indeed, all policies involve a combination of positive and negative consequences (Weaver, 2010: 139). Regime strength therefore depends either on the balance of positive feedbacks outweighing the impact of negative ones, or the absence of acceptable policy alternatives (Weaver, 2010: 139).

Linking regime strength to feedback processes generated by policy implementation can help explain why some boundary-spanning policy regimes, such as French abolitionism, become anemic. This is because boundary-spanning policy regimes established to tackle complex and intractable issues are particularly prone to implementation problems when actors with clashing interests or ideas (un)intentionally act in conflicting manners (May, 2014: 4-5). In the case of French abolitionism, the regime's record of weak policy implementation, and its perceived ineffectiveness have fuelled public and political dissatisfaction (Mathieu, 2014b). This is evident in the public's tendency to attribute the rise of sexually transmitted diseases after the Second World War, including AIDS, to abolitionism and the 1946 brothel ban. Moreover, this dissatisfaction allowed traditional regulationist preferences to persist. These preferences manifest themselves in both the public's continued support for brothels, and the recurrent political debates over repealing the *Marthe Richard* law. In this sense, the regular challenges to abolitionism posed by controversies such as those sparked by Barzach in June 1990 can be understood as the consequence of negative policy feedback.

Nevertheless, despite the continued existence of neo-regulationist policy demands, their political legitimacy waned continually throughout the 1980s, until they were definitively excluded from the repertoire of acceptable policy alternatives in the wake of the Barzach debate. This development poses a puzzle for policy feedback theory. With its focus on implementation, the literature on policy feedback is currently ill-equipped to explain how a boundary-spanning policy regime plagued by implementation problems and frequently assailed by calls for reform has nevertheless generated sufficient positive feedback to gradually assert its dominance over a strong competing alternative. Rather, this case suggests the possibility of a policy regime generating substantial positive feedback in the absence of effective implementation. This therefore entails that, in addition to those engendered by implementation, there exist another class of feedback effects that do not operate through the direct transformation of actors' material or institutional world. In particular, the case of French abolitionism appears to indicate that the outcomes of policy debates can generate strong feedback effects.

Historical institutionalism has extensively theorised the positive feedback effects that serve to stabilise political decision-making (cf. Goldstone, 1998; Greener, 2005; Mahoney, 2000, 2001; Pierson, 1993, 2000; Thelen, 1999; Thelen and Steinmo, 1992). The core institutionalist concepts of path dependency, policy lock-in, and increasing returns all speak to the gradual entrenchment of certain policies, as the mounting material, institutional, and normative costs of reform progressively restrict the possibilities of policy change (Arthur, 1989, 1990; Goldstone, 1998; Mahoney, 2000, 2001; Pierson, 2004). Moreover, these accounts have increasingly acknowledged that ideas matter in institutional processes. On the one hand, it is now widely believed that ideas can play a key role in initiating policy change and shaping policies in moments of flux (e.g. Blyth, 2001: 3, 2002: 40; Campbell, 1998: 385; Hall, 1993: 289). On the other hand, this scholarship has also looked at how ideas themselves are affected by institutional process and, in particular, how ideas come to be widely shared and institutionalised as a result of policy implementation (Béland, 2005). Nevertheless, the mechanisms through which political debates, policy discourse, and the ideas they communicate might instead produce reinforcing feedback effects, similar to those generated by

institutional factors, remain comparatively underinvestigated (Béland, 2005: 2, 2010b: 570).

This explanatory gap has led to the development of a new institutionalist scholarship concerned with the communicative practices that create, negotiate, and legitimise policy ideas and, in so doing, shape the institutional frameworks they underpin (Schmidt, 2008, 2011). This ‘discursive institutionalism’ helps explain how discursive processes, such as the recurrent debates over reopening brothels, can help impel or constrain policy change. Hope and Raudla argue that discourse “can suppress the emergence of new interest coalitions, prevent the emergence of new norms and undermine the development of particular forms of institutions”, in much the same way as institutional structures and rules might (2012: 403). Thus, from a discursive institutionalist perspective, the case of contemporary French prostitution policy demonstrates the capacity for certain ideas to become increasingly legitimised in policy debates, to the gradual exclusion of competing alternatives. This process can be considered a form of ideational path-dependency in which key decision-makers’ shared belief that regulationism is inappropriate and illegitimate was progressively embedded and reinforced with the outcome of each policy debate. At the same time, conversely, broad commitment to abolitionist ideas concerning the victimhood of individuals in prostitution and the nature of prostitution as a social, rather than a public health, problem was increasingly reasserted.

The historical legacy created by the systematic prevailing of abolitionist ideas over neo-regulationist demands therefore contributed to both delegitimising regulationism and further reinforcing the dominance of the state’s abolitionist position. By the end of 1990, abolitionism was no longer simply the *most* appropriate policy approach to addressing the issue of prostitution, it had also become the *only* appropriate stance to adopt. This form of positive discursive feedback therefore gradually embedded, locked-in, and ultimately elevated abolitionism to the rank of ‘dominant orthodoxy’. This means that the ideas and institutions that underpinned the boundary-spanning abolitionist policy subsystem institutionalised in the mid 1980s had become the object of such a widely-shared commitment that, henceforth, detractors would be made to appear deviant (Legro, 2000: 420). It is at this stage that abolitionism was consecrated as a dominant

policy regime, integrating strong commitment from a wide range of actors and structuring all state behaviour towards prostitution according to ideas and procedures associated with abolitionist values and objectives. Nevertheless, while support for this policy regime was wide-ranging and increasingly explicit, ambiguity and disagreement still exist concerning how abolitionism should be enacted in practice. In this sense, political support for abolitionism continued to be heterogeneous, and the only firm common ground all actors shared was a strong concern for vaguely defined notions of the ‘wellbeing’ of individuals in prostitution (Allwood, 2006: 50).

6.2. The ‘remobilization’ of abolitionists

Politically, then, the positive feedback effects generated by the repeated rejection of neo-regulationist demands from the 1960s onwards were sufficient to elevate abolitionism to the rank of policy orthodoxy and protect the French prostitution policy regime from serious challenge. Socially, however, support for abolitionism as a social movement was waning in the 1980s. With his historical analysis of the evolution of abolitionism and prostitutes’ rights groups as social movements, Mathieu has been the primary chronicler of this ‘crisis’ of abolitionism in France (2001, 2004a, 2013a). For him, the causes of this crisis are twofold. On the one hand, the secularisation of society and the liberalisation of mores in post-1968 France contributed to diminishing the influence of organisations, such as the *Mouvement du Nid*, with their roots in social Catholicism (Mathieu, 2013a: 83). This not only made the recruitment of activists more difficult, but contributed to the public’s perception that such traditional organisations were outdated and irrelevant in the face of contemporary social challenges (Mathieu, 2001: 211, 2013a: 83). On the other hand, the politicisation of AIDS in the 1980s and the emergence of new non-abolitionist actors and discourses had challenged abolitionist organisations’ hegemony as policy experts and key service delivery partners (Mathieu, 2004b: 155). Nevertheless, Mathieu also argues that, from the mid 1990s onwards, abolitionist organisations attempted to reassert their primacy in this policy area (2013a: 84).

Mathieu’s analysis echoes other accounts of abolitionists’ increasingly organised attempts to resist the perceived encroachment of neo-regulationist policy ideas

from domestic community health groups and transnational sex workers' rights activist networks during the 1990s. The scholarship on contemporary French prostitution policy highlights three dimensions of abolitionism's active resistance during this period. Firstly, Mathieu emphasises the gradual 'remobilisation' of traditional abolitionist organisations seeking to recast themselves as part of a modern movement with relevance for contemporary policy debates (2004b: 158, 2013a: 84). Secondly, Mazur (2004: 123-124) and Allwood (2006: 48-49) highlight the contribution of feminist political actors, who increasingly voiced support for abolitionism both at home and abroad, to defending and strengthening France's abolitionist prostitution policy framework. Finally, Mathieu's more recent work has highlighted the role of new actors, at the interface between the political and civic spheres, in building ever-closer networks between state feminists and abolitionist activists (2013a: 105). Nevertheless, while these facets are analytically distinct, empirically they unfolded concurrently.

6.2.1. Remobilization at home and abroad

To begin with, the reaction of abolitionist organisations to the new discourse and practices deployed by AIDS prevention and community health groups was primarily defensive. In particular, these organisations reaffirmed their conception of prostitution as an unacceptable social ill against community health groups' newer, and more positive, representations of prostitution, which they feared served to mask support for a return to regulationism (Mathieu, 2000: 231-232, 2004b: 158, 2013a: 57). Traditional abolitionist groups, such as the Mouvement du Nid, accused the newcomers of facilitating and organising prostitution by striving to make it safer and less stigmatising (Mathieu, 2004b: 158; e.g. Mouvement du Nid, 1993a). Gradually, the Mouvement du Nid sought to reassert its position as the State's primary provider of social support to individuals in prostitution. It did this by capitalising on its extensive networks, especially at the local level. Most notably, it broadened its remit and began to provide training to politicians and civil servants – especially those working in council social work departments – thereby further disseminating its preferred conception of prostitution and its 'victims' (e.g. Mouvement du Nid, 1993a; Nor in Benloulou, 2003; Kermarec, 1998).

Nevertheless, these efforts to re-establish support for abolitionism in France only began to take root as a result of policy makers and feminist activists growing awareness of, and involvement in addressing, issues related to prostitution and trafficking from the mid 1990s onwards. This was driven by developments in international debates concerning prostitution and human trafficking, as well as policy changes in other countries (Mathieu, 2004b: 157-158). By drawing French feminists into discussions about what ought to be done to tackle the growth of transnational trafficking and migration for the purpose of selling sex, these international debates served as the second arena in which the remobilisation of French abolitionism played out. More specifically, for Mathieu (2004b: 157) and Allwood (2006: 51-52), these international debates contributed to raising domestic political attention to the issue of prostitution again and, in so doing, the normative and practical merits of the country's abolitionist regime.

Following the flurry of interest in trafficking and sexual exploitation after the Second World War, which had led to the elaboration of the 1949 New York convention, these issues quickly receded from international debates (cf. Abramson, 2003). Nevertheless, processes such as globalisation and, later, the opening of European borders after the fall of the Berlin wall in 1989, led to the profound transformation of economic and labour markets and, subsequently, of international migration in Europe (cf. Deschamps, 2007: 45; Kligman and Limoncelli, 2005: 119; Penttinen, 2008). As a result, trafficking and migration for the purposes of selling or purchasing sexual services ceased to be seen as a marginal phenomenon, and prostitution was no longer perceived as a purely domestic issue. Instead, it was increasingly considered a transnational phenomenon (Locher, 2007: 130; Maugère, 2009: 217). Prostitution and trafficking's transcendence of national borders prompted states to enter into debates about how best to prevent, tackle, and punish this boundary-spanning phenomenon (Maugère, 2009: 217-219). These debates primarily played out in the forums offered by inter-governmental institutions, such as the EU, and supranational organisations, such as the UN (Outshoorn, 2005). These debates were driven by powerful transnational coalitions, bringing together activists and national policy entrepreneurs in the defence and promotion of competing models

of prostitution policy (Maugère, 2009: 234). By the mid-1990s, two antagonistic lobbies had emerged to dominate these international debates.

On the one hand, a broad transnational coalition of feminist policymakers and activists advocated for the recognition of prostitution as a form of labour and, subsequently, for a return to its regulation. This coalition was further bolstered by The Netherlands' decision to reinstate the regulation of prostitution in 1999. This policy reversal on behalf of a previously abolitionist country had profound implications for international prostitution policy debates (Mathieu, 2004b: 157). This is because, fundamentally, the reform was premised on the distinction between a putatively 'forced' prostitution, which should be criminalised, and 'voluntary' prostitution, which should be organised as a form of 'sex work' (Mathieu, 2004b: 157; Outshoorn, 2004c: 185). Moreover, the coalition's objectives were not limited to changing domestic Dutch prostitution policy, but also to achieving the international decriminalisation of 'voluntary' prostitution, especially in the context of anti-trafficking efforts (Mathieu, 2001: 128; Outshoorn 2004c: 186; cf. Théry interview, 23 November 2012, paragraph 73). For Outshoorn, this lobbying effort marks the beginning of a campaign, by transnational feminist advocacy networks, to 'delink' notions of 'forced' prostitution and trafficking from those of 'voluntary' sex work and labour migration in political discourse and prostitution policy (2005: 151; 2015: 69-70). The objective was to decouple the issues of voluntary prostitution and forced trafficking in international law, so that the former might be better decriminalised while the latter might be more effectively repressed (Doezema, 1999: 45-46, 2005: 70; Outshoorn, 2005: 151-152).

By the mid 1990s, efforts to 'delink' voluntary sex work from forced prostitution and trafficking had begun to find purchase in international debates. For example, in 1994, the Council of Europe's Steering Committee for equality between women and men set up a Group of Specialists dedicated to action "against trafficking in women and *forced* prostitution" (Commission of the European Communities, 1996: 9, my emphasis). Similarly, the 1995 report of the fourth United Nations World Conference on Women, held in Beijing, emphasised the need for member states to redouble their efforts to tackle the 'forced' prostitution of women and children (United Nations, 1996).

On the other hand, advocates of abolitionism from European states and third sector organisations mobilised in staunch opposition to this burgeoning neo-regulationist agenda. This broad counter-alliance brought together members of the European Women's Lobby (EWL), abolitionist policymakers from European countries – chief of which were France and Sweden –, as well as abolitionist organisations such as the Movement for the Abolition of Prostitution and Pornography (MAPP) and the Coalition Against Trafficking in Women (CATW). This front focused its efforts on EU institutions and the United Nations. In particular, they resisted attempts to disassociate prostitution and trafficking during the “European Meeting on Trafficking in Women” held in Vienna in 1996, and the negotiations on a ‘common proposed framework for the prevention and combating of trafficking in women for the purposes of sexual exploitation’ in 1997 (EU Council of Ministers, 1997).

Finally, in 1999, Sweden became the first country to ban the purchase, though not the sale, of sexual services. This policy was premised on strong feminist ideas. In particular, it conceived of all prostitution as a form of violence against women and rejected the possibility of ‘voluntary’ prostitution or sex work (Svanström, 2004). In this way, the new ‘Swedish model’ of prostitution policy was constructed in direct opposition to Dutch neo-regulationism. Moreover, Swedish norm and policy entrepreneurs strongly promoted this policy model abroad (Bucken-Knapp, et.al, 2012: 168). As a result, international abolitionist efforts benefited from Swedish policy advocacy and its bid to resist the delinking and decriminalisation of putatively ‘voluntary’ prostitution in Europe.

6.2.2. The rise of state abolitionism

It is in this context of increasingly antagonistic international trafficking policy debates, that France emerged as a vocal proponent of abolitionism abroad (Allwood, 2006: 51; Mazur, 2004: 124; e.g. Aulagnon, 1998). In particular, French representatives sided with abolitionist activists during the negotiation of the UN *Convention against Transnational Organised Crime* and its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* between 1998 and 2000. Subsequently, after fractious debates, the distinction between ‘forced’ and ‘voluntary’ prostitution was removed from the

document. The protocol was finally agreed in 2000 in Palermo, Italy. It defines trafficking broadly, and considers individuals' consent to being trafficked to be irrelevant in establishing that an offence has been committed (United Nations, 2000). This dimension was crucial to France's ratification of the protocol, any distinction between 'forced' and 'voluntary' prostitution having been explicitly ruled out as incompatible with France's abolitionist position and its commitment to the 1949 New York convention (cf. Védrine, 2001).

Subsequently, French opposition to the distinction between 'forced' and 'voluntary' prostitution was used to justify the country's forceful lobbying against the decriminalisation and regulation of prostitution at the European level. French feminist policymakers assimilated this liberalisation agenda to the institutionalisation of prostitution as a legitimate form of labour. This is the case, for example, with the Junior Minister for Women's Rights, Nicole Péry, who declared that "[w]e must not let the countries of the European Union institutionalise prostitution" (in de Larminat, 2002). French policymakers also used this anti-regulationist platform to internationally promote abolitionism, and France's two-pillared prostitution policy regime specifically. In this way, defending the abolitionist position outside France was increasingly considered "as important as, if not more so than, dealing with prostitution issues at home" (Mazur, 2004: 124). By 2000, it had become commonplace for French policymakers to internationally defend an abolitionist conception of prostitution as an inherently coercive phenomenon, as well as to reject regulationist and prohibitionist regimes as dangerous and misguided (e.g. Ministère de l'Emploi et de la Solidarité, 2000; UN General Assembly, 2000).

For Mathieu, the increasingly forceful mobilisation of feminist policymakers on the issue of prostitution during this period stemmed from the growing influence of the recently reinvigorated French women's movement (2004b: 159; 2013a: 111). Having declined during the 1980s, the mid-1990s saw the remobilisation of a strong women's movement around contemporary policy issues (Picq, 2002: 29), including violence against women, equality in the workplace, parity in political representation, and commercial sexual exploitation through prostitution. Many feminist groups had previously failed to articulate coherent policy positions on the issue (e.g. CLEF, 1989: 66-67). Nevertheless, galvanised by an influx of new

activists, and its participation in dynamic international networks, the French women's movement began to feature strong feminist analyses of prostitution as inherently coercive, a form of violence against women, and ultimately incompatible with human dignity (Mathieu, 2004b: 159). In this sense, renewed political interest in abolitionism was not only the result of third sector organisations, such as the Mouvement du Nid, garnering support for their preferred policies and ideas (Mathieu, 2013a: 103-104, 2013b: 11; cf. Théry, interview, 23 November 2012, paragraph 11). Instead, abolitionist organisations were able to capitalise on the growing interest of feminists – policymakers and civic actors alike – in the issue of prostitution in order to establish the relevance of their expertise and beliefs.

Mathieu's analysis of the importance of feminist activism for reigniting interest in prostitution and re-establishing support for abolitionism is echoed by Mazur's description of state feminism's growing impact on prostitution policy debates in France (2004). The term 'state feminism', refers to the promotion of women's interests by women's policy agencies (cf. Hernes, 1987; McBride and Mazur, 2010; McBride Stetson and Mazur, 1995). State feminists, are therefore those individuals in women's policy agencies who seek to advance a feminist agenda (Barry et.al, 2007; Eisenstein, 1990; Outshoorn, 1992). From this perspective, the gradual convergence of feminist and abolitionist values in international policy debates served to bolster interest in prostitution, and to galvanise support for abolitionism in French domestic policy debates (Allwood, 2006: 51-52; Mathieu, 2013a: 111). Indeed, from the mid-1990s onwards, many French politicians and, in particular, state feminists began to regularly and forcefully assert their opposition to regulationism and their commitment to abolitionism in the national press, as well as in speeches and parliamentary debates (e.g. de Larminat, 2002; Mouvement du Nid, 1992; Mouvement du Nid, 1994). Evidence of women's policy agencies' growing interest in prostitution during this period is further illustrated by the choice of both the *Senate delegation for women's rights and equal opportunities* and the *National commission on violence against women* to commission investigative reports on this topic (respectively Derycke, 2000; and Hazan and Marcovich, 2002).

Moreover, because of the entwining of feminist and abolitionist ideas by state feminists, new dimensions of prostitution were emphasised in policy discourse. In particular, the representation of prostitution as a form of violence against women became particularly prevalent (Mathieu, 2004: 159; 2013a: 104). For example, both the Senate women's rights delegation's and the National commission's reports are replete with references to prostitution as a form of gendered violence. Thus, the Senate report declares that: "Prostitution is neither a profession, nor a necessary evil. It is an affront to human dignity and a form of violence [...]"⁵⁷ (Derycke, 2000: 30). Similarly, the National commission report states that "Prostitution must henceforth be considered a form of violence against women"⁵⁸ (Hazan and Marcovich, 2002: 8). In this way, state feminists, supported by a revitalised women's movement, played a crucial role in both bringing the issue of prostitution back onto the domestic policy agenda, and structuring the ensuing debates around strong feminist ideas concerning gender equality and violence against women (Allwood, 2006: 52).

Consequently, state support for abolitionism peaked in 2000 when several high-profile events in France and abroad prompted government officials to stake firm positions on the issue of prostitution (cf. Maugère, 2009: 275-276). First, in May 2000, the Fondation Scelles, an abolitionist organisation, organised a UNESCO conference on prostitution that brought together French policymakers, activists, and intellectuals. The dominant representation of prostitution put forward during this event equated it to inherent violence, alienation and misery (Fondation Scelles, 2000). The next day, in parliament, the Minister of Employment and Solidarity, Martine Aubry, abjured prostitution as incompatible with human rights and an 'infringement of human dignity', and reaffirmed France's abolitionist position (*Le Nouvel Observateur*, 17 May 2000). She also restated the government's opposition to regulationism and its disapproval of the position of countries like The Netherlands, which distinguish between 'forced' and 'voluntary' prostitution (*Le Monde*, 19 May 2000). Finally, on May 18th, the *Le Nouvel Observateur* magazine published a short manifesto, entitled "The body is

⁵⁷ "La prostitution n'est ni un métier, ni un mal nécessaire. C'est une atteinte à la dignité humaine et une violence [...]."

⁵⁸ "La prostitution doit désormais être considérée comme une violence l'encontre des femmes."

not a commodity”⁵⁹ calling for “France and Europe to solemnly affirm their will to fight against prostitution”⁶⁰ (18 May 2000). The letter was signed by thirty-five high-profile political and public figures, including the communist MEP Robert Hue, the leader of the Socialist party François Hollande, and the Minister for the Environment Dominique Voynet.

Not only did historical abolitionist third sector organisations benefit from this growing political support for a policy perspective they had long championed, but they also actively capitalised on it. Indeed, the remobilization of abolitionist organisations was undertaken hand-in-hand with the re-appropriation of the theme of prostitution by state feminists, and each served to reinforce the other (Mathieu, 2013a). On the one hand, third sector organisations sought to promote and legitimate their ideas and values by mounting campaigns with the support of high-profile policymakers. The 2000 UNESCO conference is an example of this type of campaign, bringing together political and civil society actors in support of abolitionist ideals (also see Godard, 1998). On the other hand, the government also increasingly turned to abolitionist organisations and high-profile campaigners to help inform, evaluate, and shape prostitution policy. This is the case, for example, with the 2001 inquiry carried out by the National commission on violence against women, which was entrusted to a socialist MEP, Adeline Hazan, and to Malka Marcovich the president of the MAPP.

Over time, the development of these networks allowed a new type of actor to emerge, which exists at the interface between politics and social activism and can operate between and within both spheres (Deschamps, 2007: 46; Mathieu, 2013a: 105). Mathieu refers to these actors, who became regular participants in policy consultations and public events, as ‘brokers’ (2013a: 105). This term, derived from social movement theory, highlights the capacity of certain actors, particularly those who exist at the intersection of social and policy networks, to produce new connections between actors and issues (McAdam, et al. 2001: 103). In this way, individuals such as Marcovich, who combine policy consultancy and activism, have fostered an ever-closer interconnection between abolitionism as a

⁵⁹ “Le corps n’est pas une marchandise”

⁶⁰ “demandons à la France et à l’Europe d’affirmer solennellement leur volonté de lutter contre la prostitution”

social movement and state abolitionism as a dominant policy regime. For Allwood, this interconnection, characterised by the increased involvement of state feminists with strong bonds to feminist activists in prostitution policy debates, contributed to raising the issue's profile as a social and political problem, and to structuring the policy debates that ensued (2006: 48).

Nevertheless, the multiplicity of the actors involved in this broad abolitionist coalition has entailed that, despite a shared commitment to 'abolitionism', the ideas and beliefs associated with what abolitionism stands for and how it should be enacted remained disparate. In particular, the arrival of the innovative Swedish model as a policy alternative has fostered some contention between traditionalists who call for the exploitation of prostitution to be criminalised, and neo-abolitionists who seek the total eradication of prostitution (Mathieu, 2013a). Thus, on the one hand, the dawn of the new millennium was characterised by the successful remobilisation of abolitionism. This means that, while domestic community health and local and transnational sex workers' rights groups continued to challenge the contemporary French abolitionist regime, abolitionist organisations had successfully reclaimed their primacy as privileged interlocutors and allies of the abolitionist state. On the other hand, this dominant coalition comprised disparate and, at times, precariously aligned interests and ideas (Mazur, 2004: 124), particularly regarding what abolitionism means and how it ought to be enacted.

6.3. A Phenomenon in Flux

The previous chapter demonstrated that, since the adoption of an abolitionist policy framework in 1960, the issue of prostitution has only periodically been of interest to French policymakers. Events such as police corruption scandals in the early 1970s, and the Saint Nizier church occupation by sex workers' rights activists in 1975, served to drive sporadic political attention to the topic. Similarly, the profound transformation of street-based prostitution in France throughout the 1990s brought the issue back on the national policy agenda after a long period of low salience. The impact of these changes on shaping contemporary French prostitution has been the primary focus of the most recent research in this field.

6.3.1. The growing dissonance between national and local policy concerns

Throughout the 1990s, at the same time as political support for abolitionism was remobilized, prostitution in France was changing profoundly. The fall of the Berlin wall and subsequent opening up of Eastern Europe to the West, as well as the implementation of free movement and permissive labour migration policies, had facilitated movement across the continent (cf. Geddes, 2003). As new populations arrived in France, there was a gradual but noticeable change concerning who was involved in selling and organising commercial sex (Amiard, 1997; Handman and Mossuz-Lavau, 2005: 12; Martinez, 1993: 51; Mathieu, 2004b: 160, 2011: 113, 2012: 206; Maugère, 2009: 215-216; Mossuz-Lavau, 2007: 11; Richard, 2006: 72; Rigalleau, 2006: 137). New groups of women, presumed to be from impoverished post-Soviet states, emerged on the pavements of France's largest cities, followed in later years by women from Africa and Asia (Handman and Mossuz-Lavau, 2005: 12-13; Maugère, 2009: 215-216). The impact of these changes has been a central focus of recent scholarship on contemporary French prostitution policy (Allwood, 2003; 2006; 2008; Mathieu, 2004, 2011, 2012). This literature highlights two salient effects of this transformation: one social and one political.

Socially, the emergence of this new population unsettled residents. The youth and foreignness of the women appearing on French street, coupled with their increasing visibility in public areas elicited protests from local residents (Deschamps, 2007; Guienne, 2006b; Mathieu, 2004b, 2011, 2012; Mossuz-Lavau, 2007). This outcry was exacerbated by the overwhelming assumption that these newcomers were victims of human trafficking under the yoke of organised criminal networks (Deschamps, 2007: 44-45; Guienne, 2006b: 83; Mathieu, 2004b: 160, 2011: 114, 2012: 206; Richard, 2006: 64;). Further, the emergence of new competition also aggrieved many of those long involved in street-based prostitution. The newcomers were accused of driving down prices by operating at discounted rates, and of contributing to the rise of dangerous practices by agreeing to unprotected sex with clients (David, 2006: 122-123; Mathieu, 2004b: 160; e.g. Maugère, 2009: 292; Prolongeau, 2000; Vital-Durand, 2000).

Politically, elected officials and the authorities were increasingly exhorted to intervene and address the security and public order problems attributed to street-

based prostitution (Deschamps, 2008; Guienne, 2006b; Mathieu, 2004b: 160, 2011: 114, 2012: 206-207). This is because many residents confronted daily with the noise, detritus, conflict, and soliciting arising from this new street-based prostitution increasingly considered to be a nuisance and source of anxiety. This introduced a strong NIMBY ('not in my back yard') dimension to local policy debates, which emphasised the role of individuals in prostitution in threatening or degrading the order and aesthetic of the city (Guienne, 2006b: 82; Mathieu, 2004b: 160, 2011: 114). In this way, policy discourse concerning prostitution in many cities contrasted starkly with the one put forward by state feminists at the national level during the same period, which portrayed prostitution as an unacceptable form of exploitation and violence.

Thus, between 1996 and 2002, the tone and tenor of local and national prostitution policy debates increasingly diverged. On the one hand, the dominant representation of prostitution carried by state feminists was centred on conceptions of individuals in prostitution as fundamentally victims of exploitation. On the other hand, local debates portrayed women in prostitution as an unacceptable source of nuisance and insecurity for residents (Mathieu, 2011: 114; Maugère, 2009: 293). Furthermore, the policy approaches promoted and used by local authorities to rid the streets of these individuals' problematic presence increasingly diverged from traditional and state-sanctioned abolitionist measures. This is because of residents' and local authorities' frustration with the perceived ineffectiveness of traditional abolitionist policy tools, such as social rehabilitation and the policing of active soliciting, to curb the ever growing presence of individuals involved in prostitution in urban neighbourhoods (Allwood, 2006: 53). Not only were local authorities unable to address the issue of prostitution comprehensively, by either prohibiting or regulating it, but their powers to deter it had been restricted by the reform of the French penal code in 1994.

The revision of certain laws concerning the policing of prostitution and the rights of the individuals involved had been on the policy agenda since the late 1970s for three reasons. Firstly, individuals in prostitution and abolitionist activists had campaigned since the mid 1970s against the 'harassing' practice of repeatedly fining women who would immediately return to the streets to recoup the lost earnings (Mathieu, 2001: 37-38). Secondly, strict anti-pimping laws made it

largely impossible for women in prostitution to live in romantic partnerships, lest their partner be accused of being a pimp for living off the earnings of another's prostitution. Many women perceived this as a serious infringement of personal liberty, a position that was echoed in the 1976 Pinot report and, later, by the Ministry of Women's Rights under Roudy (Mathieu, 2012: 204; Mazur, 2004: 124). Finally, passive soliciting was criticized by third sector groups, lawyers, and judges as an ineffective and arbitrarily applied deterrent to street-based prostitution (Bugnon, 2010: 151; Mathieu, 2012: 204; Vernier, 2010: 80).

The opportunity to reform these laws finally arose in 1981, when the Socialist government announced it would initiate the lengthy process of overhauling the French penal code. The magnitude of the task, and of its social and political implications, was underscored by several of the successive ministers responsible for overseeing the reform process. Thus, for Pierre Arpaillange, Minister of justice from 1988 to 1990, the new penal code would "redefine the values of our society" (*JORF*, 10 October 1989, p. 3331), and for Michel Sapin, Deputy Minister of justice from 1991 to 1992, it would "more clearly set out the hierarchy of our values" (*JORF*, 20 June 1991, p. 3423). Nevertheless, in light of the complex and time-consuming nature of the undertaking, the whole reform process would take over a decade to complete. The first draft of the new penal code was therefore only introduced for parliamentary scrutiny in 1986, before being debated in parliament between May 1989 and July 1992, whereupon the new text was finally adopted. The new penal code entered into force on March 1st 1994 and constituted the most significant reform of the criminal dimension of French abolitionism since its adoption in 1960. In particular, it modified two foundational elements of the regime's repressive arsenal: the criminalisation of pimping, and the policing of public indecency.

The first substantial change brought about by the new code concerned increasing the penalties for the exploitation of prostitution,⁶¹ including operating hotel-based brothels,⁶² and living off the earnings of another's prostitution.⁶³ It also introduced new offences for aggravated pimping, including participating in organised

⁶¹ Article 225-5 of the new Penal Code.

⁶² Article 225-20 of the new Penal Code.

⁶³ Article 225-6 of the new Penal Code.

networks and the coercive use of torture or violence.⁶⁴ Symbolically, all pimping-related offences were moved from the section of the penal code dedicated to ‘immoral’ acts (*outrage aux bonnes mœurs*) to the one concerning those that ‘infringe human dignity’ (*atteintes à la dignité de la personne*).

However, despite toughening these laws against exploitation, the new penal code also made it possible for individuals in prostitution to cohabit with their partners, as long as the latter did not profit from their prostitution. Sapin explains that, while “[t]he Government is determined to see the strictest measures adopted when it comes to pimping, especially when it is undertaken by organised groups or when it takes place in a structured, collective or premeditated manner. We must, however, [...] demonstrate greater prudence in cases of ‘simple’ pimping, which are indeed sometimes difficult to prove”⁶⁵ (in Kremer, et al. 1992). This move reflected the growing belief that criminalising cohabitation, which was often based on legal marriage, amounted to a ‘serious infringement’ of individual liberty (e.g. Kiejman in *JORF*, 14 May 1991: 932).

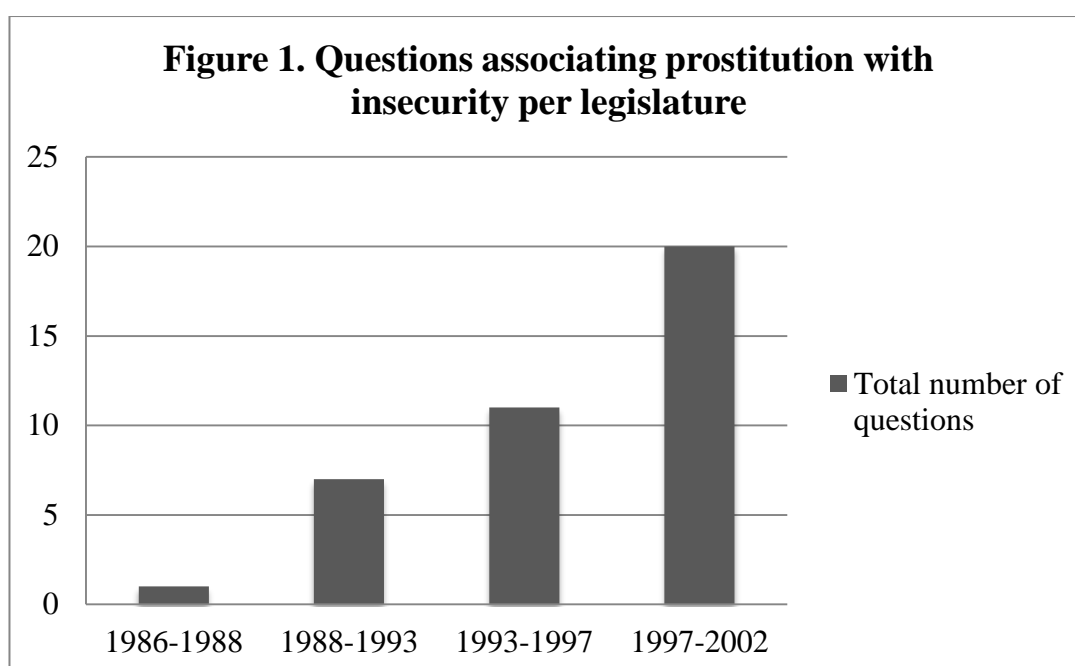
The text’s second significant modification was the repeal of the offence of passive soliciting. Hereafter, only exhibitionism and active soliciting would be punished. Lawmakers primarily justified the repeal of this offence on the basis of the difficulties linked to implementation (Bugnon, 2010; Danet, 2006; Mathieu, 2004b, 2012; Vernier, 2010). Specifically, the ‘imprecision’ concerning what constituted passive soliciting was considered to undermine the law’s implementation, as demonstrated by its inconsistent application by judges (e.g. Garde des Sceaux, 1995).

However, criticism of the repeal was swift to surface. Many MPs, notably those representing big cities were particularly worried about its impact on the police’s ability to deal with soliciting and public indecency in their constituencies, (cf. Bariani, 1994, 1995a, 1995b; Dominati, 1994, 1995; Féron, 1994; Klifa, 1994; Remond, 1995; Verwaerde, 1993). Specifically, they feared it would lead to “an uncontrollable expansion of prostitution” (Dominati, 1994). These political

⁶⁴ Articles 225-8 and 225-9 of the new penal code respectively.

⁶⁵ “Le Gouvernement est résolu à faire adopter des dispositions de la plus grande rigueur à l’égard du proxénétisme, notamment lorsqu’il est accompli en bandes organisées ou lorsqu’il procède d’une structure, d’un groupe ou d’une préméditation. Mais il faut [...] se montrer plus prudent lorsqu’il s’agit de cas de proxénétisme simple, qui sont d’ailleurs parfois difficiles à caractériser.”

concerns grew stronger with time. This is illustrated, for example, by the increase in the number of parliamentary questions associating prostitution with public disorder and urban nuisance during this period. While only a single parliamentary question had been lodged on the topic of prostitution as a source of public disorder between 1986 and 1988, eleven MPs put such concerns to ministers during the 1993-1997 legislative term (figure 1).



Citizens also increasingly voiced their discontent over the expansion of this new, more visible, prostitution in the streets of their neighborhoods, and over their local authorities' perceived ineffectiveness in tackling the problem. By 1998, many local authorities were regularly being exhorted by constituents, in letters and public meetings, to tackle the issue (e.g. Baguet in *Délégation aux Droits des Femmes*, 23 October 2002; Brassat-Georg, 1998; Dorion, 2002; Hofstein, 2001; Prieur, 1998). The outcome was the politicization of prostitution as a local policy issue (Mathieu, 2012: 207). Nevertheless, local authorities complained of needing "more powers"⁶⁶ (Joissains in Lansalot, 2002) to help their "citizens regain the tranquility to which they are legitimately entitled"⁶⁷ (Mauroy in Prieur, 1998). The result was a growing tension between the policy objectives of local and state

⁶⁶ "Il est clair que l'État devrait donner plus de pouvoirs de décision aux élus locaux [sur cette affaire]"

⁶⁷ "permettre à nos citoyens de recouvrer une quiétude légitime."

actors concerning how prostitution ought to be dealt with by the state and its representatives.

In this way, the policy objectives of state and local actors became increasingly at odds throughout the 1990s. State feminists were focused on helping the victims of ‘this form of violence against women’ (e.g. Hazan and Marcovich, 2002). Conversely, councils were intent on tackling the “nuisances created for residents and children”⁶⁸ (de Gaulle in Rousselle, 2002). Where state abolitionists wanted the state to allocate more funding to third sector organisations aimed at providing social and health support to individuals in prostitution (Derycke, 2000), mayors wanted to use their police powers to cleanse residential streets (Maugère, 2009: 295). Finally, while abolitionist parliamentarians recommended the state develop a comprehensive and coherent approach to preventing prostitution (Derycke, 2000; Hazan and Marcovich, 2002), local authorities admitted they had no intention to “resolve the issue altogether”⁶⁹ (Gourard in Ubrich, 2002),

In sum, the 1990s witnessed the development of a strong dissonance between the broad and long-term normative aims of state abolitionists to provide support and rehabilitate women ‘victims’ of prostitution, and the short-term demands of local authority actors who merely wished to rid the streets of their constituencies of prostitution and its associated nuisances. This policy dissonance operated at two levels. First, at the level of policy objectives, the aims of local officials were increasingly perceived as incompatible with those of the abolitionist state. Unlike state abolitionists, local officials often had little desire to address the issue comprehensively, seeking instead to simply curb the nuisances, degradation, and unease associated with prostitution experienced by certain constituents (e.g. Gsell in TF1, 10 August 2000; Grouard in Ubrich, 2002; Ries in *France 3*, 12 August 2000; Tourain in *Le Monde*, 5 August 2002). Second, at the level of policy instruments, the state retained sole control over the design and delivery of prostitution policy. Without the ability to outlaw or regulate prostitution, municipalities could only hope to use their minor police powers to curb the visibility of prostitution or its associated spillovers. Consequently, local authorities were increasingly faced with a choice: continue to enact nationally

⁶⁸ “ce phénomène est une véritable nuisance pour les riverains et pour les enfants”

⁶⁹ “Je ne prétends pas régler le phénomène de manière globale.”

determined abolitionist policies, and especially social policies aimed at rehabilitating individuals in prostitution, despite their perceived ineffectiveness; or find a new way of addressing the problem using other tools at their disposal.

6.3.2. A case of policy displacement

The 1990s marked a turning point for many local authorities' attitude towards prostitution. Certain local authorities, such as Paris and Bègles, had already begun cracking down on prostitution in 1993 and 1994 respectively, in a bid to 'relocate' prostitution to the outskirts of towns (Mouvement du Nid, 1993b; *France 3 Aquitaine*, 1994). Local concern with prostitution as a source of nuisance and insecurity grew even more rapidly from 1997 onward. Lille and Bordeaux began coordinating anti-prostitution raids with the police from 1998 onwards, with Lyon following in 2000 (Prieur, 1998; Mouvement du Nid, 1998; Vital-Durand, 2000). The trend towards treating prostitution as a source of nuisance and insecurity during this period is further evidenced by the sharp rise in the number of parliamentary questions framing prostitution as a public order issue for councils and constituents during the 1997-2002 legislative term. During this period, MPs put twenty such questions to ministers – almost double the number asked in the previous parliamentary session (cf. figure 1). The primary point of contention expressed in these questions concerned the perceived lack of freedom and capacity of local authorities to tackle prostitution in their area.

Nevertheless, development of street-based prostitution outpaced local authorities' sporadic efforts to curb it during this period, and public and political indignation continued to grow. Under pressure from residents, many local authorities, from departments to town councils, began to look into possible solutions to this policy problem. For a minority, this entailed setting up interdepartmental committees to investigate what could be done to prevent prostitution. This was the case in the Nord department in 1997, for example (Prieur, 1998). For many others, the perceived inadequacy of the national prostitution policy regime to provide practical solutions to local demands impelled them to innovate. Specifically, making use of mayors' powers to maintain public order, security, tranquility, and cleanliness,⁷⁰ a number of city councils began to apply restrictive by-laws banning

⁷⁰ Article L.2212-1 of the *Code général des collectivités territoriales*.

parking, driving, and loitering in certain areas at certain times, in order to limit the exercise of street-based prostitution (Guienne, 2006b: 83; Vernier, 2010: 82).

Orléans was the first to adopt this type of by-law in June 2002 (Demonpion, 2002). Lyon, Strasbourg, Aix-en-Provence, Metz, Mulhouse and Caen quickly followed suit. As the practice spread, evidence of policy learning between neighboring cities began to emerge. For example, Daniel Besse, the right-wing mayor of Quincy-sous-Sénart, a town on the outskirts of Paris, explains that he had been “inspired”⁷¹ by the example of an Aix-en-Provence by-law when seeking a solution to the nuisances caused by prostitution, and had used it as a model (in *Le Parisien*, 26 June 2002). More generally, many local authorities also began to employ urban planning strategies to address these nuisances. These measures included: the increased presence of street cleaning crews in areas known for prostitution; the modification of street lighting to minimise the number of dark areas; and the installation of access barriers to residential cul-de-sacs (Guienne, 2006b: 83; Mathieu, 2011: 114). Over time, local authorities increasingly defected from traditional abolitionist policy measures, towards police and urban planning measures.

Confronted with increasing policy divergence at the local level, the Ministry of the Interior issued a memo in 2002 clarifying the legality and the scope of application of these municipal by-laws to tackle prostitution (Ministère de l’Intérieur, 2002). Mayors were reminded that they could only adopt such restrictions to target the risks and nuisances associated with prostitution, not prostitution itself. Specifically, these measures could only be justified if prostitution was found to pose a risk to public security and tranquility by virtue of causing noise, altercations, or traffic hazards, or if the littering of condoms and other associated detritus constituted a public health risk. Moreover, mayors did not have free reign to introduce sweeping bans on prostitution across their municipalities. Instead, restrictions were only allowed in clearly delimited geographical areas, at specified times, and for a stipulated period.⁷² Anything

⁷¹ “Je me suis inspiré de l’arrêté d’Aix. C’est le moyen qui me paraît le plus efficace pour agir concrètement contre les nuisances provoquées par ces prostituées [...]”

⁷² Arrêté de la chambre criminelle de la Cour de Cassation, 9 mai 1961, in Circulaire du Ministère de l’Intérieur, no. 2002/03 relative aux arrêtés municipaux relatifs à la prostitution sur la voie publique du 23 août 2002.

broader would constitute prohibition – a course of action that extends well beyond a mayor's legal remit⁷³ – and be contrary to the country's abolitionist stance (Rozier, 2002).

While this was the first time such by-laws had been applied to tackle street-based prostitution, they were not, strictly speaking, new policy instruments. Such restrictions had previously been used in the 1960s to impede the screening of pornography in certain local cinemas (cf. Conseil d'État, 1959, 1960). Moreover, the use of these bans had increased substantially in the mid 1990s, as mayors sought to rid their municipalities of beggars and the homeless (Bissuel, 2002; Marliac-Négrier, 2002). In this sense, between 1997 and 2002, municipalities began to redeploy policy instruments previously used to cleanse their territory of unwanted populations to tackle a new group: individuals involved in visible street-based prostitution.

The focus of the current scholarship on the evolution of prostitution policy in France during this period has been primarily descriptive. Specifically, it has extensively described the growing gap between prostitution policy demands at the state and sub-state levels (Allwood, 2006; Danet, 2006; Deschamps, 2008; Mathieu, 2004a, 2011, 2012; Rigalleau, 2006). This literature has been helpful for highlighting the myriad different ways in which individuals – be they citizens or policymakers, local or state officials – sought to transform their material environment in response to a single perceived problem (cf. Chimienti and Földhàzi, 2008; Danet, 2006; Guienne, 2006b; Mathieu, 2013a). This is important because it reveals the extent to which prostitution policy is not a straightforward reaction to an objective problem (Danet and Guienne, 2006; Mathieu, 2013a: 10). Rather, the diversity of definitions attributed to the problem, and the disparate policy solutions devised to resolve it, highlight the socially constructed and mediated nature of policy problems and the measures enacted in their name.

Despite this diversity, however, these local authorities all undertook a common process: they innovatively used restrictive by-laws to intervene in a policy domain otherwise reserved for the state. This represents the substitution of one set of policy tools deemed ineffective or disadvantageous for another that has been

⁷³ Arrêté 56-03.636 de la chambre criminelle de la Cour de Cassation, 1 février 1956.

repurposed to meet new ends. In this case, councils sought to use mayors' existing police and urban planning powers to practically address the problems associated with street-based prostitution, instead of continuing to implement state-mandated social policies aimed at rehabilitating individuals involved in prostitution. This substitution of policy instruments is indicative of a gradual process of institutional displacement.

Displacement often happens when certain actors feel disadvantaged by an existing institutional framework, and seek to replace it with another that yields greater benefits for them (Mahoney and Thelen, 2010: 16; Streeck and Thelen, 2005: 20). Faced with the inability to overturn the existing policy regime, these institutional 'losers' gradually defect from it, resorting to redeploying instruments, ideas, or procedures that have not been explicitly ruled out as illegitimate or unacceptable in order to further their aims (Mahoney and Thelen, 2010: 16; Streeck and Thelen, 2005: 20). In this sense, the use of by-laws originally intended to cleanse the urban environment of loitering youths and beggars was redirected to solve the growing issue of prostitution, in a context where the national abolitionist framework was increasingly considered an obstacle to addressing constituents' demands. Moreover, this incremental displacement of policy through actor defection and institutional substitution can gradually amount to a profound change in policy. Indeed, if enough 'insurrectionaries' abscond from an existing institutional framework in favour of a new set of rules, support for the policy regime can be severely undermined (Mahoney and Thelen, 2010: 24). As a result, the regime's continued survival is contingent either on recapturing defectors through the satisfaction of some of their demands, or on the exclusion of substituted alternatives (Jacobs, 2010: 116).

In the case of the anti-prostitution by-laws adopted in 2002, local actors' contrary and disruptive political intentions were clear. The by-laws were partially deployed to provide a practical solution to local policy problems in the context of the state's perceived ineffectiveness. Nevertheless, local actors widely recognised the partial nature of these measures, which they did not believe would fully and definitively resolve the issue of prostitution, but would nevertheless temporarily mitigate its visibility (e.g. Touraine in *Le Monde*, 4 and 5 August 2002). Therefore the by-laws were also used to communicate dissatisfaction with the existing national

policy framework by local policy actors who believed their powers to be unsuitable or insufficient to effectively address the issue of prostitution (cf. Maugère, 2009: 275; e.g. Bockel in *France 3*, 5 November 2002; Joissains in Lansalot, 2002). In this sense, these measures were not only intended to ‘displace’ the problem to the outskirts of towns or to non-residential areas, but also to attract the attention of policymakers at the national level to the issue of prostitution. Thus, the official in charge of security in the Orléans city council, Florent Montillot, justified the town’s new by-law as a means of tackling “an issue of public morality” in a way that would demonstrate the need for action to national political actors⁷⁴ (in Krémer, 2002). Further, Jean-Marie Bockel, the socialist mayor of Mulhouse who signed an anti-prostitution by-law in Autumn 2002, argued that it should not be the task of local authorities to address such vast social issues, and that these measures served to remind the national government of its duty to intervene (in *France 3*, 5 November 2002).

The timing of these by-laws further reveals their communicative nature. Summer 2002 provided a ripe context for calling the state’s attention to local issues with public disorder and insecurity. This is because the new right-wing government elected in May had announced in early July its intention to deliver a sweeping reform of domestic security policy, including on issues linked to prostitution and trafficking (Zappi et.al, 2002). An analysis of the gradual adoption of municipal anti-prostitution by-laws as a form of incremental policy displacement is therefore congruent with the allusions many authors make regarding a causal relationship between local prostitution debates and the ensuing national level ones. In particular, local efforts to cleanse the streets by means of municipal by-laws are portrayed as the result of mayors taking matters into their own hands by virtue of being unable or unwilling to wait any longer for the state to address the issue (Allwood, 2003; Mathieu, 2004a). More generally, these authors argue that public concern over the issue of security, and the rise of a security ‘discourse’, have influenced perceptions of prostitution and issues related to it and contributed to shaping policy discourse in this area (Allwood, 2006: 52; Danet, 2006: 102-103; Guienne, 2006b: 85; Mathieu, 2012: 207; Maugère, 2009: 272, 2010: 5). Policy displacement explains how citizens’ demands led to the politicization of

⁷⁴ “Nous souhaitons que ces mesures aient un effet d’appel au niveau national.”

prostitution at a local level and, as a result, impelled local authorities' behavior in such a way as to call into question the national prostitution policy framework and, ultimately, place the issue on the government's radar. The following chapter will therefore look into greater detail at the national context into which these local concerns and actions fed and where new representations of prostitution as a law-and-order issue found purchase.

6.4. Conclusion

By the early 1980s, a boundary-spanning abolitionist policy subsystem had been institutionalised in France. Nevertheless, this framework quickly faced significant challenges. The emergence of AIDS in the early 1980s threatened abolitionist representations of prostitution as a social, rather than a public health, issue. Moreover, the reluctance of the state, as well as social services and abolitionist third sector organisations, to proffer specialised preventative and health support services to individuals in prostitution created a policy vacuum. This gap in service provision was quickly filled by new organisations, which flouted abolitionist values and goals. In particular, these community health groups focused on harm prevention rather than the prevention of prostitution, refused to condition their help on service users' exit or rehabilitation from prostitution, and employed individuals formerly or currently involved in prostitution as peer educators. These new groups thereby threatened the monopoly which had traditionally been enjoyed by abolitionist organisations over providing services to, and speaking on behalf of, individuals in prostitution.

The relevance and dominance of abolitionist organisations was further imperiled by resurfacing calls for brothels to be reopened. The reframing of prostitution as a public health issue in the midst of the AIDS crisis reignited historically entrenched support for regulationism in a series of heated policy debates. Nevertheless, government and policymaker support for abolitionism was more strongly reasserted with each debate. This resulted in the definitive sidelining of neo-regulationist policy demands as illegitimate and unacceptable from 1990 onwards. Conversely, the ideas and objectives associated with abolitionism were elevated to the rank of dominant orthodoxy. Nevertheless, the process by which latent support for abolitionism progressively coalesced to the point where

alternative policy preferences were definitively delegitimised poses a puzzle for policy theory. The development of the positive feedback necessary for an institution's continued existence and dominance is strongly associated with its implementation, securing ongoing support from large or powerful groups. The contemporary French prostitution policy regime, however, is characterised by the inconsistent, incoherent, and ineffective implementation of policy. Drawing on discursive institutionalist theories, this chapter therefore argued that the historical legacy developed by the systematic prevailing of abolitionist ideas over neo-regulationist demands contributed to incrementally delegitimising regulationism and further reinforcing the dominance of the state's abolitionist position.

Consequently, in the face of challenges from community health groups and proponents of neo-regulationism, traditional abolitionist organisations sought to 'remobilise' support for their cause. Initially, this effort focused on finding new ways to establish abolitionism's relevance in the context of the contemporary challenges. This included the branching out of organisations such as the Mouvement du Nid to providing professional training for policymakers and civil servants. Over time, however, this effort also benefitted from another development in contemporary French politics at the time, namely the increasing involvement of feminist policymakers in defending abolitionist values and policy objectives in international debates. The mid-1990s saw the development of a strong lobby aiming to 'delink' notions of 'voluntary' prostitution and 'forced' trafficking in international law, with a view to decriminalising and regulating 'sex work'. French feminist policy actors and activists, however, coalesced to resist these efforts. This led to the embedding of strong abolitionist values in women's policy agencies, as abolitionist conceptions of prostitution as an unacceptable social ill and feminist analyses of prostitution as inherently coercive were increasingly woven together in institutional discourse.

On the one hand, then, the late 1990s saw the state's support for abolitionism consolidated. On the other, however, local authorities increasingly considered abolitionist policy measures and goals ineffective and irrelevant for meeting their short-term and practical needs. The significant increase of migrants selling sex on the streets of French cities had led to widespread public outcry. Moreover, with fewer policy instruments at their disposal since the repeal of the offence of

passive soliciting by the 1994 penal code reform, many local authorities felt disempowered to address residents' discontent. As a result, certain local actors began to sidestep the nationally mandated abolitionist policy goal of providing support to individuals in prostitution, and instead deploy their police and urban planning powers to cleanse the streets of their constituencies. This gradual defection from an institutional framework that these actors felt was not benefiting them, and the repurposing of existing policy tools towards new ends, is indicative of a process of policy displacement. Moreover, policy displacement also helps explain how national policymakers were compelled to pay attention, and react, to local concerns over prostitution as an issue of public order and security. Nevertheless, the nesting of local concerns over prostitution as a source of anxiety and insecurity into national policy discourse did not happen in a vacuum. The early 2000s saw the development of strong domestic security concerns at the national level, and a punitive law-and-order discourse to match it. In this way, the reformist goals of local actors seeking greater scope to rid their streets of problematic prostitution resonated with the broader policy context. Consequently, the next chapter will investigate the securitization of prostitution as a national domestic security issue with perceived links to illegal immigration and transnational crime.

Chapter 7: Movement three: The gradual conversion of French abolitionism? (2000-2016)

This thesis seeks to explain the nature of the changes experienced by France's prostitution policy regime since 1946. The previous chapter explored the policy process between 1987 and 2002. It described the emergence of new perceived challenges associated with prostitution during this period, including the appearance of AIDS and, later, the increase in the number of migrant women involved in street-based prostitution. It argued that these changes led to a growing dissonance between the beliefs and policy objectives held by state feminists and those held by certain local authorities. On the one hand, state feminists developed strong relationships with abolitionist organisations and increasingly defended the principles and norms associated with abolitionism at home and abroad. On the other hand, certain councils began to abandon traditional abolitionist policies based on prevention and the provision of social support to 'victims' in favour of measures intended to rid the streets of prostitution and soliciting. In this sense, Chapter six focused primarily on the local responses to changes in public perceptions of prostitution until 2002. Nevertheless, the local politicisation of prostitution as a public order issue in the early 2000s did not take place in a vacuum. Instead, it unfolded in the context of ever-growing national concern over crime and domestic security (*la sécurité intérieure*). In this sense, the period during which street-based prostitution came to be locally framed as a nuisance and threat to public order was more broadly characterised by the preeminence of 'insecurity', that is to say citizens' fear of crime, as a key political theme in France.

Consequently, building on the insights from Chapter six, this chapter traces the process by which prostitution was gradually transformed from a local public order issue to a national security issue, and charts the impact this has had on the French abolitionist regime. To do this, the chapter presents the historical case study of the contemporary French prostitution policy process from 2000 to 2016. Studying this period is important because it reveals the extent to which policies based on beliefs and norms that diverge from traditional abolitionism have nevertheless been

introduced into France's abolitionist prostitution policy regime without disrupting it. This is particularly the case with the policies introduced during this period as a result of the state's reinterpretation of prostitution as a security issue rather than a social one. The interrelated questions this chapter therefore aims to answer are:

How have recent perceived changes to prostitution in France been debated and acted upon by national policymakers? What impact have these recent debates and subsequent policy changes had on the French abolitionist regime?

The core argument made in this chapter is that, while this period witnessed strong and recurrent demands to comprehensively reform the country's prostitution policy framework, the endurance of abolitionism as a dominant regime strongly constrained the types of institutional changes that could successfully be introduced. In advancing this argument, the chapter presents five claims:

1. Local concerns with prostitution as a public order issue were gradually taken up and reframed as a law-and-order issue by national policy makers concerned with insecurity through a process of *securitization*.
2. While the securitization of prostitution granted right-wing policymakers sufficient support to introduce new laws seeking to ban visible street-based prostitution in 2003, the dominance of values and beliefs associated with abolitionism meant that these new laws had to be *layered* onto the existing policy framework, rather than presented as wholesale changes.
3. Nevertheless, these repressive new policies were quickly perceived to have failed. This policy failure, coupled with feminist policymakers' successful campaign to reframe prostitution as a form of violence against women, created a demand for reform and, in particular, for the adoption of a demand-side ban on prostitution.
4. The process to convince a majority of parliamentarians that the criminalisation of clients of prostitution was necessary and desirable was fraught and drawn out. This is because, while

policymakers unanimously support abolitionism, many hold diverging views about how this might or ought to be enacted in reality.

5. Ultimately, the introduction of a new law criminalising the purchase of sexual services marks the conversion of France's traditional abolitionist regime based on the tacit tolerance of prostitution between consenting adults to a neo-abolitionist regime based on the de facto prohibition of prostitution. This conversion was possible because of the ambiguous meaning of the term 'abolitionism', which proponents of CPSS fought to define as the abolition of prostitution itself, rather than merely the abolition of state regulation.

Accordingly, this chapter is structured into three sections. The first section investigates the manner in which local concerns over visible street-based prostitution were captured by national policymakers seeking to securitize social issues in order to rid the streets of problematic populations and curb unwanted immigration. Consequently, this section highlights how, despite strong support for the punitive anti-prostitution measures, new laws to this effect nonetheless had to be framed as compatible with abolitionism in order to be adopted. Then, the second section details the rapid 'failure' of these anti-prostitution measures, as policymakers across the spectrum began to question their effectiveness and worth. It explains how this perceived 'failure' opened a window of opportunity for alternative interpretations of prostitution and what ought to be done about it to emerge. Specifically, it charts the development of a feminist campaign to reframe prostitution as inherently a form of violence against women and, ultimately, the comprehensive reform of France's abolitionist regime to outlaw the purchase of sexual services. The final section seeks to understand whether the adoption of client criminalisation represents merely an updated version of France's traditional abolitionist regime, or the advent of a different – neo-abolitionist – regime.

7.1. Reconstructing prostitution as a security problem

In France, local protests over street-based prostitution began to materialize in the early 1990s. Where this occurred, it resulted in the gradual politicization of

prostitution as a local policy issue, and led certain local authorities to redeploy their limited police powers towards ridding the streets of the presence of individuals involved in prostitution. However, until the end of the decade, these outbursts, and the local authority initiatives to address them, remained patchy and uncoordinated. For instance, public discontentment with visible street-based prostitution and local anti-prostitution efforts were relatively widespread in Paris by 1993 (e.g. France 3, 24 November 1993; TF1, 16 October 1993), but only truly emerged in 1998 in Strasbourg and Lille (e.g. Brassat-Georg, 1998; Prieur, 1998). Nevertheless, these sporadic local initiatives to restore ‘public order’ did not unfold in a vacuum. Rather, they took place in a context where national public policy discourse more broadly was in the process of becoming securitised. Securitization refers to the construction of social or policy problems as security issues as a result of key actors presenting them, and audiences accepting them, as existential threats (cf. Balzacq, 2011a; Buzan, Waever and de Wilde, 1998; Waever, 1995). Securitization helps explain how, while “no issue is essentially a menace”, it can become a security problem as a result of “discursive politics” constituting it as such (Balzacq, 2011b: 1). This chapter therefore begins by investigating the process by which prostitution came to be bound up in national policy debates over ‘insecurity’ and, in the process, became securitized itself.

7.1.1. Securitizing prostitution

Heated political and social debates over how to address crime and anti-social behaviour had been rife in France since the late 1970s (e.g. Peyrefitte, 1977). These debates were not only concerned with how crime might be reduced, but also with how citizens’ feelings of insecurity could be alleviated (Vulbeau, 2013: 21). As a result, these separate but interrelated issues progressively became conflated in political discourse and, as a result, were portrayed as a single policy problem (Bonelli, 2008: 12; also see Roché, 2012). At the same time, political actors sought to reframe security as a social right (Roché, 2012: 216) and, therefore, as one of the state’s responsibilities towards citizens (Bonelli, 2008: 13). Consequently, by the 1990s, national policymakers had succeeded in taking ownership of an issue that, until then, had primarily been the remit of the police and the courts.

At its heart, this new political focus on insecurity was driven by the identification of undesirable and ‘anxiogenic’ populations (Body-Gendrot and Duprez, 2001: 382), that is to say groups that inspire feelings of anxiety and insecurity. Prominent among these putatively anxiogenic groups were: loitering youth from underprivileged estates (*banlieues*), foreign beggars, and homeless people. These populations were singled out in political discourse and public policy as key culprits in the public’s growing fear of crime (Bonnelli, 2010: 9). Further, as residents’ and policymakers’ unease with street-based prostitution intensified towards the late 1990s, the individuals involved were rapidly amalgamated with these other fear-inspiring populations. Together, they formed a broad and amorphous ‘target group’ whose presence in public, and in cities in particular, was increasingly considered a risk to public order and citizens’ security (Danet, 2008: 22).

Nevertheless, individuals involved in street-based prostitution continued to be portrayed somewhat differently from other anxiogenic groups. This is because of the particularly strong linking of prostitution with transnational organised crime and illegal immigration (Mathieu, 2013b: 15-16; Maugère, 2009: 226). This association, prevalent in public and political discourse (cf. Mathieu, 2013b: 10), influenced policy debates on prostitution in two ways. First, it allowed prostitution to be portrayed as a double threat: a threat to public order and security, as well as more fundamentally a threat to national security (Deschamps and Souyris, 2008: 95; Chimienti and Földhàzi, 2008: 88; Mathieu, 2011: 114; 2012: 206; 2013b: 15). Second, the amalgamation of prostitution and trafficking led the former to be framed in a particularly ambivalent manner (Mathieu, 2013b: 15-16). This means that public and political beliefs concerning prostitution and what ought to be done about it were increasingly based on contradictory assumptions. Specifically, those involved in street-based prostitution were believed to be guilty of many things, such as soliciting, disrupting public order, or illegal immigration, while simultaneously also being portrayed as victims (Mathieu, 2011: 113). Mathieu describes the ‘ambivalent compassion’ directed towards individuals involved in prostitution as one where residents’ existential fear of a population with perceived links to organised crime exists hand in hand with their sympathy towards those assumed to be victims of exploitation and/or

trafficking (2011: 113; 2012: 206). In this sense, throughout the 1990s, individuals in prostitution did not come to be considered criminals *instead of* victims. Rather, they came to be considered simultaneously victims *and* criminals (Allwood, 2003: 209).

This ambivalent compassion ensured that, while individuals in prostitution were amalgamated with, and treated indistinguishably from, myriad other ‘problem’ groups by local authorities and law enforcement, they nevertheless retained a different status in the minds of citizens and politicians alike (e.g. Mayer, 2011: 39; Sanselme, 2004: 116). For example, a former Nantes council official in charge of local security describes this special status, recalling that “[t]here was a sort of understanding and compassion [on behalf of residents] that I’ve not always encountered when it comes to other excluded groups. If it had concerned travellers, it would have been a completely different story”⁷⁵ (Raimbourg, interview 4 April 2013, paragraph 16). For Maugère, this is evidence of the underlying persistence of abolitionist ideas conceptualising individuals in prostitution as victims and prostitution as inherently incompatible with human dignity (2009: 275). Nevertheless, rather than bolstering public sympathy for the provision of social support to individuals in prostitution, this ambivalent compassion was instead primarily used to justify calls for the increased policing of prostitution (Maugère, 2009: 291). This is because repression could be justified not only as a means of achieving peace and security for those residents affected by the nuisance of street-based prostitution, but also as a way for law enforcement officials to identify and help the ‘victims’ of trafficking they arrested (Allwood, 2006: 56; Deschamps, 2008: 106; Mathieu, 2012: 207).

The securitization of prostitution ultimately reinforced the displacement of procedures and beliefs at the heart of the traditional French abolitionist regime described in chapter 6. It constituted the process through which traditional abolitionist beliefs concerning the appropriateness of social measures for addressing prostitution and helping ‘victims’ were progressively undermined and sidelined by new ideas and procedures aimed at cleansing the street and policing

⁷⁵ “Il y avait une compréhension et une compassion que je n’ai pas toujours retrouvées s’agissant d’autres populations marginales. Ça aurait été des gens du voyage, ça n’aurait pas du tout été la même chanson.”

‘victims’ for ‘their own good’. Furthermore, securitization helps explain how national policymakers came to embed the interests and beliefs of disparate local actors into a broader policy discourse concerned with domestic security. This is important because, while the current literature links the increase in foreign street-based prostitution during the 1990s to the progressive transformation of prostitution into a law-and-order problem (Allwood, 2006: 45, 52, 2003: 206; Danet, 2006: 103; Mathieu, 2011: 113, 2012: 206; Maugère, 2009: 275-276; Mayer, 2011: 39), it does not identify a causal mechanism through which these local pressures contributed to transforming the way in which prostitution was defined and debated at the national level. The securitization of prostitution therefore allows us to better understand the process through which the demands of citizens in cities as far removed as Paris and Lyon increasingly resonated with the wider social and political concern with security and public order and helped give rise to new policy ideas and objectives. It is in this context, where the meanings and policy goals associated with prostitution had been securitized as part of a broader social and political concern with law, order, and insecurity, that an opportunity emerged to reform French prostitution policy.

7.1.2. The advent of the 2003 Domestic Security Bill

Social and political concern with public order and domestic security, which had continued to grow throughout the 1990s, finally came to a head in 2001 (Montjardet, 2004: 136). The year had been marred by violent attacks against the elderly, religious institutions, and schools, and had featured frequent demonstrations by police officers over their perceived lack of material and human resources. The public unease generated by these events was further compounded by the announcement that violent crime had increased by 9.58% the previous year (Monjardet, 2004: 138; Mucchielli, 2008a: n.p.). Consequently, many political parties were drawn into what Mucchielli terms a continuous ‘bidding war’ on the theme of insecurity (2008a: n.p) in the campaigns leading up to the 2002 presidential and legislative elections (de Maillard and Roché, 2004: 112; Mayer, 2002: 514; Mucchielli, 2008b: 8; e.g. Garcia, 2002; *Le Monde*, 29 January 2002; Rouselle, 2002).

With its weak public engagement, low voter turnout, and the unexpected success of the far-right National Front candidate in the first round, the 2002 presidential election appeared to mark a radical departure from traditional French electoral politics (cf. Martin, 2002: 593; Perrineau, 2003). Ultimately, Jacques Chirac was re-elected as president on May 5th 2002, and his party, the *Rassemblement pour la République* (RPR) won a clear majority in parliament the following month. The right-wing government appointed by the Prime Minister, Jean-Pierre Raffarin, was given an explicit mandate to cut crime and re-establish public order (Allwood, 2006: 45; eg: Fort, 2002; Tabard, 2002). To this end, the *Ministère de l'Intérieur, de la Sécurité Intérieure et des Libertés locales* was created as a cabinet position dedicated to home affairs, domestic security and local liberties. The Ministry of the Interior was placed under the leadership of Nicolas Sarkozy, a former minister, and mayor and MP of a wealthy Parisian suburb. The Ministry of the Interior, in partnership with the Ministry of Justice, would undertake the government's flagship reform of criminal justice and domestic policy (cf. de Senneville and Rousseau, 2002).

The broad lines of the domestic security reform were set out on July 10th 2002: it was intended to be far-reaching and ambitious, modifying elements of administrative, criminal and civil law, all in the name of enabling the government to “push back insecurity” and restore the peace of mind necessary “for the exercise of individual and collective liberties”⁷⁶ (Assemblée nationale, 2002: 4). One aspect of this reform therefore entailed “taking better account of new forms of criminality” and, in particular, “[t]he use of children in the context of begging, widespread soliciting in peaceful residential areas, [and] the perpetration of offences under the influence of drugs or alcohol [...]”⁷⁷ (Assemblée nationale, 2002: 25). The state's intention to dedicate part of this policy reform to tackling prostitution, and soliciting in particular, had been clear from the outset (Mathieu, 2005: 369; Mossuz-Lavau, 2007: 11; also see: Maugère, 2009: 272). Early in his

⁷⁶ “La sécurité est un droit fondamental et une condition essentielle de l'exercice des libertés individuelles et collectives. Or l'insécurité s'est fortement aggravée en France entre 1981 et 2001 [...]. Le présent projet de loi [présente] les orientations de politique intérieure et les moyens nouveaux qui seront mis en oeuvre [...] pour inverser cette tendance et parvenir à un recul de l'insécurité.”

⁷⁷ “L'utilisation d'enfants dans le cadre de la mendicité, le racolage en nombre dans les lieux paisibles d'habitations, la commission d'infractions sous l'emprise de la drogue ou de l'alcool [...]”.

incumbency, Sarkozy had pledged that the upcoming bill would include measures to curb street-based prostitution and soliciting (Sarkozy, 26 June 2002), further clarifying his position on the issue by participating in a televised police raid against street-based prostitution in Paris' 17th *arrondissement* (cf. Zappi, et.al, 2002). Thus, when it was unveiled, the reform proposal contained recommendations for 'updating' France's prostitution policy framework, which was portrayed as out-of-touch and ineffective (Assemblée nationale, 2002: 26). This included recriminalising passive soliciting to rid the streets of prostitution and allow the expulsion of foreigners involved in prostitution (Assemblée nationale, 2002: 26).

During the parliamentary debates, proponents of the reform reproduced many of the discursive frames that had emerged throughout the 1990s as a result of the securitization of prostitution. In particular, prostitution was presented as a source of insecurity for law-abiding citizens, alongside illegal immigration, groups of loitering youths or travellers, the sale and misuse of illegal substances, and aggressive begging (Allwood, 2006: 52; cf. Sarkozy in *JORF*, 30 July 2002; Virapoullé, in *JORF*, 30 July 2002). In particular, proponents of the bill predominantly framed prostitution as an unacceptable social ill (*un fléau*) from which 'victims' and residents suffered equally, and soliciting as a form of criminal activity (e.g. Jalton in *JORF*, 17 July, 2002a: 2065; Sarkozy in *JORF*, 16 July 2002a: 1963, 17 July 2002a: 2078). More generally, prostitution, soliciting and pimping were consistently framed as inextricably associated with crime and insecurity because of their perceived relationship with human trafficking, illegal migration, money laundering, and public disorder. For example, the proposal's principal rapporteur, the UMP MP Christian Estrosi, explains that:

“[t]his text allows us to finally tackle all the big social problems that have contributed to increasing delinquency: prostitution – which, by the way, has its origins in a sort of illegal immigration –, the mafia, underground money laundering networks, drug trafficking, soliciting in public, aggressive begging, juvenile

delinquency, school absenteeism, and many others”⁷⁸ (in *JORF*, 17 July 2002b: 2113).

Similarly, when scrutinising the bill, the Senate finance committee highlighted the need to crack down on illegal immigration in order to restore order and security by eliminating the international criminal activity it was considered to sustain, including prostitution:

“the link between illegal immigration and insecurity cannot be ignored, because people arriving or staying in France illegally sometimes participate in barely legal lucrative activities (aggressive begging, soliciting, drug trafficking...). The point is not to curb immigration as such [...]. But the point is to better control the people who enter and stay on the national territory, in order to limit the negative consequences of a type of immigration that our country cannot sustain, and which lines the pockets of traffickers and mafia networks [...]” (de Montesquiou, 2002: 23)

Conversely, critics argued that individuals involved in prostitution were victims, not illegal immigrants disrupting public order by soliciting in the street, as they seemed to be depicted in the bill (e.g. Borvo in *JORF*, 31 July 2002; Caresche in *JORF*, 17 July 2002b: 2124). They further argued that the reform’s bluntly repressive approach was inappropriate for resolving such a complex social issue, which could be better addressed through improved prevention and social support (e.g. Gerin in *JORF*, 16 July 2002b: 2037). Further, detractors highlighted the stigmatising nature of the bill, which seemed to presume that certain vulnerable populations, including young people, foreigners, and individuals involved in prostitution, were inherently guilty of some offence (e.g. Taubira in *JORF*, 16 July 2002b: 2023). Nonetheless, even those opposed to the proposal, primarily representatives from the Socialist and Green parties, did not challenge the right’s systematic conflation of prostitution and human trafficking (e.g. Borvo in *JORF*, 31 July 2002). This reinforced the over-simplified representation of all

⁷⁸ “Ce texte permet pourtant de s’attaquer enfin à tous les grands problèmes de société qui ont contribué à la montée de la délinquance: la prostitution – qui a pour origine, d’ailleurs, une forme d’immigration clandestine –, les phénomènes mafieux, les réseaux d’économie souterraine, le trafic de drogues, le racolage sur voie publique, la mendicité agressive, la délinquance des mineurs, l’absentéisme scolaire, et bien d’autres.”

prostitution as taking place on the streets and involving foreign trafficking victims (Allwood, 2006: 56, 2003: 209).

After a hasty debate, impelled by the perceived urgency of the issue, the proposal was signed into law on August 29th 2002. It would serve as the basis for the drafting of a bill setting out the specific amendments to France's domestic security framework. This domestic security bill, the *Projet de loi pour la sécurité intérieure* (PLSI), was tabled the following October. The bill had three principal objectives, to improve the capacity of law enforcement agencies to investigate and punish crimes, to bolster the remit of law enforcement officials and enhance their professional recognition, and to 'modernise' French law by introducing new types of crimes and their sentences (Sénat, 2002). Moreover, for the Ministry of the Interior, a key dimension of updating French criminal justice policy involved giving domestic law enforcement agencies the "capacity to act against the development of phenomena associated with prostitution"⁷⁹ (Sénat, 2002). The bill intimated that, with regards to prostitution and soliciting, the current French prostitution policy framework "sometimes reveals itself to be unsuitable [and] often insufficient for alleviating the situation with which most of our country's big cities, as well as many middle-sized towns, are confronted"⁸⁰ (Sénat, 2002). To address the law's perceived shortcomings, the proposal put forward a number of changes to the criminal dimension of the existing prostitution policy framework. These modifications fell into three categories.

The first measures concerning prostitution were aimed at curbing public soliciting. These measures were contained in a chapter intended to "hamper the progression of certain forms of criminality or the development of behaviours that disturb citizens' peace and infringes their right to security"⁸¹ (Sénat, 2002). Specifically, the bill called for the reinstatement of passive soliciting as a criminal offence. The Ministry of the Interior justified the reintroduction of the offence of passive solicitating, which had been removed during the 1992 Penal Code reform,

⁷⁹ "L'article 18 donne aux forces de sécurité intérieure des capacités d'agir face au développement des phénomènes de prostitution."

⁸⁰ "Un arsenal juridique pour faire face à une telle situation existe, mais il se révèle parfois inadapté, souvent insuffisant, pour remédier à la situation à laquelle sont confrontées la plupart des grandes agglomérations de notre pays mais également de nombreuses villes de taille moyenne."

⁸¹ "Le chapitre VI rassemble des dispositions qui visent à enrayer la progression de certaines formes de criminalité ou le développement d'agissement qui troublent la tranquillité des citoyens et bafouent leur droit à la sécurité."

for two reasons. Firstly, it considered that soliciting led to “violations of public order, in particular with regards to public tranquility, cleanliness and security”⁸² (Ministère de la Justice, 2003: n.p.; also see: Conseil Constitutionnel, 2003: 20). Secondly, it argued that cracking down on solicitating would deprive pimps of their source of revenue, thereby indirectly impeding the development of organised prostitution (Conseil Constitutionnel, 2003: 20; Ministère de la Justice, 2003: n.p.; Vernier, 2005: 132). To reflect the state’s dedication to curbing public soliciting, the bill also proposed to recategorise both active and passive soliciting as major offences (*délit*) rather than minor offences (*contravention*), thus increasing the penalties applied to them (Ministère de la Justice, 2003; Sénat, 2002;).

The PLSI’s anti-soliciting measures were particularly contentious. This is because, in trying to cast the net wide and criminalise all behaviours commonly associated with street-based prostitution (Vernier, 2005: 133), policymakers proposed a broad and problematic definition of soliciting (Allwood, 2006: 54): “the fact, by any means, including by one’s clothing or demeanor, of publicly soliciting another with a view to inciting them to sexual relations in exchange for payment”⁸³ (Article 18.1 in Senate, 2002.). The suggestion that clothing choice was sufficient to accuse an individual of soliciting was fiercely criticised during the bill’s first reading in the Senate (Borvo in JORF, 14 November 2002; Dreyfus-Schmidt, 14 November 2002). Subsequently, the reference to clothing as a means of establishing an offence was removed, and the final draft defined soliciting more generally as: “the fact, by any means, including by passively adopted demeanor, of publicly soliciting another [...]” (Article 18.1 in Assemblée nationale, 2002b). Nevertheless, the breadth and vagueness of the definition, continued to dissatisfy detractors, who feared it would be used to harass women on the street (Allwood, 2003: 208).

The second set of proposed changes were intended to reinforce the protection of individuals deemed vulnerable in the context of commercial sex. In particular, the

⁸² “les nouvelles dispositions sont justifiées, d’une part parce que le racolage public est susceptible d’entraîner des troubles pour l’ordre publi, notamment pour la tranquillité, la salubrité et la sécurité publiques, et, d’autre part, parce que la répression de ces faits prive le proxénétisme de sa source de profet et fait aisni échec au trafic des êtres humains.”

⁸³ “Le fait, par tout moyen, y compris par sa tenue vestimentaire ou son attitude, de procéder publiquement au racolage d’autrui en vue de l’inciter à des relations sexuelles en échange d’une rémunération ou d’une promesse de rémunération [...]”

bill set out to criminalise the purchase of sexual services from individuals ‘presenting a particular vulnerability’, including illness, physical or learning disability, or pregnancy (Article 18.3 in Senate, 2002). Moreover, the offence of human trafficking for the purpose of sexual exploitation was introduced into the bill during the first Senate reading (Article 17bis in Assemblée nationale, 2002b). The proposal further specified that all victims of commercial sexual exploitation, including victims of human trafficking, were entitled to social support (Article 42 in Senate, 2003) and sheltered housing (Article 43 in Senate, 2003). These measures had previously been contained in a separate bill, derived from a 2001 Socialist-led National Assembly inquiry into different forms of slavery (Lazerges and Vidalies, 2001; cf. Maugère, 2009: 275), which the Ministry of the Interior opted to subsume into the PLSI (Deschamps, 2005: 96; Maugère, 2009: 287). Formally, this decision emanated from the government’s commitments to address human trafficking as a consequence of ratifying the UN *Convention against transnational organised crime additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* in August 2002 (Ministère de la Justice, 2003). Informally, the merging of the two texts was also the result of lobbying on behalf of the chair of the inquiry committee. The left having lost its majority in parliament in 2002, the Socialist-led committee was keen to have the recommendations taken up by the following government rather than fight to push it through as a private members’ bill (Lazerges interview, 15 January 2013, paragraph 12).

Thirdly, the proposal laid out new measures aimed at cracking down on what lawmakers considered to be the most problematic form of commercial sex: foreign street-based prostitution. This involved legalising the withdrawal of residency permits from any foreign individual found guilty of soliciting, exhibitionism, or organising and profiting from the prostitution of others (Article 28 in Sénat, 2002). These motions were primarily presented as a means of apprehending and deporting foreigners guilty of disturbing the peace by organising and profiting from the prostitution of others (Sénat, 2002: n.p).

Nevertheless, under these new measures, individuals in prostitution could equally see their residency revoked if found guilty of soliciting. In this case, however, the ‘repatriation’ of the foreign ‘victims’ of prostitution was presented by the Minister

of the Interior as a “humanitarian duty” rather than a form of punishment (Sarkozy in *JORF*, 14 November 2002). Furthermore, in the same way that penalising soliciting was intended to hamper the development of organised prostitution, deporting those foreigners found guilty of flouting the law was portrayed as a way of indirectly targeting pimps and traffickers. In this sense, preventing individuals in prostitution from earning money on the streets of French cities was argued to disincentivise the implantation of criminal networks eager to turn a profit (Sarkozy in *JORF*, 14 November 2002). This narrow focus on foreigners involved in prostitution suggests that, at their core, these measures were inextricably entwined with concerns over immigration (Allwood and Wadia, 2009: 115; Mathieu, 2013b: 17; Maugère, 2009: 291). As such, the possibility of deporting individuals in prostitution was not designed to comprehensively tackle international trafficking rings, or prostitution in general (Allwood, 2003: 208). Rather, these measures were intended to satisfy the demand for the expulsion of law-breaking foreigners:

“From the moment when passive soliciting is considered to be an infringement to public order, foreign prostitutes will no longer be able to practice this activity on the national territory. Who would hold that against us? Who would consider it normal for foreigners, many of them illegal immigrants, to be able to undertake an activity punishable by law?”⁸⁴ (Sarkozy in *JORF*, 17 July 2002b: 2125)

Henceforth, only those who agreed to denounce their pimps and cooperate with the police to help secure a conviction could aspire to be granted temporary residency and state protection (Article 29 of *Assemblée nationale*, 2003).

Because of the bill’s apparent focus on penalising, rather than helping, those involved in prostitution, the government faced a great deal of resistance from the opposition and from civil society actors. Previous policy debates had been far from consensual, pitting those who wanted greater protection and labour rights

⁸⁴ “À partir du moment où le racolage passif sera considéré comme une atteinte à l’ordre public, les prostituées étrangères ne pourront pas exercer cette activité sur le territoire national. Qui pourrait nous en vouloir? Qui pourrait considérer qu’il est normal que des étrangers, pour la plupart en situation irrégulière, puissent se livrer à une activité pénalement répréhensible?”

extended to those selling sex against those who instead wanted to help ‘victims’ escape prostitution. Nevertheless, these disparate groups had all shared a common concern over one vision or another of what was best for individuals involved in prostitution (Allwood, 2003: 206). The puzzle of how such a broadly and vehemently criticised proposal was nevertheless voted into law quickly and without difficulty has been a central focus of the recent literature on contemporary French prostitution policy.

7.1.3. The *loi pour la sécurité intérieure* as a case of policy layering

After winning both the presidential and legislative elections in 2002 on the promise to be ‘tough on crime’, the right was in a strong position to push through its domestic security reform when it was tabled in the autumn. The *projet de loi pour la sécurité intérieure* contained several measures intended to penalise visible street prostitution. These measures were the result of the progressive securitization of prostitution throughout the 1990s resulting in its redefinition as a security and public order issue, rather than a social or public health one. The construction of prostitution as a security problem had been further amplified by the broader social and political context in which it had unfolded, and which resulted in a ‘securitarian frenzy’ (*frénésie sécuritaire*) in the early 2000s (Mucchielli: 2008b: 8). This context motivated the development of, and support for, policies more concerned with demonstrating the government’s attention to insecurity and illegal immigration than with comprehensively addressing the social problems unsettling citizens. In this sense, the securitization of prostitution, and the measures it inspired as part of the PLSI, appeared to break away from the norms and ideas underpinning the traditional French abolitionist regime and, in particular, from the conceptualisation of individuals in prostitution as victims in need of social support and rehabilitation. As a result the bill was widely and strongly criticised by a range of political and civic actors.

The policy debate over the PLSI’s anti prostitution measures took place during a resurgence of French feminist activists’ and policymakers’ interest in commercial sex and sexual exploitation, spurred on by the rise of the issue on the international policy agenda (Allwood, 2006: 47; Mathieu, 2004: 160-161, 2012: 206; 2013b: 11). As a result, the policy debate unfolded in a context where political beliefs

concerning prostitution were starkly polarised. On the one hand, a broad and disparate coalition of state abolitionists and historical abolitionist third sector organisations defended conceptions of prostitution as a form of violence against women that must be eradicated (Allwood, 2006: 47; Mathieu, 2012: 208). On the other hand, sex workers' rights organisations, community health groups, and certain Green politicians sought to lift the stigma associated with prostitution and improve the working conditions of those involved (Deschamps and Souyris, 2008: 20-21; Mathieu, 2012: 208). Nevertheless, actors from both sides of the debate were uniformly critical of the PLSI's anti-prostitution measures (Fabre, 2003: n.p.; Mathieu, 2012: 207).

The bill as a whole was also fiercely opposed by civil liberties and social justice groups, liberal intellectuals, and left-wing political parties, because of its perceived infringement of personal freedom and its punitive nature (Fabre, 2002a; Krémer, 2002; Ligue des Droits de l'Homme, 2002b; *Le Monde*, 08 October 2002, 22 October 2002, 24 October 2002, 16 November 2002, 22 February 2003). These groups argued that the reform constituted an attack on the poor and vulnerable, rather than a means of guaranteeing their security (Allwood, 2003: 207, 2006: 55; e.g. Ligue des Droits de l'Homme, 2002a). In this regard, the measures criminalising soliciting and street-based prostitution were particularly contentious. Left-wing and feminist policymakers were joined by public intellectuals, feminist activists, trade unions, and social justice organisations in criticising what they perceived to be a repressive, ambivalent, and short-sighted approach to dealing with prostitution (e.g. Borrillo et al, 2002; Chambon et al, 2002; Giros in Bissuel, 2002; Ouvard in Krémer, 2002; Monnot, 2002; *Le Monde*, 15 January 2003a).

These groups leveled two particular critiques of the PLSI. Firstly, by recriminalising passive soliciting, abolitionists argued that the bill set out to punish individuals who should instead be considered victims (Mathieu, 2012: 207; e.g. Costes in Krémer, 2002; Le Roux in JORF, 15 November 2002). Similarly, sex workers' rights activists and community health groups argued that the anti-soliciting measures were disproportionately punitive (Fabre and Krémer, 2002). As a result, both groups feared that the safety of individuals in prostitution would be compromised if they were forced to operate underground, rather than from the

relative safety of well-lit public spaces (e.g. Mahéas in *JORF*, 14 November 2002; Mermaz in *JORF*, 14 November 2002; *Le Monde*, 5 November 2002, 15 January 2003a, 22 January 2003; Le Roux in *JORF*, 14 January 2003;). Moreover, there was widespread outcry against the bill's focus on punishing those involved in prostitution rather than those who exploit vulnerable individuals or participate in human trafficking (e.g. *Le Monde*, 5 November 2002; Monnot, 2002).

Secondly, detractors considered the provisions made for protecting and providing legal and social assistance to victims of exploitation to be insufficient (e.g. Borvo in *JORF*, 14 November 2002; Dreyfus-Schmidt in *JORF*, 15 November 2002; Mermaz in *JORF*, 14 November 2002; *Le Monde*, 14 January 2003). This lack of attention to victims' welfare was considered further evidence of the government's punitive and short-sighted approach to tackling complex social problems by means of blanket repression, rather than addressing them through holistic social policy. The conditioning of victims' access to social support and temporary residence on their cooperation with the police to denounce and secure the conviction of their exploiters was particularly contentious (e.g. Borvo in *JORF*, 15 November 2002; *Le Monde*, 14 January 2003).

Nevertheless, while these disparate groups unanimously disapproved of the PLSI, they largely failed to join together in common opposition to the reform. Initially, opposition to the PLSI was merely uncoordinated, with each block holding separate demonstrations against the proposed anti-prostitution measures (Deschamps and Souryis, 2008: 21-22; Mathieu, 2004: 161, 2011: 117, 2012: 208, 2013a: 186; e.g. *Le Monde*, 12 December 2002). On the one hand, a broad coalition of state feminists and abolitionist organisations campaigned against the Sarkozy bill and for the eradication of prostitution (cf. Nunès, 2002). On the other hand, Green politicians and community health groups held protests also opposing the PLSI but calling instead for the decriminalisation of prostitution (Fabre, 2002a, 2002b; Fabre and Krémer, 2002). As the debate unfolded, however, proponents of abolitionism and defenders of sex workers' rights not only failed to mount a united front against the government, but they increasingly focused on attacking each other (Deschamps and Souyris, 2008: 104; Fabre and Fassin, 2003: 163; Mathieu, 2004: 162, 2012: 208, 2013a: 162, 2011: 117). Prominent feminist intellectuals and politicians from both sides of the debate penned adversarial

editorials against each other in the leading daily newspapers (Fabre and Fassin, 2003: 164; Mathieu, 2011: 118; e.g. Albertini, 2003; Bousquet, et al, 2003; Brisac et al, 2003; Iacub et al, 2003).

Recent research on French prostitution policy points to the inability of those opposed to the PLSI to join forces and their efforts to discredit each other to explain why such a contested reform was able to pass through parliament swiftly and without difficulty (Deschamps and Souryis, 2008: 104; Fabre and Fassin, 2003: 163-164; Mathieu, 2004: 162, 2011: 118, 2012: 208). Specifically, it argues that the policy debate was quickly diverted away from discussing the bill itself and increasingly focused on a polarized debate about whether prostitution was a form of violence or a stigmatised form of labour (Mathieu, 2004: 162, 2011: 117). Effective resistance to the LSI was further limited by the in-fighting among the disparate detractors. This public antagonism served as a distraction from the legislative process, as each side extolled the respective merits and shortcomings of abolishing or decriminalising prostitution (Fabre and Fassin, 2003: 164; Mathieu, 2004: 162, 2011: 117, 2012: 208). In the meantime, the Government, which had no intention of either abolishing or decriminalising this activity, was able to push its bill through without difficulty.

The passage of the LSI was further facilitated by the lack of any compelling policy alternative (Mathieu, 2004: 162, 2011: 118). The only contending option presented during the debate called for the criminalisation of clients of prostitution (Caresche, 2002). This proposal, tabled by a handful of Socialist MPs, was inspired by the ban on the purchase of sexual services pioneered in the 1998 Swedish *kvinnofrid* ('women's peace') law. This move was intended to prove that the Socialists could be 'tough' on prostitution, without targeting the 'victims' (Mathieu, 2013a: 248-249). Nevertheless, the bill received little support, including from many Socialists (*Le Monde*, 15 January 2003b) and was widely criticised by community health and sex workers' rights groups (Mathieu, 2011: 118). Some perceived the criminalisation of clients as morally repressive (Mamère in *Le Monde*, 15 January 2003b; Sarkozy in *JORF*, 21 January 2003, n.p.). Others, including the National Assembly delegation on women's rights (Zimmermann, 2002: 28), argued that criminalising clients would contribute to pushing prostitution underground even more than penalising passive soliciting (Billard in

JORF, 21 January 2003, n.p.; Estrosi in *ibid.*). Finally, the Government argued that the move would hinder efforts to investigate trafficking networks (Estrosi in *JORF*, 21 January 2003, n.p.). Consequently the proposal was quickly dismissed, and the *loi pour la sécurité intérieure* (LSI) was adopted on March 18th 2003.

Highlighting the lack of any effective opposition to the PLSI is helpful for understanding how the bill passed with relative ease despite being fiercely contested. This explanation is based on the assumption that the LSI was an ‘exceptional’ reform, in other words that it marked a fundamental departure from the historically French abolitionist policy trajectory. In particular, authors who focus on the norms enshrined within, and communicated by, the LSI argue that it represents the first historical break from the country’s traditional abolitionist system (Allwood, 2003, 2004; Allwood and Wadia, 2009: 114-115; Deschamps and Souryis, 2008; Mossuz-Lavau, 2007: 11). Here, norms refer to beliefs, images and ideas inherent to a policy that communicate its particular vision of how the world ought to be, and how it will contribute to achieving it (Jobert, 1989: 378). By seeking to imprison those selling sex on the streets, Allwood argues that the LSI broke away from abolitionism’s focus on “what was best for prostitutes themselves” by “launching a war not on prostitution, but on prostitutes” (2003: 206). Moreover, for Deschamps and Souryis, the criminalisation of individuals in prostitution appeared ‘incompatible with the abolitionist regime, in which individuals in prostitution cannot, as such, be criminalised’⁸⁵ (2008: 57). In this sense, the LSI is understood to communicate and give form to very different values and norms than those enshrined in the traditional French abolitionist regime.

Authors who have instead focused on the law’s programmatic aspects have highlighted considerable continuity between the LSI and the existing abolitionist regime. A policy’s programmatic dimension refers to the instruments (such as laws, budgets, and institutions) it intends to deploy as solutions to the problem identified (Campbell, 2002: 28). Thus, for Maugère (2010: 8), Mathieu (2011: 118, 2012: 207-208, 2013a: 235), Vernier (2005: 134), and Bugnon (2010), the LSI neither fundamentally challenged nor transformed the existing prostitution

⁸⁵ “cette pénalisation semble incompatible avec le régime abolitionniste, dans lequel les prostitué-e-s ne peuvent être directement poursuivies-es.”

policy framework introduced between 1946 and 1960. This is because it maintained and strengthened existing elements of the abolitionist regime's social and criminal pillars. For example, the new law expanded the regime's criminal pillar, which punishes the exploitation of another's prostitution, by criminalising trafficking for the purposes of sexual exploitation (Mathieu, 2012: 207). Moreover, by stating that "any person who is victim of exploitation through prostitution must benefit from a system of protection and assistance [...]"⁸⁶, the law also respects the abolitionist requirement that the victims of prostitution must be provided with social support (Bugnon, 2010: 147). Finally, Mathieu (2011: 118, 2012: 207, 2013a: 235) and Vernier (2005: 134) point out that, while the LSI criminalises passive soliciting and calls for the policing of foreign individuals involved in prostitution, these measures had always existed, more or less formally, since the end of the Second World War.

Nevertheless, even those who recognise a degree of continuity between the LSI and the abolitionist regime consider that the policy debate over the bill marked a radical discursive break (Maffesoli, 2008: 40; Maugère, 2010: 8). In this sense, regardless of whether or not the Government actually conceived of individuals in prostitution as criminals, or whether or not the bill was actually intended to prohibit a previously legal activity, the discourse deployed during the policy debate fundamentally reframed issues pertaining to prostitution and those involved (Maugère, 2009: 274). Specifically, prostitution, which had traditionally been discussed in terms of being a social or public health problem, was now reframed as a law-and-order problem inextricably entwined with issues of trafficking, organised crime, and illegal migration (Allwood, 2003: 209; Mathieu, 2011: 118). Furthermore, proponents of the reform modified the image of the 'victim', which has been central to the abolitionist paradigm (Jaksic, 2008). They did this by expanding the definition of who constitutes a 'victim' of prostitution to include not just those compelled or coerced into selling sexual services, but also to all those urban residents who were confronted by the nuisance caused by street-based commercial sex. This is the case, for example, when Sarkozy stated that "We say that prostitutes are victims. Very well, but let's not forget the other

⁸⁶ "toute personne victime de l'exploitation de la prostitution doit bénéficier d'un système de protection et d'assistance [...]"

victims: the people who live in the neighborhoods where life has become impossible because prostitution holds complete sway [...]”⁸⁷ (in *JORF*, 14 January 2003, n.p.). Thus, despite some disagreement about the extent to which the LSI constitutes a normatively or programmatically ‘exceptional’ reform, there is a broad consensus that the law inaugurated a very different way of representing and talking about prostitution.

Highlighting the putatively ‘exceptional’ nature of the LSI and the policy debate that preceded its adoption is useful for explaining its unusually strong political and public contestation. Nevertheless, this explanation does not take into account the extensive efforts lawmakers made to frame the PLSI as ‘unexceptional’ and compatible with the existing French prostitution policy framework. Indeed, while proponents of the PLSI were in a position to push through their policy preferences, having both a majority in parliament and the public’s support to reestablish public order, they nonetheless took great care to highlight the reform’s humanitarian and even abolitionist credentials.

Right-wing politicians sought to highlight two ways that the LSI ‘fitted’ with the existing prostitution policy framework and its underpinning norms. Firstly, they reappropriated the construction of individuals in prostitution as ‘victims’ from the abolitionist repertoire. The redeployment of this ‘victim’ discourse to justify their policy aims was evident, for example, when Sarkozy asserted that: “[...] we have not created an offence with a view to punishing these unhappy women who, it cannot be denied, are more often victims than culprits. If we have created an offence it is, on the contrary, to protect them [...]”⁸⁸ (in *JORF*, 13 November 2002, n.p.). This allowed proponents of the PLSI to legitimise their policy preferences and made it difficult for opponents to directly criticise the Government’s intentions – even when this entailed criminalising those otherwise considered victims.

⁸⁷ “Les prostituées sont des victimes, dit-on. Certes, mais n’oublions pas les autres victimes: les personnes qui habitent dans les quartiers où la vie est devenue impossible parce que la prostitution y règne en maîtresse absolue [...]”

⁸⁸ “[...] nous n’avons pas créé un délit dans l’optique de punir des malheureuses qui, c’est vrai, sont plus souvent victimes que coupables. Si nous avons créé un délit, c’est, au contraire, pour les protéger [...]”

Secondly, the Government underlined the way the bill was compatible with the existing regime's social and the criminal dimensions. Thus, the repression of foreign and street-based prostitution was presented as both a social service to 'victims' and a means of fighting against their exploitation. Further, the recriminalisation of passive soliciting was primarily presented a means of making it more difficult for pimps and traffickers to profit from prostitution, rather than a way to punish the 'victims'. Sarkozy explains, for example, that "[b]y penalising soliciting, we penalise those who profit from soliciting by putting girls on the streets. [...] Who benefits when we make it impossible to exhibit these unhappy women? Precisely the unhappy women we will be liberating from their torturers' grasp"⁸⁹ (in *JORF*, 22 January 2003b, n.p.). Similarly, the repatriation of foreigners guilty of soliciting on French streets was framed as a humanitarian service: "to me, it seems more than normal to expel prostitutes who do not speak a word of French, who have only been in our country for a few months or a few weeks, and who we can deliver from networks by accompanying them back to the countries where they were born [...]"⁹⁰ (Sarkozy in *JORF*, 13 November 2002, n.p.). This framing served to foreground the social value of measures, such as police custody and deportation, traditionally associated with criminal justice, thereby firmly placing it within the abolitionist state's obligation to provide social assistance to individuals in prostitution (Maugère, 2009: 305). This allowed pro-LSI policymakers to proclaim that the bill was inherently abolitionist in spirit:

"[This legislative proposal] cannot be reduced to a repressive project. Its objective is to protect: to protect the victims of prostitution, to protect public tranquility, two objectives that are hard to reconcile but that we must nevertheless consider in tandem. France has chosen to focus on an abolitionist approach, and this proposed legislation fits into this intention. Contrary to certain other European countries, we have chosen to wager on the effectiveness of long-term social policies aimed at preventing

⁸⁹ "En pénalisant le racolage, on pénalise ceux qui profitent du racolage parce qu'ils mettent des filles sur le trottoir. [...] A qui rend-on service quand on rend impossible l'exposition de ces malheureuses? À ces malheureuses que l'on va libérer du joug de leurs tortionnaires."

⁹⁰ "il me paraît plus que normal de procéder à l'expulsion de prostituées qui ne parlent pas un mot de français, qui ne sont que depuis quelques mois ou quelques semaines présentes sur notre territoire et que l'on peut faire échapper aux réseaux en les raccompagnant dans le pays où elles sont nées [...]."

prostitution rather than resorting to regulating it”⁹¹ (Delnatte in *JORF*, 15 January 2003, n.p.).

This strategic use of framing to highlight the compatibility, or ‘fit’, of the LSI with the norms and objectives of the existing abolitionist prostitution policy regime is suggestive of policy layering. Policy layering takes place in the presence of strong and well-established institutional arrangements, such as a dominant policy regime, which limit the opportunities for radical policy change (Mahoney and Thelen, 2010: 16-17). In such a ‘sticky’ institutional context, policymakers can increase the likelihood of their proposal being taken up by convincing others that it merely represents an update of, or a small adjustment to, the existing policy framework (Mahoney and Thelen, 2010: 17; Schickler, 2001: 15-16; Streeck and Thelen, 2005: 23; Thelen, 2002: 225-226). Thus, working at the ‘margins’ of existing institutions, these actors strive to ‘sell’ their reform ideas as “refinements of or correction to existing institutions” (Streeck and Thelen, 2005: 34). The policy changes that emerge as a result of this process appear as ‘layers’ on, rather than radical modifications of, dominant institutional arrangements.

Explaining the adoption of the LSI as a result of policy layering helps reconcile two apparently contradictory insights from recent research on this policy episode. On the one hand, the law stands out in the literature on contemporary French prostitution as an ‘exceptional’ policy reform, which marked a departure from long-standing abolitionist values and norms. On the other hand, proponents of the PLSI went to great lengths to demonstrate their bill’s continuity and compliance with the dominant abolitionist regime. This suggests that focusing on the extent to which, in reality, the LSI constitutes a radical break from abolitionist ideas and policy can be misleading. So is attributing the bill’s passage to detractors’ inability to effectively come together to oppose it. These accounts overlook the manner in which, regardless of a policy reform’s actual or perceived deviation from an existing institutional framework, policymakers can ‘sell’ their reform as a

⁹¹ “[le projet de loi] ne se limite pas à un volet répressif. Son objectif est bien la protection: protection des victimes de la prostitution, protection de la tranquillité publique, deux objectifs difficiles à concilier, mais qu’il faut pourtant tenir ensemble. La France a choisi de privilégier une approche abolitionniste, et le projet de loi s’inscrit dans cette ligne. À la différence d’autres pays européens, nous avons choisi de parier sur l’efficacité de politiques sociales à long terme, de prévenir la prostitution, plutôt que de la réglementer.”

small and necessary adjustment by framing the bill's compliance with existing policy norms, values, and objectives.

7.2. The long struggle to reform French abolitionism

Despite marking a normative and discursive departure from those that had traditionally been associated with France's abolitionist regime the LSI was passed without great difficulty in 2003. Its successful adoption was as partly a consequence of the lack of effective opposition, and partly as a result of efforts to layer it over the existing abolitionist regime. Nevertheless, the unencumbered passage of a law does not guarantee its success or its endurance and, within months of its implementation, the law's anti-prostitution measures began to garner mixed evaluations. This second section therefore concerns itself with investigating the consequences of the LSI's implementation for opening a window of opportunity in which alternative prostitution policy ideas might surface and gain traction.

7.2.1. The 'failure' of the LSI: a window of opportunity for change

The *loi pour la sécurité intérieure* came into effect on March 18th 2003. The first evaluations of its impact on street prostitution began to emerge a month later. While the Minister of the Interior boasted of the number of individuals arrested for passive soliciting (cf. Fabre and Courtois, 2003), many civic society actors denounced the law's implementation difficulties and negative consequences on the safety and welfare of individuals in prostitution (cf. Garcia, 2003; Mathieu, M. 2003). By the end of the summer, the offence of passive soliciting had begun to show its limitations with regards to its putative objectives: the reduction of street-based prostitution, and the arrest of 'victims' to provide them with social and health assistance. Instead, the law often led to the civil rights of individuals involved in prostitution being infringed through indiscriminate police harassment (Maugère, 2009: 309; Mossuz-Lavau, 2007: 17; cf. Fabre and Courtois, 2003). Moreover, once arrested, many of the women were quickly released without social assistance because of insufficient proof that an offence had taken place (Fabre and Guibert, 2003; *Le Parisien*, 8 January 2004; cf. Maugère, 2009: 299).

Subsequently, local authorities began to complain that the laws had not led to any discernible reduction of street-based prostitution in their areas (e.g. Caresche in Cristofoli, 2004; Godefroy in Égré, 2003).

By the time parliament reconvened in September, discontent over the implementation and outcomes of the LSI's anti-prostitution measures had spread to parliamentarians. Over the next two years, fifteen separate parliamentary questions critical of the law's application and outcomes were lodged. The Socialist opposition, in particular, highlighted the absence of the funding promised to third sector organisation as part of the law's supposed framework of social support for individuals in prostitution (Chabroux, 2003; Destot, 2003; Gautier, 2003). Policymakers who had previously supported the bill in parliament began to complain that the anti-soliciting measures were inconsistently or insufficiently implemented in their constituencies because of the difficulties involved in interpreting them (Bertrand, 2004; Tian, 2004; cf. Proteau interview, 4 December 2012, paragraph 76). Many policymakers from both sides argued that the new policing of passive soliciting had not led to a decrease in prostitution but, instead, to its displacement to new areas in the outskirts of cities (Comparini, 2004; Gremetz, 2005; Mahéas, 2005; Vidal, 2004; Vidalies, 2004; Vuilque, 2005). Finally, some parliamentarians began making the case that, more than simply ineffective, the LSI's anti-prostitution measures had made individuals in prostitution, and victims of trafficking in particular, even more vulnerable to violence, poverty, exploitation and ill health (Borvo Cohen-Seat, 2005; Mahéas, 2005; Masse, 2005; Pérol-Dumont, 2005).

During this time, opposition to the LSI and its perceived negative impact on the safety and wellbeing of those involved in prostitution also became widespread among the third sector (Bugnon, 2010: 155; Mathieu, 2013: 17; 2012: 208-209; Maugère, 2009: 306; Mossuz-Lavau, 2007: 14-15; e.g. Aboudaram interview, 20 November 2012, paragraph 46; Théry interview, 23 November 2012, paragraph 22). Opposition to these measures was so unanimous that historically antagonistic groups made an unprecedented effort to collectively voice their disapproval. Thus, on March 15th 2005, abolitionist activists joined a broad coalition of community health, AIDS prevention, sex workers' rights, and Green Party activists in organising an anti-LSI conference at the National Assembly (Deschamps and

Souyris, 2009: 162). Together, they addressed a letter to the President, Jacques Chirac, declaring: “We civic organisations, whatever our differences may be regarding our opinion on prostitution, all ring the same alarm bell. [...] If we write to you today, [...] it is because we signatories have witnessed the disastrous consequences of the law’s measures”⁹² (Act Up-Paris, et.al, 2005). Specifically, these groups denounced the law’s negative impact on vulnerable individuals, who, they argued, had been forced to jeopardise their safety by working out of sight of police and support workers (Chemin, 2005). These groups were quickly joined by the National AIDS council, trade unions and civil rights activists in denouncing the arbitrary and harmful application of the law by over-zealous police officers (Benkimoun, 2005; Citoyens – Justice – Police, 2006). While this concerted criticism received little attention in the media and did not lead to the repeal of the LSI’s passive soliciting measures (Mathieu, 2012: 209), it nevertheless contributed to its gradual delegitimisation in the eyes of key policymakers.

Progressively, the combined effect of implementation difficulties, unintended consequences, and failure to yield its intended results led to the widespread perception that the LSI had failed in its bid to address prostitution. This shared ‘diagnosis of failure’ (Palier, 2005: 130) is important because the actual or perceived collapse of a policy is crucial for persuading policymakers of the need to reform (Legro, 2000: 424). In the absence of perceived policy failure, it can often be very difficult for actors to convince decision-makers that reform is necessary or justified (Kingdon, 2011: 17-18; Baumgartner, 2013: 243). Policy failure can therefore enable the ‘social construction of the need for reform’ by actors framing the status quo as no longer acceptable, thereafter paving the way to reform (Cox, 2001: 464). In this sense, the growing consensus that the LSI’s anti-prostitution measures had failed was instrumental in opening a window of opportunity for policymakers to challenge conceptions of prostitution as a law-breaking nuisance, and push alternative ideas about how the state ought to deal with the issue of prostitution. Specifically, it offered the chance for feminist ideas concerning prostitution as a form of violence against women, which had been

⁹² “Nous, associations de terrain, quelles que soient nos divergences d’opinion sur la prostitution, tirons la même sonnette d’alarme. [...] Si nous nous adressons à vous aujourd’hui, Monsieur le Président, c’est que nous, associations signataires, avons pu constater les conséquences désastreuses de ces mesures.”

gaining traction since the early 2000s, to be presented as an alternative approach through which to deal with this enduring issue.

7.2.2. Reframing prostitution as ‘violence against women’

During the 1990s, abolitionist activists had fostered increasingly close links with feminist policymakers (cf. chapter six). This coalition was nonetheless insufficiently broad and powerful to counter the repressive measures proposed by in the PLSI at a time when the political debate over prostitution was dominated by issues of urban and national insecurity. However, the perceived failure of the LSI’s anti-prostitution measures in the years following their introduction offered this coalition a new opportunity to promote alternative ideas about how the state ought to deal with the issue of prostitution (Mathieu, 2013b: 17). Specifically, the coalition sought to reframe prostitution from a law-and-order issue to an unacceptable form of violence against women, which the state had a responsibility to address (Mathieu, 2005: 368). Surfacing in the early 2000s, this discourse would take a decade to gain sufficient support to influence policy. This section therefore concerns itself with tracing the political process that led to the political redefinition as a high priority manifestation of men’s violence against women.

To begin, the groundwork for redefining prostitution as an issue of gender violence and equality was contingent on the progressive emergence and institutionalisation of violence against women as a national policy priority in France. Issues of violence against women had begun to appear on the policy agenda in the 1970s, but the topic only became a national policy priority in the 1990s (Fassin, 2003: 170; Jaspard, 2005: 148). Initial policy debates over issues of violence against women were primarily concerned with rape, which was turned into a major offence in 1980, and sexual harassment, which was criminalised in 1992 (cf. Simon, 2014: 93). Throughout the 1990s, however, the social and political understanding of what constituted violence against women was gradually expanded to include “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering of women [...]” (Council of Europe, 2011: 8). This allowed abolitionist feminists to argue for the state to recognise prostitution as an unacceptable manifestation of this gender-based violence (e.g. Ministère des Solidarités et de la Cohésion

Sociale, 2010; cf. de Haas interview, 24 January 2012, paragraph 5; Mathieu, 2005: 368; Maugère, 2009: 276-277; Proteau interview, 4 December 2012, paragraph 42-44).

Evidence of efforts to reframe prostitution as a form of violence against women can be found from the early 2000s onwards. For instance, between 2000 and 2002, the Socialist Junior Minister of Women's Rights, Nicole Péry, repeatedly expressed her belief that prostitution was a form of violence against women both at home (Péry 2001: 2) and abroad (Hazan and Marcovich, 2002: 5). Moreover, the Parliamentary committee on violence against women's 2002 report on prostitution identified it as "a constituent element of violence against women"⁹³ that posed a threat not only to those involved in selling sex, but more broadly to the dignity and safety of all women (Hazan and Marcovich, 2002: 8; 12). Later, after the right came back to power after the 2002 election, this discourse was carried on by the Minister for gender equality and women's rights, Nicole Ameline (e.g. Ameline, 2003a, 2003b; Ministère délégué à la parité et à l'égalité professionnelle, 2004).

In the early 2000s, this definition of prostitution as a form of violence against women failed to unseat the dominant political conception of prostitution as a security issue, as demonstrated by the adoption of the LSI and its anti-prostitution measures. Nevertheless, the growing perception that the LSI had failed served to reinvigorate support for policy alternatives. In particular, the efforts of abolitionist policymakers and activists to promote their alternative framing of prostitution as a form of violence against women found increased political purchase with a wide range of politicians and activists (e.g. Abily, 2006; Ameline in *Le Parisien*, 18 October 2004; Bariani in *Mouvement du Nid*, 2006a: 2; Buffet in *Mouvement du Nid*, 2006a: 2; CDIF, in *Metanoya*, 2003: 29; Halimi, 2008: 5; Service de l'accès au droit et à la justice et à la politique de la ville, 2005: 54, 56). This process contributed to the gradual institutionalisation of prostitution as a form of violence against women in policy and political discourse.

This progressive institutionalisation had two consequences: one administrative, and one political. Administratively, the official recognition of prostitution as a

⁹³ "[...] la prostitution est un des éléments constitutifs de la violence à l'encontre des femmes"

form of violence against women further strengthened the relationship between the state and abolitionist organisations. It enabled the state's women's rights agencies to fund organisations willing to help deliver the state's abolitionist policy objectives (e.g. Hauvuy interview, 29 July 2013, paragraphs 27-28; Proteau, interview 4 December 2012, paragraph 52; also see: Respondent 1 DGAS, interview 2 April 2015, paragraph 5), and exclude other organisations, in particular community health groups, from campaigns and the delivery of social services in the context of prostitution (Aboudaram, interview 11 November 2012, paragraphs 26, 29; Hauvuy, interview 29 July 2013, paragraph 28; Proteau, interview 4 December 2011, paragraph 51). This two-track approach to commissioning and delivering vital preventative and support services to individuals involved in prostitution reinforced the status of abolitionist organisations as the state's 'privileged partners' while further delegitimising the work of non-abolitionist groups.

Politically, the institutionalisation of prostitution as a form of violence against women allowed feminist policymakers and abolitionist activists to promote alternative ideas concerning what the state ought to do about it (cf. Bousquet interview, 29 September 2014, paragraph 4, 6; Guiraud, 2009). On the one hand, sporadic calls to repeal the LSI and reopen brothels were swiftly dismissed, in keeping with the French state's steadfast anti-regulationism (e.g. *Le Monde*, 24 November 2009; *Midi Libre*, 2005). On the other hand, calls to hold clients responsible for the role they played in perpetuating prostitution gained increasing political traction during this period (Maugère, 2009: 283). This is because client criminalisation appeared to hold the answer to all the political and social challenges posed by prostitution (Mathieu, 2013b: 19). Politically, CPSS was presented as an abolitionist alternative to the repressive LSI: it would enable the *de facto* prohibition of prostitution without punishing the 'victims' involved (Mathieu, 2013b: 19). Socially, proponents argued that client criminalisation could address the seemingly antagonistic demands of different constituencies: it would eradicate prostitution, and therefore soliciting in residential neighborhoods, while at the same time allowing the 'victims' of prostitution to be identified and helped by the state (Mathieu, 2013b: 19). In this way, Mathieu argues that client criminalisation has been constructed into a policy 'panacea' – a single and

overarching solution to the complex problem of prostitution – by its proponents (2013a: 241; 2013b: 17).

The first group to demand the introduction of CPSS in a sustained and consistent manner was the Socialist Party (cf. Mathieu, 2013b: 18-19; e.g. Parti Socialiste, 8 March 2006; Rossignol, 2006a, 200b; Rossignol, in Legardinier, 2006b). From the mid-2000s onwards, Socialist feminists increasingly called for France, and other countries, to criminalise the purchase of sexual services and ensure ‘victims’ of prostitution had adequate social support (e.g. Rossignol, 2006c; cf. Coignard, 2006). Their lobbying within the party led it to include a pledge to “hold clients responsible” for prostitution in its 2007 presidential election manifesto (Coignard, 2006). By this time, policymakers from other parties had also begun to strongly support CPSS (e.g. Bachelot in Mouvement du Nid, 2006a; Borvo in Legardinier, 2006c: 14; Buffet in Mouvement du Nid, 2006a). All the while, this broad and politically eclectic group of feminists were actively encouraged from abroad by Swedish norm entrepreneurs eager to see France adopt what they considered to be ‘their’ model of prostitution policy (e.g. Eriksson in Mouvement du Nid, 2006b).

Ultimately, an opportunity for proponents of CPSS to initiate a legislative debate over the future of French prostitution policy arose in 2010. This window was opened as a result of two events converging. First, in 2010, the Mouvement du Nid launched a mass campaign to reform France’s abolitionist regime and, specifically, to have the country criminalise the purchase of sexual services (Mouvement du Nid, 2010b: 9-10). In so doing, they wanted to transform what policymakers and the public understood ‘abolitionism’ to mean. Specifically, they wanted to replace the prevalent historical interpretation of ‘abolitionism’ as the abolition of state regulated prostitution with a new meaning that would denote the political will to abolish prostitution itself (Théry interview, 23 November 2012, paragraphs 46-47; cf. Lemettre, 2010; Mouvement du Nid, 2010: 1). The campaign brought together over 200 organisations and prominent public figures including: other abolitionist organisations, such as the CAWT, the French committee of the EWL, and the Fondation Scelles; feminist activists, including members of SOS Sexisme and Regards de Femmes; trade unions; and, a wide range of feminist politicians who supported CPSS (cf. Mouvement du Nid, 2010a; Théry interview, 23 November 2012, paragraph 14, 17).

Second, 2010 also marks the year prostitution finally became fully institutionalised as a form of violence against women in France. This is evidenced by its inclusion as a key theme in the 2010 version of the Ministry of Social Cohesion's annual interministerial plan to tackle violence against women (Ministère des Solidarités et de la Cohésion Sociale, 2010; cf. DGAS Respondent 1 interview, 2 April 2015, paragraph 32). Moreover, violence against women had been chosen as the national policy priority (*grande cause nationale*) for 2010. As such, it was the focus of state and third sector campaigns and interventions aimed at raising awareness of violence against women in France, addressing gender inequalities, and improving women's access to life-line services. Prostitution, having been officially recognised as a form of violence against women by the state, would therefore be one of the areas in which the government and associations would seek to bring improvements (cf. Guiraud, 2009; e.g. Direction générale de la cohésion sociale, 2010: 8). Subsequently, a number of parliamentarians involved with the emerging policy agenda concerning violence against women, and who had strong ties to abolitionist organisations, announced their intention to organise a review of the country's prostitution policy framework (cf. Théry interview, 23 November 2013, paragraph 18).

The state's official recognition of prostitution as a form of violence against women in 2010 demonstrates how radically ideas and policy preferences concerning what prostitution means and what the state ought to do changed over the course of the decade. In the early 2000s, the policy context had been dominated by representations of prostitution as a law-and-order issue, and of those involved as criminals. Yet, as the policies that resulted from this approach failed to yield the expected results, alternative frames and policy preferences were allowed to surface. In particular, a pre-existing feminist effort to reframe prostitution as an unacceptable form of gender violence was allowed to gain traction, as the state paid increasing attention to issues of gender equality and violence against women. In parallel, many of those concerned with reframing prostitution as inherently a form of violence also sought to promote their policy solution to the problem. This allowed client criminalisation to emerge as a policy panacea, lauded by both feminist politicians and abolitionist organisations. support for this idea was further bolstered by the launch of a broad national

campaign to redefine abolitionism as a movement seeking to ‘abolish’ prostitution. By the end of the decade, the need to review the country’s prostitution policy framework in light of the LSI’s perceived failure and of new policy objectives had been firmly placed on the legislative agenda.

7.2.3. Making the case for criminalising the purchase of sexual services

In June 2010, a cross-party inquiry committee was appointed to review the issue of prostitution (Assemblée nationale, 16 June 2010: 21; Bousquet interview, 29 September 2014, paragraph 4-6; Geoffroy interview, 14 December 2012, paragraph 20; Théry interview, 23 November 2012, paragraph 19). With its broad remit to research prostitution and evaluate the country’s policy framework, this inquiry would represent the most comprehensive state-led review on this issue since the 1976 Pinot report. Crucially, the committee involved several key political figures in the Mouvement du Nid’s campaign for client criminalisation. The chair, Socialist MP Danielle Bousquet, was an outspoken proponent of CPSS and close ally of the Mouvement du Nid (cf. Théry in Mouvement du Nid, 2010b: 3; Théry interview, 23 November 2012, paragraph 18). Further, the committee’s rapporteur, UMP MP Guy Geoffroy, had strong abolitionist sympathies, defining prostitution as inherently a form of violence, especially against women (cf. interview, 14 December 2012, paragraphs 5, 10-11). Finally, the committee had the support of the Minister of Social Cohesion, Roselyne Bachelot, who was also a long-standing and vocal advocate of client criminalisation (e.g. in Mouvement du Nid, 2001).

From the outset, then, the committee had a strong interest in evaluating the option of France adopting a demand-side ban on prostitution. If the Mouvement du Nid had succeeded in launching a social debate concerning clients’ responsibility in perpetuating prostitution, this committee marks the beginning of a political debate over the future of French abolitionism. Investigating the process by which this policy debate shaped contemporary French prostitution policy is important because it highlights a recurrent paradox in the historical trajectory of France’s abolitionist regime. Specifically, it reveals how near-unanimous political commitment to abolitionism as the only appropriate and acceptable approach for the French state to adopt when dealing with prostitution has often masked an

absence of consensus on how abolitionism ought to be practically enacted through policy.

The committee spent a year travelling in France and abroad in order to evaluate the benefits and drawbacks of different national approaches to prostitution policy, and make recommendations on how prostitution policy might be improved in France. The committee's final report was released on April 13th 2011 (Geoffroy, 2011). In keeping with its members' beliefs, the report strongly reasserted the conviction that prostitution constituted an inherent form of violence against women (Geoffroy, 2011: 17). Furthermore, it emphasised the need for France to renew its commitment to achieving abolitionism's 'ultimate goal'⁹⁴: achieving a world without prostitution (Geoffroy, 2011: 97). The report also found that France's current approach to prostitution policy, while based on laudable abolitionist principles, often failed to provide sufficient support to 'victims' (Geoffroy, 2011: 16).

Subsequently, the committee set out a list of thirty recommendations for reforming French prostitution policy (Geoffroy, 2011: 321-326). Some of these recommendations were aimed at improving the social 'pillar' of the country's abolitionist regime by providing better social and legal support to 'victims' of prostitution. These included: training police officers to better support 'victims' (proposition n°5), allowing victims a rebate on unpaid taxes (proposition n°10), and guaranteeing residency rights to foreign victims of trafficking (proposition n°8). Others concerned the regime's criminal 'pillar', and were intended to further repress the exploitation of prostitution. These included: training police officers to better identify victims of exploitation (proposition n°17), holding internet providers responsible for hosting sites that promote exploitation (proposition n°20), and reviewing the impact of the LSI on 'victims' (proposition n°7). The report's flagship recommendation, however, was that France introduce a law criminalising clients of prostitution (proposition n°1).

The committee's conclusion that France adopt a Swedish-style demand-side ban on prostitution immediately captured the media and public's attention (cf. Mathieu, 2013b: 17). Many prominent politicians, including the Minister for

⁹⁴ "L'horizon ultime de l'abolitionnisme est la disparition de la prostitution."

Social Cohesion, Roselyne Bachelot, and the Minister of Justice, Michel Mercier, immediately voiced their support for the proposal (cf. *L'Express*, 13 April 2011; Seres, 2011). Others were swift to criticise it on the basis that it represented the state's intrusion into private matters of sexuality (e.g. Badinter in Chartier, 2011; Myard in Seres, 2011), or that it would further stigmatise vulnerable individuals rather than prevent exploitation (e.g. Bayrou in Saulnier, 2011; Brunel in Seres, 2011; Handman in Fournier, 2011). Community health groups and sex workers' rights activists also unanimously denounced the proposal, arguing that the criminalisation of clients would contribute to making individuals involved in prostitution even more vulnerable to violence and ill health by forcing them to work out of sight of social workers and the police (cf. Chemin, 2011; *Le Monde*, 3 June 2011; Seres, 2011).

Nevertheless, the consultative rather than legislative nature of the committee entailed that its recommendations had no formal bearing on policy. The only measure to be enacted before the 2012 presidential campaign and subsequent election of a Socialist Government was to hold a symbolic Parliamentary vote to reaffirm France's commitment to abolitionism (cf. proposition n°25 in Geoffroy, 2011). The committee's chair and rapporteur introduced this non-binding motion in order to create parliamentary consensus on the broad position France should adopt and defend on issues relating to prostitution (Bousquet and Geoffroy, 2011; cf. Geoffroy interview, 14 December 2012, paragraph 57):

“The National Assembly [...] reaffirms France's abolitionist position, the object of which is, in time, a society without prostitution [...and] considers that prostitution will only diminish with the help of a gradual change in beliefs as well as prevention and education to make clients, and society as a whole, more responsible on this issue”⁹⁵ (Assemblée nationale, 2011⁹⁶).

⁹⁵ “L'Assemblée nationale [...] Réaffirme la position abolitionniste de la France, dont l'objet est, à terme, une société sans prostitution [...] Estime que la prostitution ne pourra régresser que grâce à un changement progressif des mentalités et un patient travail de prévention, d'éducation et de responsabilisation des clients et de la société tout entière.”

⁹⁶ Assemblée nationale, (2011), *Résolution réaffirmant la position abolitionniste de la France en matière de prostitution*, 6 December, no. 782. Paris: Assemblée nationale.

Putting the motion to the vote was intended to create favourable circumstances for initiating a parliamentary debate on possible reform and the adoption of CPSS. In this sense, the vote was organised as a moment of ‘symbolic politics’ (cf. Bousquet interview, 29 September 2014, paragraph 21, 24; Coutelle interview, 23 June 2014, paragraph 9; Geoffroy interview, 14 December 2012, paragraphs 32-35). Symbolic politics consists of “appeals to ideas and values” with the intention of ‘maintaining or transforming social order’ (Brysk, 1995: 561).

Leaders of all parliamentary groups declared their members’ unanimous support for the motion. Nevertheless, during the debate, they put forward greatly varying interpretations of what they considered abolitionism to mean. Some explicitly associated abolitionism with the abolition of prostitution and urged their colleagues to consider criminalising clients (e.g. Bousquet in *JORF*, 6 December 2011: 8564; Lecoq in *JORF*, 6 December 2011: 8567). Others merely reaffirmed their belief that France should never return to a system that regulated prostitution (e.g. Durand in *JORF*, 6 December 2011: 8569). Thus, while the vote highlighted unanimous political support for France’s abolitionist position, it also revealed the plurality of meanings different groups and individuals ascribed to the term ‘abolitionism’.

While the reform of French prostitution policy remained on the political agenda in the months following the symbolic vote, work on developing a legislative proposal was delayed until summer 2012 by the presidential election (Assemblée nationale, 2013: 4; cf. Coutelle interview, 23 June 2014, paragraph 4). In June 2012, the portfolio was entrusted to the newly created Ministry of Women’s Rights, under the leadership of feminist and outspoken abolitionist Najat Vallaud-Belkacem (cf. Géraud, 2012; de Haas interview, 24 January 2013, paragraph 11). Vallaud-Belkacem was tasked with delivering the new Socialist Government’s ambitious policy on violence against women, which included improving the country’s prostitution policy framework and repealing the LSI’s anti-prostitution measures (cf. Laforgerie, 2012; Parti Socialiste, 2012).

Upon appointment, one of Vallaud-Belkacem’s first public statements concerned her desire to “abolish prostitution” (in Barret, 2012). However, despite President François Hollande’s explicit support for reforming prostitution policy during the

campaign, the new Government showed increasing reluctance to being associated with such a contentious policy issue. This led Vallaud-Belkacem to delegate the development of a prostitution policy reform proposal to the National Assembly's Delegation for Women's Rights rather than lead it herself (Coutelle interview, 23 June 2014, paragraph 5, 11; Géraud, 2012, 2013; Martin, 2013;). The Delegation published its report in September 2013 (Olivier, 2013). Many of the report's forty recommendations were similar to those made by the 2010 parliamentary inquiry committee. In particular, the Delegation suggested France provide aid and residency to foreign victims of trafficking, improve prevention, and increasing the funding and quality of services aimed at individuals in prostitution (Olivier, 2013: 135-139). Crucially, the report also recommended clients of prostitution be criminalised in order to hold them responsible for the role they played in perpetuating this form of violence against women (Olivier, 2013: 42).

The report's recommendations were quickly transposed into a bill and introduced into parliament on October 10th 2013 (Assemblée nationale, 2013). This bill stood to represent the widest-spanning revision of France's abolitionist prostitution policy framework since its adoption. Unlike previous reforms, including the 1994 Penal Code reform and 2003 LSI, which had both modified elements of criminal law, this proposal stood to transform elements of both the regime's criminal and social pillars by seeking not only to improve the investigation and punishment of those exploiting prostitution, but also by improving access to, and the quality of, social and legal services available to 'victims' (Assemblée nationale, 2013: 8).

The bill received very mixed reactions. Opinions on the bill fell into two broad categories. Some supported the proposal in its entirety. This type of support was motivated by the belief that the bill was sufficiently comprehensive so as to allow better punishment of exploitation as well as provide 'victims' of prostitution with effective social and legal support (e.g. Olivier in Pacione, 2014; HCEfh, 2013). Policymakers in this category tended to welcome the bill for its reclassification of individuals involved in prostitution as 'victims' rather than criminals (e.g. Olivier in Pacione, 2014; Vallaud-Belkacem in *Le Figaro*, 1 July 2014). Among this group, support for client criminalisation was particularly strong. Numerous reasons were given for this, including the fact that it would introduce a new gender norm by making it clear that men could not pay for women's bodies (e.g.

Bousquet in Malik, 2013; Taubira in *Le Figaro*, 13 November 2013; Touraine in AFP, 20 November 2013), would make France less attractive to trafficking networks (e.g. Olivier in Pacione, 2014), and would protect those considered ‘victims’ of prostitution (e.g. Feltesse and Plisson in *Sub Ouest*, 28 November 2013).

Others, however, broadly supported the idea of revising contemporary French prostitution but opposed specific measures included in the bill. On the left, strong opposition to client criminalisation highlighted the risk it could pose for individuals involved in prostitution, who would be forced to hide from the authorities and social services (e.g. Benbassa in Pacione, 2014; Cavard in *Le Nouvel Observateur*, 29 November 2013; Jeunes Radicaux de Gauche, 2013). Prominent intellectuals (e.g. Badinter in Dupont, 2013), community health groups (AIDES et al, 2013), and sex workers’ rights organisations (e.g. STRASS in Guérin, 2013) also voiced their opposition to client criminalisation. On the right, many were vehemently opposed to repealing passive soliciting, fearing an exponential increase in street-based prostitution in their constituencies (e.g. Goujon in Reboul, 2015), others feared that extending residency rights to migrants involved in prostitution would encourage human trafficking networks to develop (e.g. Jacob in *Le Nouvel Observateur*, 3 December 2013; Péresse in *RTL*, 1 December 2013).

Because of this lack of consensus, the bill underwent a lengthy debate in Parliament. Each chamber debated and amended the bill three times. Each time, the National Assembly and Senate disagreed over issues concerning the criminalisation of clients, the repeal of passive soliciting, and the granting of residency rights to migrants involved in prostitution. This disagreement was partly due to the contentious nature of client criminalisation, which saw parties – including the PS – internally divided on the issue (e.g. Godefroy interview, 24 April 2015, paragraphs 18-19; Savary interview, 6 October 2014, paragraph 13). It was also partly the result of the right winning a majority in the Senate in 2014 and forming a strong opposition to the socialist majority in the National Assembly (e.g. Coutelle interview, 23 June 2014, paragraph 30; Meunier interview, 5 December 2014, paragraph 12). Nevertheless, throughout the process, advocates for the bill, especially from the Socialist Party, intensively lobbied colleagues in

order to persuade them to support the bill (Ameline interview, 6 August 2014, paragraph 60-61; Coutelle interview, 23 June 2012, paragraph 28-30; Godefroy interview, 24 April 2015, paragraph 19; Meunier interview, 5 December 2014, paragraph 16; Savary interview, 6 October 2014, paragraph 13). This resulted in a number of previously disapproving or undecided policymakers lending their support to the proposed criminalisation of clients (e.g. Ameline in *Le Parisien*, 18 October 2004; cf. Ameline interview 6 August 2014, paragraph 37-38). Nevertheless, when a final cross-party parliamentary committee failed to reach a consensus in November 2015, the decisive vote was given to the National Assembly.

On April 6th 2016, two and a half years after being proposed, the National Assembly voted in the *loi visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées*. Among other things, the final version of the law criminalises the purchase of sexual services (article 20), repeals passive soliciting (article 15), and grants foreign victims of exploitation temporary residency (article 8). Supporters welcomed the new law as the long-awaited improvement to French prostitution policy that would finally allow the country to fully deliver on its abolitionist commitments. This is summarised, for instance, by the new Minister of Families, Children and Women's Rights', Laurence Rossignol, message of congratulations to the National Assembly:

“For over fifty years France has proclaimed an abolitionist stance in principle. [...] Up until now, however, this abolitionist stance was quite hypocritical, because no element of our legal framework punished the purchase of sexual acts. Today, France's [abolitionist] stance finally becomes fully coherent.”⁹⁷ (in *JORF*, 6 April 2016: 2733)

In this way, the new law marks the outcome of a long campaign to transform French abolitionism from a traditional abolitionist regime based on abolishing

⁹⁷ “Depuis plus de cinquante ans, la France affirme une position abolitionniste de principe. [...] Cependant, cette position abolitionniste était jusqu'ici assez hypocrite, car nulle disposition de notre architecture juridique ne sanctionnait l'achat d'actes sexuels. Aujourd'hui, la position française trouve enfin sa pleine cohérence.”

state regulation, to a neo-abolitionist regime intent on abolishing prostitution itself. The particularity of this trajectory has been the paradoxical co-existence of unanimous support for abolitionism in principle with considerable disagreement over what abolitionism should look like in practice. As a result, it remains unclear what type of institutional change this new law represents. On the one hand, the reform was strongly framed as an overdue improvement of France's original abolitionist regime. On the other hand, it was also criticized and opposed by many who purport to be abolitionists. More broadly, the reform represents the most comprehensive reform of France's prostitution policy framework, affecting both its criminal and social policy pillars, and marks the country's transition to neo-abolitionism. Understanding the nature of this change is therefore crucial to establishing whether the adoption of this new law represents a case of regime shift or merely another incremental institutional modification of a weak but enduring policy regime.

7.3. Converting French abolitionism

On April 6th 2016, almost seventy years to the day after brothels were closed by the *Marthe Richard* law, France voted to outlaw the purchase of sexual services. Proponents of the new law celebrated what they perceived to be the long-awaited practical and normative improvement of France's abolitionist regime. Practically, the reform was portrayed as the solution to the existing policy framework's chronic shortcomings. Specifically, the changes it introduced were framed as a means of strengthening and better coordinating the criminal and social dimensions of France's abolitionist regime (e.g. Assemblée nationale, 2013: 4-7). Normatively, abolitionist activists and policymakers welcomed the transformation of France's prostitution policy framework from one based on the abolition of state regulation and the recognition of prostitution as a 'social ill', to one that actively sought to abolish prostitution as an unacceptable form of violence against women (e.g. Legardinier, 2016; Rossignol in *Seronet*, 14 April 2016).

Together, these changes suggest that French abolitionism has been successfully redirected towards a clear new objective. The redirection of existing institutions towards new normative or policy goals is referred to as *conversion* (Béland, 2007b: 22, 2010: 620; Mahoney and Thelen, 2010: 16; Rocco and Thurston, 2014:

40; Shpaizman, 2014: 1039; Streeck and Thelen, 2005: 26; Thelen, 2004: 36; Vogel, 2005: 145). In this case France's traditional abolitionist regime, which focused on abolishing the regulation of prostitution, has been converted into a neo-abolitionist regime intent on abolishing prostitution itself (cf. Mathieu, 2014a: 292). Understanding how a broad coalition of politicians and civil society actors undertook this conversion is the last piece of the puzzle needed to explain how abolitionism in France today has come to look very different to the one first introduced after World War II.

While layering involves the 'selling' of minor corrections to a dominant framework, and displacement entails the gradual undermining of a disadvantageous institutional settlement, conversion is based on the fundamental reinterpretation of institutional objectives (Mahoney and Thelen, 2010: 17; Streeck and Thelen, 2005: 31). The reason why the purpose and goals of an institution may come to be reinterpreted are diverse; they can include the emergence of new environmental challenges (Shpaizman, 2014: 1040; Streeck and Thelen, 2005: 26-27) or the rise to power of new actors who wish to redirect existing institutions to their preferred ends (Béland, 2010: 625; Streeck and Thelen, 2005: 26-27). The changes often herald new definitions of problems and the identification of new solutions (Shpaizman, 2014: 1050). In other words, what all processes of conversion have in common is the possibility for actors to attribute new meanings to existing institutional arrangements. Ambiguity, in this sense, is at the heart of conversion (Hacker, 2004: 247; Mahoney and Thelen, 2010: 17; Rocco and Thurston, 2014: 40; Shpaizman, 2014: 1040). This is because ambiguous rules, functions, and meanings associated with an institutional arrangement open the space for contestation, as actors vie to impose their interpretation of an issue or institution (Mahoney and Thelen, 2010: 21; Rocco and Thurston, 2014: 41; Shpaizman, 2014: 1039-1040; Streeck and Thelen, 2010: 26-27). Moreover, ambiguity offers the added benefit of facilitating coalition-building among groups who, without necessarily sharing exact ideas and beliefs, can nevertheless work together towards broad common goals (Mahoney and Thelen, 2010: 11). The result is the 'remaking' of an institution "from the inside out" without the appearance of wholesale change (Rocco and Thurston, 2014: 46).

The conversion of French abolitionism follows this model. Initially, the rise to prominence of a broad abolitionist coalition bringing together activists and politicians, coupled with the institutionalisation of violence against women as a national policy priority, created the opportunity to introduce new interpretations of the policy problem posed by prostitution. Thus, the conception of prostitution as an undesirable social ill associated with traditional abolitionism was reframed as an unacceptable form of violence against women. Subsequently, the coalition also began to advance new interpretations of how this problem might be addressed through the state's abolitionist framework, focusing particularly on the potential of CPSS to 'abolish' prostitution.

Fundamentally, both the development of the coalition and the advancement of new problem definition and solutions were made possible by the ambiguity of the term 'abolitionism'. To paraphrase Cox, abolitionism is "an idea whose core characteristics are broad and potentially in conflict" (2004: 205). Three principal ideas make up the French abolitionist paradigm: the normative belief that those involved in prostitution are 'victims', and the related causal assumptions that the state should therefore not regulate prostitution but should punish those who profit from the prostitution of others (cf. chapter two). These ideas, however, can be interpreted narrowly or broadly. Historical conceptions of abolitionism focus on the abolition of state regulation as a means of discouraging what is considered to be an undesirable 'social ill'. Contemporary conceptions of abolitionism depart from the same core ideas but expand the notion of exploitation to conclude that all prostitution is inherently exploitative. Proponents of these different interpretations nevertheless share a broad commitment to the same core ideas associated with the regime. This has allowed a composite coalition of abolitionist activists, feminists, and policymakers to emerge to promote abolitionism. For Mathieu, this explains how "in only a few short years, the French political context has become almost entirely converted to the abolitionist cause [...]"⁹⁸ (2013a: 101). In this way, abolitionism demonstrates a particularly strong capacity to generate support among groups with otherwise disparate values. The close relationship between feminist activists, state feminists, and the Mouvement du Nid, for instance, defies

⁹⁸ "Le champs politique français s'est ainsi, et en quelques années seulement, converti à l'abolitionnisme dans sa quasi-totalité [...]"

the historical tendency for French feminists to keep their distance from organisations with strong Catholic roots (Mathieu, 2013a: 105, 2013b: 7).

Moreover, the ambiguity associated with abolitionism allows a broad range of actors to cohabit in support of the regime. A striking illustration of abolitionism's dominance as a broad philosophy to which actors of all political persuasions pledge allegiance can be found in Parliament's symbolic reaffirmation of France's abolitionist position on December 6th 2011. Nevertheless, the possibility for these actors to interpret abolitionism differently also allows them to advocate different policies in its name (Deschamps, 2007: 40; Mathieu, 2013a: 70). Thus, traditional abolitionists propose a policy framework based on the abolition of state regulation, the punishment of the exploitation of another's prostitution, and the provision of social support to 'victims'. Neo-abolitionists go further and propose that policies that criminalise clients without directly targeting individuals involved in prostitution can also be considered commensurate with abolitionism's core ideas and ideals. These divergent positions on how abolitionism ought to be translated into policy helps explain why for example, many MPs who had unanimously declared their support for abolitionism during the December 6th 2011 vote later opposed the proposal to introduce CPSS.

The adoption of CPSS on April 6th 2016 therefore marks the conversion of France's prostitution policy regime from a traditional abolitionist one based on the abolition of state regulation to a neo-abolitionist one intent on abolishing prostitution itself. Nevertheless, whether or not this conversion represents enough of a departure from the original regime as to be labeled a regime shift is a matter of interpretation not of fact. Some actors subscribing to a narrow interpretation of abolitionism as merely the abolition of state regulation opposed the adoption of CPSS, arguing that it equates to the *de facto* outlawing of prostitution, and therefore represents the abandonment of abolitionism for an anavowed form of prohibitionism (e.g. Dubois in *JORF*, 6 April 2016: 2744). These actors advance an understanding of the new reform as a regime shift from traditional abolitionism to a form of crypto-prohibitionism. Conversely, proponents of client criminalisation saw the new law not as a shift to an entirely new regime, but rather

as “the natural and logical next step”⁹⁹ to improving France’s abolitionist regime (Geoffroy interview, 14 December 2012, paragraph 57). In fact, they consider their reform to be the long-awaited realisation of the commitments France had made when it became abolitionist in 1960, and which had hitherto been enacted in a piecemeal and haphazard manner. For instance, one of the Socialist MPs leading the reform proposal stated: “You know, we haven’t invented anything. We are the end of a movement that began in 1960 when France took this abolitionist position and did not fully appreciate what commitments this entailed”¹⁰⁰ (interview, 23 June 2014, paragraph 42). Similarly, UMP MP Guy Geoffroy, who had presided over the 2010-2011 National Assembly inquiry committee and was at the origin of the December 6th 2011 vote explained that:

“this legislative step [...] seems to us to be essential in order for France to fully embrace a coherent position on this issue and begin to shift how we think and how we act on it [...] in favour of an abolitionism *in practice* and not only an abolitionism *in principle*”¹⁰¹ (Geoffroy interview, 14 December 2012, paragraph 57 – my emphasis).

In this sense, France’s neo-abolitionists have actively crafted a narrative in which they are the “perpetuators of a glorious history”¹⁰² (Mathieu, 2013b: 20). Thus, it remains unclear whether neo-abolitionism, as it has been constructed in France, represents a wholly new type of prostitution policy regime or merely the transformative conversion of an old idea to better suit new beliefs and objectives. This is because the interpretation of how radical this conversion is depends largely on the definition of ‘abolitionism’ being used, and on which there is no definitive consensus. What is clear, however, is that this new law marks the latest in a series of historical changes to have affected France’s abolitionist prostitution policy regime in a cumulative manner, ranging from displacement, to layering and

⁹⁹ “la démarche naturelle et l’étape suivante”

¹⁰⁰ “Vous savez, on n’a rien inventé. On est le bout d’une filière qui a commencé en 60 quand la France a pris cette position abolitionniste et qu’elle ne mesurait pas ce que ça comportait comme engagement.”

¹⁰¹ “cette étape législative [...] nous semble essentielle pour que la France assume son devoir de cohérence sur le sujet et commence à faire basculer la réflexion et l’action [...] du côté de l’abolitionnisme en action et non pas l’abolitionnisme seulement en réflexion.”

¹⁰² “négliger le passé de l’abolitionnisme parce que celui-ci existe au présent, dans la manière dont ses animateurs actuels se pensent et se posent comme continuateurs d’une histoire glorieuse.”

conversion. The result of this cumulative transformation is that what abolitionism means today, and the manner in which the French state intends to enact it through policy, is very different from what it meant when the country adopted this regime over seventy years ago.

7.4. Conclusion

By the late 1990s, the perceived transformation of prostitution and, in particular, the increase of visible and putatively foreign street-based prostitution had contributed to politicizing prostitution as a public order issue in many French cities. Subsequently, certain local authorities began to abandon traditional abolitionist policies, including prevention and rehabilitation, in favour of by-laws intended to rid streets of visible prostitution. While local in nature, these initiatives nevertheless unfolded in, and resonated with, a broader national context characterised by growing political concern with crime and security. As a result, individuals involved in prostitution were gradually constructed as a putatively ‘anxiogenic’ group in national policy debates, alongside loitering youths and beggars. Reframing prostitution as an issue of domestic security contributed to securitising it, transforming it from a social problem to a security one. Specifically, prostitution was portrayed as a ‘double threat’: a threat to public order and, by virtue of its perceived links with illegal migration and transnational organised crime, a threat to national security. However, unlike many other anxiogenic groups, the public and politicians demonstrated an ‘ambivalent compassion’ for individuals in prostitution (Mathieu, 2011: 113; 2012: 206), who were perceived to be simultaneously both criminals, guilty of soliciting and illegal immigration, and presumed victims of trafficking (Allwood, 2003: 2).

Ultimately, the reframing of prostitution as a law-and-order issue allowed the right to propose anti-prostitution measures as part of its broader domestic security reform after it came to power in 2002. Concerning prostitution, the 2002 PLSI was intended to criminalise passive soliciting and facilitate the deportation of foreigners involved in prostitution. By criminalising individuals in prostitution, the bill is often considered by policy actors and scholars alike to be an exceptional side-stepping of traditional abolitionist norms and values. Proponents of the bill, however, strived to downplay the extent to which it represented a departure from

the existing regime's institutional and ideational underpinnings. They did this by presenting the bill as a means of improving assistance to 'victims' of prostitution by either arresting or repatriating them. Presenting the PLSI as a minor adjustment to, rather than wholesale reform of, the existing institutional arrangement facilitated its adoption. This type of institutional change is referred to as 'layering' and helps explain how, in the context of dominant institutions and ideas, policy change can nevertheless be introduced at the margins. Layering, coupled with the absence of strong and united opposition and alternatives to the bill, helps explain the ease with which the PLSI was adopted despite appearing to clash with many of the original norms and values traditionally associated with abolitionism in France.

Nevertheless, political and public dissatisfaction with the LSI emerged quickly after its introduction. It was criticised for jeopardising the health and safety of vulnerable individuals involved in prostitution, as well as showing a limited impact on street-based prostitution because of its inconsistent implementation. It is in this context of growing discontent that previously rejected policy ideas began to find a political foothold. Specifically, a broad coalition of state feminists and abolitionist activists began to fight for the comprehensive reform of the country's abolitionist regime: from one historically concerned with abolishing the regulation of prostitution, to one determined to eradicate prostitution through the adoption of a Swedish 'model' of client criminalisation. This broad and eclectic coalition sought to portray CPSS as a policy 'panacea' (2013a: 241; 2013b: 17): a single solution to the social and political problems posed by prostitution. Essentially, criminalising clients would impose a *de facto* demand-side ban on prostitution, which was portrayed by proponents as inherently a form of violence against women, without criminalising the 'victims' of prostitution.

The window of opportunity for advocates of CPSS to introduce their policy preference opened in 2010. That year, the state made fighting against all forms of violence against women, including prostitution, its national policy priority. In the context of the fight against prostitution, a parliamentary inquiry committee was therefore appointed in June 2010. The committee released its report a year later. The report represents the first comprehensive evaluation of France's prostitution policy framework since the 1976 Pinot Report. The committee recommended that

the state both improve support for individuals involved in prostitution, and investigate and punish exploitation more effectively. The report also advocated the criminalisation of clients of prostitution. The committee's recommendations, including client criminalisation, were subsequently transposed into a bill intended to overhaul France's prostitution policy framework in 2012. Nonetheless, many of the proposed measures, among which the repeal of the LSI's anti-soliciting measures and the introduction of CPSS, immediately proved contentious. Advocates therefore sought to build support for their bill by capitalising on the dominance of abolitionism, which policymakers have historically and overwhelmingly supported as the only appropriate and acceptable stance for the country. They did this by symbolically establishing CPSS as the natural and necessary improvement of French abolitionism.

Finally, after a protracted and conflictual legislative debate, the bill was adopted on April 6th 2016. Among other things, the new law criminalises clients of prostitution, repeals passive soliciting, and seeks to improve the social and legal support available to 'victims' of prostitution and trafficking. More generally, however, the new law signifies the conversion of French abolitionism from an anti-regulationist regime that, while it sought to discourage prostitution, nevertheless tacitly tolerated it between consenting adults, to a regime that actively seeks to 'abolish' prostitution itself. The extent to which this new law signifies a shift from France's traditional abolitionist regime to a whole new – neo-abolitionist – regime is a matter of perception: it depends on whether abolitionism is strictly defined as a regime that merely seeks to abolish regulation, or whether it is considered a regime which, in time, seeks to eradicate prostitution. Nevertheless, whether or not it amounts to regime shift, the new law heralds in a new chapter for contemporary French prostitution policy, one in which the meanings and policy objectives associated with the term 'abolitionism' are very different from those advocated after World War Two.

8. Conclusion

On April 13th 2016, seventy years to the day since the *Marthe Richard* law had outlawed brothels, France's new law criminalizing clients of prostitution came into force. As a result, the country became the fifth in the world to implement a demand-side ban on prostitution, following in the footsteps of Sweden, Norway, Iceland, and Canada. Nevertheless, the process by which France came to adopt a neo-abolitionist approach to prostitution policy, and the trajectory of contemporary French prostitution policy more broadly, poses a number of interesting puzzles for public policy theory. Specifically, its persistence despite considerable internal reform challenges core assumptions regarding how policy regimes function and adapt more generally. Consequently, this thesis set out to answer the following core research question:

What explains the trajectory of the contemporary French prostitution policy regime?

To address this question, the thesis first defined what is meant by 'prostitution policy' and conceptualised prostitution policy regimes (Chapter 2). It then developed a theoretical framework that could account for concurrent change and stability in institutional frameworks (Chapter 3). This enabled the thesis to advance the central argument that the apparent endurance of ostensibly weak regimes sometimes eclipses processes of gradual change that, over time, may accumulate to accrue significant institutional transformation without a visible break in the regime's trajectory. To test the argument's assumptions regarding how regimes emerge and evolve, the thesis also deployed a historical case study of the French abolitionist policy regime, from its adoption until the enactment of the most recent reform. This chapter concludes the thesis by summing up the main research findings, highlighting the contributions made to scholarship, and providing a concise answer to the research question.

8.1. French abolitionism: continuity and change

Prostitution represents both an objective social condition and the interpretation of this condition. Often, the social interpretation of prostitution constructs it as a problem: a phenomenon that poses a difficulty for society and which requires

resolution. To the extent that the state is invoked to achieve this resolution, prostitution can also constitute a policy problem. In this sense, prostitution is not inherently problematic. Rather, it is constructed as a social and policy problem as a consequence of being defined and framed as such. These processes influence the tone and tenor of ensuing policy debates by ascribing and foregrounding certain dimensions of the policy problem. In the case of prostitution, common dimensions attributed to it include its apparent complexity, intractability, and association with fundamental social values. As a result, policy debates over prostitution and what ought to be done about it, if anything, tend to be uncompromising and conflictual.

To reflect the different and often antagonistic conceptions of prostitution as a policy problem, states have historically adopted one of three approaches to dealing with it: prohibitionism, regulationism, or abolitionism – a framework based on the abolition of regulation, the criminalisation of the exploitation of others' prostitution, and the provision of social support to 'victims'. However, since the late 20th century, new 'hybrid' models of national prostitution policy have emerged to address some of the perceived shortcomings associated with these original approaches. This includes the decriminalisation of voluntary sex work and, conversely, neo-abolitionism, which seeks the 'abolition' of prostitution by means of client criminalisation.

These national prostitution policy models constitute more than abstract ideal types, they represent the lenses through which states' legitimate involvement with the issue of prostitution is imagined, interpreted, and implemented. Furthermore, they tend not to be translated into simple laws and programs. Rather, the values and objectives they aspire to are enacted by means of complex governance frameworks. These frameworks align ideas, institutions, and interests in order to structure and integrate policy goals and action concerning prostitution. In other words, these approaches amount to policy regimes that present and embody different interpretations of what prostitution is, why it is problematic, and what the state ought to do about it.

As with most countries, the governance framework chosen and implemented by the French state to address the issue of prostitution has changed at different points in history. Until the end of the Second World War, the country lurched between

prohibiting and regulating prostitution. From 1946 onwards, however, the country began to abolish its regulatory framework. The country's historically entrenched system of municipally licensed brothels was dismantled immediately after the war in 1946, in a bid to purify the nation after years of occupation and collaboration. Nonetheless, the medical and police registration of women in (or suspected of being in) prostitution remained obligatory until 1960, when the country signed the 1949 United Nations convention on the "Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others". The ratification of this treaty immediately repealed any remaining registers and laws regulating prostitution. It also concludes France's fifteen-year transition from regulation and abolition.

The abolitionist policy framework erected in the wake of signing the 1949 'New York' convention was founded on two principles. First, it considers prostitution to be a social blight, and regards individuals in prostitution as 'victims'. Second, since prostitution is believed to represent the gendered exploitation of women, those who would organize, facilitate, encourage, or exploit it are considered criminals. These principles were rapidly transposed into law, forming the two policy 'pillars' underpinning France's new abolitionist stance on prostitution (Allwood, 2006: 51). Consequently, since 1960, the French state has essentially sought to deal with prostitution on two fronts: pimping and procuring are criminalized; and 'victims' are offered support to exit prostitution and become rehabilitated members of society. Nevertheless, the policies adopted to achieve these objectives have varied considerably over the last sixty years. Most notably, in the early 2000s, traditional abolitionist measures intended to help and rehabilitate 'victims' were superseded by laws criminalizing street-based prostitution. More recently, the latest reform seeks not just to criminalise pimping but to 'abolish' prostitution entirely by criminalising the purchase of sexual services.

These different policies are based on very different conceptions of the policy problem, set different objectives, and deploy different instruments to achieve them. The story of how these various policies came to be implemented during the lifespan of the French abolitionist regime can be broken down into three consecutive historical sequences. This effectively makes the story of contemporary French prostitution policy a "symphony in three movements". Each

of these movements represents an episode during which ideas concerning prostitution, and the policies enacted to address the issue, were contested or transformed. Alone they shed light on the discrete episodes of change undergone by France's abolitionist regime. Together they tell the story of a regime that has been transformed not as a result of abrupt change, but as a consequence of the gradual and cumulative modifications of the ideas and institutions that make it up.

The first movement covers the emergence and gradual institutionalisation of the French abolitionist regime after the Second World War. The country's transition from regulationism to abolitionism is often portrayed as swift and decisive. Historical analysis of the period following the 1946 'Marthe Richard' law, which closed brothels, challenges this argument in two ways. First, it took France a decade and a half to fully adopt an abolitionist policy framework. The shift from regulationism to abolitionism was not completed immediately after the Second World War but in 1960 when France signed the 1949 New York convention and translated its new abolitionist commitments into law. Furthermore, and secondly, the abolition of regulation in 1960 did not signal the replacement of the country's regulationist regime with a new abolitionist one. Policy regimes do not emerge fully formed out of the ashes of their predecessors. Instead they develop gradually through a lengthy process of institutionalisation during which the ideas, institutions and practices associated with new policy frameworks become socially and politically embedded.

Ultimately, it would take close to thirty years for prostitution to garner sufficient attention to become recognised as a legitimate area of state intervention, and for a policy subsystem to be set up to address it. Throughout this period, efforts to tackle the exploitation of prostitution were often arbitrarily and punitively used against women in prostitution rather than those who exploited them. The state also largely divested itself from delivering social support to individuals in prostitution, leaving abolitionist associations to step in and fill the implementation gap. The unwillingness and inability of the state to address with issues concerning the safety and rights of women involved in prostitution led to high-profile sex workers' rights protests in the mid-1970s. These protests, and the state's minimal engagement with the protesters' demands, revealed the absence of a clear implementation and accountability structure with which to deliver the country's

ambitious abolitionist objectives. The first concerted and sustained effort to address the gaps and contradictions in the implementation of France's abolitionist prostitution policy framework only emerged in the 1980s as a result of the strong leadership of the Minister of Women's Rights, Yvette Roudy. It was only at this stage that a boundary-spanning policy subsystem, involving all branches of the state, from justice to social affairs and taxation, was established and institutionalised to address the issue.

The ascendancy of this boundary-spanning subsystem into a dominant policy regime represents the second movement in the history of contemporary French prostitution policy. This movement begins in the late 1980s as a result of the politicisation of AIDS, which threatened the monopoly of abolitionist organisations over the representation of prostitution as a social ill. Specifically, the reluctance of state social services and abolitionist organisation to deliver specialised preventative and health services to individuals in prostitution prompted new organisations to emerge that rejected abolitionist values and goals. These organisations, which encompassed community health and sex workers' rights groups had more positive conceptions of prostitution. Unlike abolitionists, they argued that it was the social stigma and insecurity associated with prostitution that posed a danger to individuals involved, rather than prostitution itself. Overall, during the 1990s, prostitution was reframed from a social issue to a public health one. This contributed to creating a demand for prostitution to be decriminalised, or for brothels to be reopened.

Nevertheless, at the same time as this alternative discourse was on the rise, abolitionist organisations fought to reassert their relevance and 'remobilise' support for their cause. In particular, they sought to capitalise on the increasing involvement of French feminist policymakers in defending abolitionism. At this time, French state feminists were siding with their Swedish counterparts and international abolitionist organisations to strongly oppose efforts from Dutch feminists and sex workers' rights activists to introduce a distinction between putatively 'forced' and 'voluntary' prostitution in international debates in the UN and EU. By fostering close ties between themselves and these key policymakers, traditional abolitionist organisations such as the Mouvement du Nid and the

Fondation Scelles gradually built a broad coalition of support for their ideas inside and outside of government.

One consequence of this gradual remobilisation is the increasingly strong rejection of neo-regulationist demands throughout the 1990s and, conversely, the elevation of abolitionist ideas, values, and objectives to the status of dominant orthodoxy. By the end of the decade, regulationism had been permanently delegitimised as a policy idea, and the bulk of the political class had reaffirmed their belief that abolitionism is the only appropriate and acceptable position for the French state to take on the issue of prostitution. Another consequence of the development of this broad abolitionist coalition is embedding of new feminist interpretations of prostitution as a form of violence against women into French institutional discourse. Nevertheless, this interpretation of prostitution did not find purchase at the local level, where changes to migration was perceived to have contributed to an increase in street-based prostitution, which was framed as a public order issue. In this context, the broad and ambitious goals espoused by abolitionists were increasingly rejected by local authorities as irrelevant and ineffective in the struggle to address constituents' growing discontent. Increasingly, city councils opted to substitute traditional abolitionist policy goals based on preventative and rehabilitative social support with traffic and parking by-laws intended to displace prostitution and make it less visible.

Consequently, the third and final movement charts the period from 2000 to 2016 during which the norms, ideas, and objectives associated with abolitionist were gradually but fundamentally transformed as a result of the dissonance between local and national expectations and demands. This movement begins in the early 2000s when local concerns over prostitution as a public order issue were gradually nested into broader national concerns over domestic security and immigration. During this period, prostitution was reframed as a security problem by policymakers keen to implement a new domestic security agenda aimed at clamping down on illegal immigration, soliciting, and transnational crime. The generalised climate of insecurity at the time facilitated the passing of the 2003 Domestic Security Law (LSI). This law criminalised passive soliciting and facilitated the deportation of foreigners involved in prostitution. As such, it is widely regarded as an 'exceptional' reform: the first to jettison the traditional

abolitionist conception of individuals in prostitution as ‘victims’ in favour of treating them like criminals. Nevertheless, empirical analysis of the parliamentary debates leading up its adoption reveals that, in addition to the lack of strong opposition and alternatives, the bill also passed as a result of being framed as compatible with abolitionist values. This type of policy change is referred to as policy ‘layering’ and helps explain how such an apparently ‘exceptional’ reform was adopted despite the dominance of the abolitionist regime.

Nevertheless, rapid dissatisfaction with the outcome of the new law opened a window of opportunity for the final transformation of French abolitionism. Specifically, between 2005 and 2010, a broad coalition of feminist politicians and abolitionist activists began to campaign to revoke the LSI’s anti-prostitution measures and overhaul the country’s abolitionist regime. Their intention was to convert the country’s prostitution policy framework from one merely concerned with abolishing the regulation and exploitation of prostitution, to one determined to eradicate it altogether by means of client criminalisation. This campaign was bolstered by the official recognition of prostitution as a form of violence against women in 2010. This focused political attention and created a sense of urgency for addressing the issue. Thus, after three years of parliamentary research and debate, a bill seeking to reform France’s abolitionist regime and adopt a ‘Swedish’ model of client criminalisation was tabled in 2013. Nevertheless, strong political opposition to the *de facto* prohibition of prostitution, especially on the right, led to a fraught and protracted debate. The bill was finally adopted in April 2016 as a result of proponents exploiting the ambiguity of the term ‘abolitionism’ in order to build support for the ‘abolition’ of prostitution.

Whether or not the conversion of French abolitionism represents regime shift is a matter of interpretation. It depends on whether abolitionism is defined historically as an approach to prostitution that merely seeks to abolish state regulation and encourage exit and rehabilitation, or whether it is defined more broadly as a movement that intends, in time, to make prostitution disappear completely. Nonetheless, the new law represents the implementation of very different ideas and policies in the name of abolitionism than those espoused after the ratification of the New York convention in 1960. The final transformation of French abolitionism from a two-pillared regime that sought to punish exploitation and

promote exit and rehabilitation to one that actively prohibits the purchase of sexual services amounts to policy ‘conversion’. As a result, while many of the regime’s original concerns, including criminalising pimping and providing social support to ‘victims’, remain present in the new policy framework, what is meant by ‘abolitionism’ in France today is nevertheless markedly different from what it meant at the dawn of reconstruction.

Empirically, the in-depth historical case study of contemporary French prostitution policy proposed in this thesis adds to an already well-established body of literature on the topic. It supports and updates many of the core arguments made in the scholarship. In particular, it confirms the central thesis advanced across Lilian Mathieu’s extensive scholarship on this issue, namely that policymaking in this field has been inconsistent and prone to social contestation over the last sixty years (eg. 1998: 92-93). It also echoes Allwood (2006) and Mazur’s (2004) contention that feminist policymakers have had fluctuating influence on this policy area over the period. More broadly, it supports the consensus developed across this broad literature that contemporary French prostitution policy cannot be understood as the state’s objective response to a self-evident problem. Rather, state intervention on this issue has changed as a result of the policy problem being gradually redefined.

To date, however, this scholarship has primarily sought to describe the shifting political circumstances, social context, and group power differentials, that have contributed to policy change in this area. By identifying and unpacking the causal mechanisms at the heart of this historical process, this thesis therefore advances what we currently know and understand about prostitution policy in France. Developing a causal explanation of how and why the French abolitionist regime has changed the way it has since 1946 is possible because the thesis focuses on tracing this historical process in depth. On the one hand, adopting this methodological approach entails that findings are only contingently generalizable to other cases. On the other hand, by making a number of methodological, theoretical, and conceptual choices, the thesis also generates insights of value to empirical scholars interested in prostitution policy elsewhere than in France, as well as to policy scholars more broadly. Specifically, it conceptualises prostitution policy, and regimes, thereby providing future common-ground for country-

specific and comparative research on national approaches to prostitution policy. Further, it operationalises and traces the impact of generic mechanisms of gradual policy change, such as layering, displacement, and conversion. This allows the thesis to shed light on how institutions can feature elements of both stability and transformation. The next section summarises these core conceptual and theoretical contributions.

8.2. Summary of contributions

The trajectory of French prostitution policy since the end of the Second World War presents a paradox. On the one hand, the state has remained steadfastly committed to abolitionist values and objectives since finishing its transition from regulationism in 1960. On the other hand, a variety of different policies have been enacted in the name of abolitionism throughout the period. Moreover, these successive reforms frequently appear to contradict each other, and many of the core regime's core principles have often been incompletely or inconsistently translated into policy. Overall, the changeable and inconsistent nature of abolitionist policies belie the regime's ability to foster cohesive action, reinforce shared policy goals, or mobilise support for a single clear policy objective. These are characteristics of hallmarks of weak or 'anemic' regimes (May, Jochim, and Sapotichne, 2011: 286).

Nonetheless, by enduring despite its weakness, the French abolitionist regime challenges existing accounts of policy regime behavior. Specifically, because they undermine support for, and the successful implementation of, policies enacted in their name, anemic regimes are vulnerable to overthrow. This is particularly true in the context of strong contestation or support for alternatives, as has recurrently been the case with abolitionism in France. Yet, despite ongoing struggles to overhaul or replace it, this apparently weak governing arrangement persists. This contradicts assumptions concerning the inability of anemic regimes to sustain their dominance over time. Further, the fact that this weak regime appears to endure and retain its primacy suggests that the relationship between a regime's strength and its durability is more complex than previously believed.

Subsequently, this thesis set out to conceptually and theoretically investigate the properties and behaviour of a particular type of policy regime, one that is boundary-spanning and which seeks to address a complex and intractable problem. This is important for two reasons. First, the concept of ‘prostitution policy regime’ is widely deployed in the empirical and theoretical literature on prostitution policy, but has nevertheless tended to be conceptually and analytically underdeveloped. Mapping out the constitution and properties of the French abolitionist regime helps provide greater conceptual insight into the social, political, and institutional processes that structure and shape governance frameworks aimed at addressing the issue of prostitution. It generates some conceptual common-ground on which to further develop and accumulate case-specific and comparative insights into how governments seek to organise public intervention on this issue. Second, it allows the thesis to make a number of refinements to existing regime theories. These refinements enable us to better understand how seemingly weak policy regimes can nonetheless endure. In all, the thesis makes six concrete contributions to what we know about how regimes, and prostitution policy regimes in particular, evolve and behave.

The first contribution the thesis makes is conceptual in nature and concerns improving what we understand as a ‘policy regime’. Spearheaded by authors such as May, Jochim, Sapotichne, and Wilson, the nascent research agenda on policy regimes defines them broadly as governing arrangements aimed at addressing a particular policy issue (Jochim and May, 2010a, 2010b; May, Jochim, and Sapotichne, 2011; May and Jochim, 2013; Wilson, 2000). These governing arrangements bring together institutions, ideas, interests, and issues in order to coordinate and facilitate collective action on a particular policy issue (May and Jochim, 2010a: 309). Consequently, the thesis conceptualizes prostitution policy regimes as national governing frameworks that bring together institutions, interests, ideas, and actors in service of coordinating expectations and organizing behavior with regard to prostitution. In so doing it highlights the interplay between the two interlocking structures that structure and uphold regimes, and which contribute to determining its resilience and durability. The first is the institutional framework that constitutes a regime: the comprising the formal and informal rules and procedures that guide actors when addressing a problem. The

second is the ideational framework bringing together actors' different understandings of the problem, as well as their beliefs concerning what can and ought to be done about it.

Distinguishing between the institutional and ideational aspects of a regime allows the thesis to make its second contribution, which is theoretical in nature. Specifically, the thesis refines what we consider to be a regime's 'strength'. Currently the literature considers strong regimes to be those that are best able to foster cohesive action on a specified issue (May and Jochim, 2010a: 317). Thus, French abolitionism, with its disparate support-based, ambiguous principles and goals, and historically weak policy implementation, displays the properties of a weak or 'anemic' regime. Weak or 'anemic' regimes are expected to be more easily unseated in the event of strong social or political contestation (May and Jochim, 2010a: 308). Yet, the French abolitionist regime, however, demonstrates the apparent capacity for institutionally weak regimes to nevertheless retain dominance and endure despite recurrent struggles to overhaul or replace it. This is because of the continued support for values and policy ideas associated with abolitionism by a broad and heterogenous coalition of political and third sector actors.

The case of the contemporary French prostitution policy regime therefore suggests that a regime's strength is not a unidimensional property ranging from 'strong' to 'weak'. Rather, a regime's institutional and ideational elements can each be more or less strong, with different combinations having different implications for its overall resilience and durability. In this instance, strongly held ideas concerning what prostitution is and what ought to be done about it have contributed to holding the abolitionist regimes' weak institutional framework afloat despite recurrent periods of contestation.

Nonetheless, this raises questions about how ideas can generate strong support for a regime in the absence of successful policy implementation and in the context of constant contestation. Thus, the third contribution made in this thesis involves explaining how abolitionist principles and policy ideas managed to sway a broad and heterogeneous coalition of policy actors, and rise to sufficient prominence to insulate the abolitionist regime's weak institutional framework from serious

challenge. To do this, the thesis developed the notion of ‘ideational feedback’ to explain how support for policy ideas can gradually reinforce or undermine the belief system on which a regime is based. Specifically, the thesis explains how positive feedback generated by the systematic delegitimisation of alternative policy ideas in political debates over prostitution – especially those associated with regulationism – allowed abolitionism to be reasserted as the only acceptable and appropriate policy solution to prostitution for the French state. Explaining how ideas can generate positive or negative feedback is important because while ideas are increasingly deployed as a key factor influencing both institutional stability and change, the causal mechanism through which they do this have remained comparatively under-investigated.

Having set out a conceptual framework for understanding how policy regimes are constituted, and having theorised some of the processes that affect their durability, the thesis then tackled the question of understanding the nature of the changes undergone by the French abolitionist regime. Specifically, it intended to provide insights into how a policy regime could appear to endure while also showing signs of considerable internal modification. Drawing on the emerging literature on gradual institutional change, the thesis argued that institutional stability is often illusory. What appears to be the endurance of a single regime actually masks ‘subterranean’ processes of incremental change that can gradually accumulate to transform entire regimes without evidence of a shift from one regime to another (cf. Hacker, 2002: 43).

Exploring the full life cycle of France’s abolitionist regime from adoption to conversion therefore shed light on how gradual institutional change can unfold in broad, boundary-spanning, and strongly embedded policy regimes. In particular, by studying the whole regime from adoption to conversion, the thesis demonstrated how discrete episodes of gradual change can succeed and, in the process, compound each other. This is the case, for example, when the displacement of abolitionist measures at a local level provided support for national policymakers seeking to securitise prostitution in the early 2000s. On the one hand, adoption of non-abolitionist policies by certain councils seeking to appease their constituents fed into a political context dominated by the desire to substitute criminal justice measures to social policy. On the other hand, the

dominance of abolitionist values and principles, continually reinforced by means of positive feedback, constrained the nature of the policy change the new right-wing government was able to undertake. The result was the passing of the ‘exceptional’ LSI in 2003, but only after it had proponents portrayed it as a minor adjustment of the abolitionist regime. Overall, investigating the way in which certain modes of gradual change transform the institutional opportunities and constraints facing policymakers allows us to better understand how incremental modification can accumulate and lead to significant reform without visible rupture in a regime’s trajectory.

The fifth contribution this theme makes is empirical in nature. It concerns the manner in which actors’ changing understanding of, and commitment to, abolitionist ideas and values was captured and analysed. In order to generate the extensive empirical data required to conduct rigorous process tracing and give in-depth insight into the unfolding contemporary French prostitution policy process, the thesis deployed a complementary data collection and analysis procedure based on archival and interview research. Exploiting all available public and private archives associated with parties, abolitionist organisations, and the French feminist movement enabled the thesis to present findings from collections that have never before been explored. This is the case, for example, with Simone Iff’s personal collection, bequeathed to the MFPF and which remains uncatalogued, to this day. This particular collection allowed a more empirically detailed discussion of the impact of Yvette Roudy’s leadership on prostitution policy than currently exists.

Further, the thesis presents data from eighteen semi-structured interviews with policymakers and activists who have directly contributed to shaping the abolitionist regime’s trajectory at either the national or local level. While not exhaustive, these interviews allowed key players to reflect on the role they have played in driving and influencing the policy debate. The interview data therefore has the potential to inform further empirical study of recent prostitution policy debates in France. Nevertheless, while policy actors from the regime’s third movement are more prevalent in the data, because of the historical nature of the research, this thesis remains a timely and important contribution to the empirical study of contemporary French prostitution policy. Not least of all, the thesis

constitutes one of the first empirical investigations of the process leading to the adoption of France's newest prostitution policy reform.

Finally, using documentary analysis and interviews to shed light on why and how contemporary French prostitution policy has changed the way it has since its adoption also allowed the thesis to make a sixth contribution: highlighting some of the empirical markers of ambiguity. Ambiguity is central to new institutionalist theories of gradual policy change. Crucially, the extent to which meanings and objectives associated with institutions are open to interpretation determines the freedom available to policymakers seeking to modify or replace policies. However, ambiguity remains a notoriously elusive condition to empirically identify, evaluate and test. Subsequently, the thesis paid special attention to the manner in which the ambiguity associated with the key terms 'abolition' and 'abolitionism' opened the space for policymakers to pursue reforms despite operating in the context of a dominant regime.

Throughout the thesis, evidence of ambiguity presented itself in two ways. The first marker of ambiguity is disagreement over the core meanings among a coalition supporting a single policy preference. Evidence of this can be found, for example, during the symbolic vote to reaffirm France's abolitionist position on December 6th 2011. While the vote was unanimous, the justifications given by the different political leaders revealed a plurality of interpretations of what this act signified, both in principle and for future policy. Relatedly, the second marker of ambiguity is the disconnect between policymakers' agreement in principle and their disagreement over concrete matters of policy. Such a dissonance is apparent in the unanimous agreement by the National Assembly to reaffirm France's abolitionist position being quickly followed by a lengthy and conflictual battle about how this position might best be translated into policy.

This thesis draws from a broad and interdisciplinary scholarship, from historical research on contemporary French prostitution policy to the emerging theoretical literature on policy regimes. To build upon and contribute to each of these bodies of knowledge, it makes six concrete contributions. The contributions made in this thesis fall into two broad categories. The unique empirical insight derived from interview and archival research, as well as conceptual efforts to refine what we

understand by ‘prostitution policy’ advance what we know about contemporary French prostitution policy specifically. The efforts to conceptualise policy regimes and theorise how they might endure while being internally transformed helps develop our understanding of what policy regimes (including prostitution policy regimes) are, how they emerge, and what contributes to their strength and durability. More broadly, these lessons are also an invitation to further explore certain empirical, theoretical, and conceptual issues in the future. The next section briefly reflects on the opportunities for further research, and ends by succinctly answering all the questions the thesis set for itself in the introduction.

8.3 Answer to research questions and what now?

The gradual and cumulative transformation of the contemporary French prostitution policy regime holds important historical and theoretical lessons to help advance a broad range of scholarship. By investigating the evolution of this regime, from emergence to final conversion, this thesis also represents the first investigation of this regime in its entirety. Because the transformation of French abolitionism into a ‘Swedish model’ of neo-abolitionism is so recent, no research has yet been conducted on the reform. Other notable events from the regime’s trajectory, including the 1975 church protests (Mathieu, 1998, 1999a, 2001, 2003; Solé: 1993) and the advent and consequences of the 2003 Domestic Security Bill (Allwood, 2002, 2003, 2006; Danet, 2006; David, 2006; Deschamps, 2005; 2008; Deschamps and Souyris, 2008; Maugère, 2009, 2010; Vernier, 2005), have been the focus of extensive research. Further, some of Mathieu’s more recent work has discussed the rise of the neo-abolitionist agenda in France (Mathieu, 2013a, 2013b). By providing up-to-date analysis of the most recent reform, the thesis recontextualises contemporary French prostitution policy as an empirical case with wide-ranging implications.

Understanding how France became the fifth country in the world to adopt a neo-abolitionist stance on prostitution is no parochial endeavour. Rather, it suggests that states’ policy preferences in this area are shifting. Increasingly, countries appear to be looking to reform their prostitution policy regimes in new ways, rather than rely on traditional models of prohibition, regulation, and abolition. Currently, the bulk of case-specific and comparative research on the spread of

neo-abolitionism has focused on the Nordic first adopters (Bucken-Knapp and Schaffer, 2008; Bucken-Knapp, Schaffer and Levin, 2014; Bucken-Knapp, Schaffer and Persson Strömbäck, 2012; Danna, 2012; Gould, 2001; Skilbrei and Holmström, 2011, 2013; Svanström, 2004). It reveals that, while there appears to be growing international policy convergence, as more states adopt or consider CPSS, different countries have adopted the same policy for very different reasons (cf. Bucken-Knapp, Schaffer, and Persson Strömbäck, 2012).

Further exploring how and why an increasing number of countries are considering implementing a demand-side ban on prostitution and, in particular, extending this research beyond the Nordic first adopters, will therefore be crucial for understanding the new international politics of prostitution. In particular, this nascent research agenda on the international diffusion of neo-abolitionist policies has the potential to shed further light on the impact of international processes on shaping domestic prostitution policy regimes. This will further refine what we understand about how regime properties, such as strength and durability, are influenced from abroad. This is important because the diffusion of national regimes to govern issues associated with morality politics, such as prostitution, slavery, and drugs, has a global impact. In the case of drugs and slavery, a near global prohibition regime has slowly been established as a result of an increasing number of countries criminalising activities associated with them. The result is a modification of the geographic space in which these phenomena can take place legally, and the development of international collaboration to curb them (cf. Nadelman, 1990). It will therefore be useful to investigate the extent to which the diffusion of neo-abolitionist policies beyond the Nordic region is indicative of the development of a global policy regime intended to gradually limit the geographic areas in which prostitution, understood as a form of violence against women, can take place legally.

In this way, this thesis is only a first step towards a better understanding of how France and other countries define and organise a response to an enduring and complex social problem. At its heart, it was driven by an empirical and a theoretical puzzle: how can a single institutional framework – the contemporary French prostitution policy regime – simultaneously change and remain the same over its life course? It argued that internal changes to this institutional

arrangement are the result of the socially constructed nature of prostitution as a policymaking process. As a result, what it represents and what ought to be done about it can, and often is, continually reinterpreted. Prostitution policymaking in contemporary France is therefore best understood as an ongoing political process of deliberation and problem-solving concerning an enduring, complex, and seemingly intractable policy issue. Moreover, the nature of the changes that have characterised the regime's trajectory is incremental and cumulative, rather than radical and path-departing. This means that, while the broader abolitionist policy framework appears to endure, it has experienced considerable internal modification. The regime's stability, despite its apparent weaknesses, can be attributed to the strength of the ideas that underpin it. What this tells us about policy change more broadly is that institutional stability is often illusory, and looking beneath the surface of apparently calm waters can reveal the creative and constructed nature of routine politics.

Bibliography

Abbott, Andrew (1995) 'Sequence analysis: new methods for old ideas', *Annual Review of Sociology*, 21: 93-113.

Abel, Gillian and Lisa Fitzgerald (2010) 'Introduction', in Gillian Abel and Lisa Fitzgerald, (eds), *Taking the crime out of sex work: New Zealand sex workers fight for decriminalisation*, pp. 1-23. Bristol: Policy Press.

Abel, Gillian, Lisa Fitzgerald, Catherine Healy and Aline Taylor (eds.) (2010) *Taking the crime out of sex work: New Zealand's sex workers' fight for decriminalization*. Bristol: The Policy Press.

Abily, Gaëlle (2006) 'Intervention de Gaëlle Abily, Vice-Présidente chargée de l'égalité professionnelle et de la qualité de l'emploi: vœu du Conseil régional de Bretagne sur la prostitution', *Réunion du Conseil Régional*, 30 June-31st July, Rennes.

Abrams, Kathryn (1995) 'Sex wars redux: agency and coercion in feminist legal theory', *Columbia Law Review*, 95(2): 304-376.

Abramson, Kara (2003) 'Beyond consent, toward safeguarding human rights: implementing the United Nations Trafficking Protocol', *Harvard International Law Journal*, 44(2): 473-502.

Act Up-Paris, Aides Île-de-France, ALC Nice, Les amis du bus des femmes, Arcat sida, Autres Regards, Cabiria, La Cimade, Femmes Publiques, GISTI, GPAL Entr'actes, Grisélidis, Fédération Abolitionniste Internationale and Metanoya (2005) *Lettre ouverte à Monsieur Jacques Chirac, Président de la République*, 8 March. Act Up-Paris: Paris. [Online]. Available at: <http://www.gisti.org/doc/actions/2005/lsi/Letchirac.pdf> [accessed 08/01/2016]

Aderbach, Joel D. and Bert A. Rockman (2002) 'Conductive and coding elite interviews', *PS: Political Science and Politics*, 35(4): 673 – 676.

Adler, Karen H. (1999) 'Reading national identity: gender and 'prostitution' during the occupation', *Modern and Contemporary France*, 7(1): 47-57.

Agustín, Laura (2005) 'Helping women who sell sex: the construction of benevolent identities', *Rhizomes Cultural Studies in Emerging Knowledge*, 10. [Online]. Available at: <http://www.rhizomes.net/issue10/agustin.htm> [accessed 12/10/2014]

Agustín, Laura (2008) 'Sex and the limits of enlightenment: the irrationality of legal regimes to control prostitution', *Sexuality Research & Social Policy*, 5(4): 73-86.

Allwood, Gill (2003) 'Sarkozy's Domestic Security Bill: war on prostitutes not on prostitution?', *Modern and Contemporary France*, 11(2): 205-212.

Allwood, Gill (2004) 'Prostitution debates in France', *Contemporary Politics*, 10(2): 145-157.

Allwood, Gill (2006) 'Prostitution in France', in Geetanjali Gangoli and Nicole Westmarland (eds), *International approaches to prostitution: law and policy in Europe and Asia*, pp. 45-66. Bristol: The Policy Press.

Allwood, Gill and Kursheed Wadia (2009) *Gender and policy in France*. Hampshire; New York: Palgrave Macmillan.

Altman, Dennis (1984) 'AIDS: the politicization of an epidemic', *Socialist Review*, 78(4): 93-109.

Anderson, James E. (2014) *Public policymaking: an introduction*, 8th edition. Stanford, CT: Cengage Learning.

Argomaniz, Javier (2009) 'Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia', *European Security*, 18(2): 151-172.

Arthur, W. Brian (1989) 'Competing technologies, increasing returns, and long-run by historical small events', *Economic Journal*, 99(1): 116-131.

Bacchi, Carol Lee (1999) *Women, policy and politics: the construction of policy problems*. London; New Dehli; Thousand Oaks, CA.: Sage Publications Ltd.

Bacchi, Carol Lee (2005) 'Discourse, discourse everywhere: subject "agency" in feminist discourse methodology', *NORA – Nordic Journal of Feminism and Gender*, 13(3): 198-209.

Bacchi, Carol Lee (2009) 'The issue of intentionality in frame theory: the need for reflexive framing', in Emanuela Lombardo, Petra Meier, and Mieke Verloo (eds.), *The discursive politics of gender equality: stretching, bending, and policymaking*, pp. 19-34. London, New York: Routledge.

Bachelot, François and Pierre Lorane (1988) *Une société au risque du sida*. Paris: Albatros.

Bacot, Paul (1991) 'Une représentation politique du sida: quelques modes discursifs au PCF', *Médecine, Santé, Politique*, 26(1): 85-103.

Balzacq Thierry (ed.) (2011a) *Understanding securitization theory: how security problems emerge and dissolve*. Oxon; New York: Routledge.

Balzacq Thierry (2011b) 'A theory of securitization: origins, core assumptions, and variants', in Thierry Balzacq (ed.), *Understanding securitization theory: how security problems emerge and dissolve*, pp. 1-29. Oxon; New York: Routledge.

Banchoff, Thomas (2005) 'Path dependence and value-driven issues: the comparative politics of stem cell research', *World Politics*, 57(2): 200-230.

Barbara and Christine De Coninck (1977) *La Partagée*. Paris: Éditions de Minuit.

Bard, Christine (2007) 'Les premières femmes au gouvernement (France 1936-1981)', *Histoire @ Politique*, 1: 1-25.

Barry, Jim, John Chandler and Elisabeth Berg (2007) 'The women's movement and new public management in higher education in Sweden and England', *Public Administration*, 85: 103-122.

Barry, Kathleen (1979) *Female sexual slavery*. Englewood Cliffs, NJ: Prentice-Hall.

Barry, Kathleen (1995) *The prostitution of sexuality*. New York: New York University Press.

Bartolini, Stefano (1993) 'On time and comparative research', *Journal of Theoretical Politics*, 5(2): 131-167.

Bauer, Alain and Christophe Souleze (2012) 'L'Office central pour la répression de la traite des êtres humains (OCRTEH)', in Alain Bauer and Christophe Souleze (eds.), *La criminalité en France*, pp. 226-227. Observatoire national de la délinquance et des réponses pénales: Paris.

Baumgartner, Frank R. (2013) 'Ideas and policy change', *Governance*, 26(2): 239-258.

Baumgartner, Frank R. and Bryan D. Jones (1991) 'Agenda dynamics and policy subsystems', *The Journal of Politics*, 53(4): 1044-1074.

Baumgartner, Frank R. and Bryan D. Jones (1993) *Agendas and instability in American politics*. Chicago: University of Chicago Press.

Baumgartner, Frank R. and Bryan D. Jones (2010) *Agendas and instability in American politics*, 2nd edition. Chicago; London: University of Chicago Press.

Baumgartner, Frank R. and Bryan D. Jones (2002) 'Positive and negative feedback in politics', in Frank R. Baumgartner and Bryan D. Jones (eds), *Policy dynamics*, pp. 1-35. Chicago: University of Chicago Press.

Baumgartner, Frank R., Bryan D. Jones and Peter B. Mortensen (2014) 'Explaining stability and change in public policymaking', in Paul A. Sabatier and Christopher M. Weible (eds.), *Theories of the policy process*, 3rd edition, pp. 59-104. Boulder, CO: Westview Press.

Beach, Derek and Rasmus Brun Pedersen (2013) *Process-tracing: foundations and guidelines*. University of Michigan: Ann Arbor.

Becker, Howard S. (1963) *Outsiders: studies in the sociology of deviance*. New York: Free Press.

Blumer, Herbert (1971) 'Social problems as collective behavior', *Social Problems*, 18(3): 298-306.

Béland, Daniel (2005) 'Ideas and social policy: an institutionalist perspective', *Social Policy and Administration*, 39(1): 1-18.

Béland, Daniel (2007b) 'Ideas and institutional change in social security: conversion, layering, and policy drift', *Social Science Quarterly*, 88(1): 20-38.

Béland, Daniel (2009) 'Ideas, institutions and policy change', *Journal of European Public Policy*, 16(5): 701-718.

Béland, Daniel (2010a) 'Policy change and health care reform', *Journal of Health Politics, Policy and Law*, 35(4): 616-641.

Béland, Daniel (2010b) 'Reconsidering policy feedback: how policies affect politics', *Administration and Society*, 42(5): 568-590.

Béland, Daniel and Robert Henry Cox (2011) 'Introduction: ideas and politics', in Daniel Béland and Robert Henry Cox (eds), *Ideas and politics in social science research*, pp. 3-20. New York: Oxford University Press.

Béland, Daniel and Alex Waddan (2015) 'Breaking down ideas and institutions: the politics of tax policy in the USA and the UK', *Policy Studies*, 36(2): 176-195.

Benaquisto, Lucia (2008) 'Codes and coding', in Lisa M. Given (ed), *The SAGE encyclopedia of qualitative research methods*, pp. 86-89. Thousand Oaks: Sage.

Benford, Robert D. and David A. Snow (2000) 'Framing processes and social movements: an overview and assessment', *Annual Review of Sociology*, 26: 611-639.

Bennett, Andrew and Jeffrey T. Checkel (2014) 'Process tracing: from philosophical roots to best practices', in Andrew Bennett and Jeffrey T. Checkel (eds.), *Process tracing: from metaphor to analytic tool*, pp. 3-37. Cambridge: Cambridge University Press.

Berman, Sheri (1998) *The social democratic moment*. Cambridge; London: Harvard University Press.

Berridge, Virginia (1993) 'Introduction: AIDS and contemporary history', in Virginia Berridge and Philip Strong (eds.), *AIDS and contemporary history*, pp. 1-14. Cambridge; New York: Cambridge University Press.

Best, Joel (1995) 'Typification and social problem construction', in Joel Best (ed.), *Images of issues: typifying contemporary social problems*, 2nd edition, pp. 1-16. New York: Walter de Gruyter Inc.

Blatter, Joachim and Markus Haverland (2012) *Designing case studies: explanatory approaches in small-N research*. Basingstoke: Palgrave Macmillan.

Bleich, Erik (2002) 'Integrating ideas into policy-making analysis: frames and race policies in Britain and France', *Comparative Political Studies*, 35(9): 1054-1076.

Bleich, Erik (2003) *Race politics in Britain and France. Ideas and policymaking since the 1960s*. Cambridge: Cambridge University Press.

Blyth, Mark (2001) 'The transformation of the Swedish model: economic ideas, distributional conflict, and institutional change', *World Politics*, 54(1): 1-26.

Blyth, Mark (2002) *Great transformations: economic ideas and institutional change in the twentieth century*. Cambridge: Cambridge University Press.

Blyth, Mark (2003) 'Structures do not come with an instruction sheet: interests, ideas, and progress in political science', *Perspectives on Politics*, 1(4): 695-706.

Body-Gendrot, Sophie and Dominique Duprez (2001) 'Les politiques de sécurité et de prévention dans les années 1990 en France', *Déviance et Société*, 25: 377-402.

Bonelli, Laurent (2008) *La France a peur. Une histoire sociale de l'insécurité*. Paris: La Découverte.

Boyd, Neil and John Lowman (1991) 'The politics of prostitution and drug control', in Kevin Stenson and David Cowell (eds.), *Politics of crime control*, pp. 109-126. London; Thousand Oaks; New Delhi: Sage.

Brady, Henry, and David Collier (2004) *Rethinking social inquiry: diverse tools, shared standards*. Savage, MD.: Rowman and Littlefield.

Brants, Chrisje (1998) 'The fine art of regulated tolerance: prostitution in Amsterdam', *Journal of Law and Society*, 25(4): 621-635.

Brock, Deborah Rose (1998) *Making work, making trouble: prostitution as a social problem*. Toronto: University of Toronto Press.

Braun, Dietmar and Andreas Busch (1999) *Public policy and political ideas*. Cheltenham, U.K.; Northampton, MA: Edward Elgar.

Brunet, Jean-Baptiste (1990) 'Development of French legislation on STDs', in Nadine Job-Spira, Brenda Spencer, Jean Paul Moatti, and Elisabeth Bouvet (eds.),

Public health and the sexual transmission of diseases: direction for future research and health policy, pp. 113-121. London: John Libbey & Co.

Bryman, Alan (2016) *Social research methods*, 4th edition. Oxford: Oxford University Press.

Bucken-Knapp, Gregg and Johan Karlsson Schaffer (2008) 'Prostitution policy reform and the causal role of ideas: a comparative study of policy-making in the Nordic countries', *Statsvetenskaplig Tidskrift*, 110(1): 59-65.

Bucken-Knapp, Gregg, Johan Karlsson Schaffer and Karin Persson Strömbäck (2012) 'Security, equality, and the clash of ideas: Sweden's evolving anti-trafficking policy', *Human Rights Review*, 13(2): 167-185.

Bucken-Knapp, Gregg, Johan Karlsson Schaffer and Pia Levin (2014) 'Comrades, push the red button! Prohibiting the purchase of sexual services in Sweden but not in Finland', in Carisa R. Showden and Samantha Majic, (eds), *Negotiating sex work: unintended consequences of policy and activism*, pp. 195-217. Minneapolis, MN: University of Minnesota Press.

Bugnon, Caroline (2010) 'L'encadrement de la prostitution par le droit, reflet d'un ordre juridique insaisissable', in Guillaume Delmas, Sarah-Marie Maffesoli and Sébastien Robbe (eds.), *Le traitement juridique du sexe*. Paris: L'Harmattan.

Burke, Johnson R. (1997) 'Examining the validity structure of qualitative research', *Education*, 118(2): 282-292.

de Busscher, Pierre-Olivier, and Patrice Pinell (1996) 'La lutte contre le sida, l'espace associatif', *La Gazette Médicale*, 103(14): 31-34.

de Busscher, Pierre-Olivier, Claude Thiaudière, and Patrice Pinell (2002) 'Naissance', in Patrice Pinnell (ed.), *Un épidémie politique: la lutte contre le sida en France*, pp. 27-54. Paris: Presses Universitaires de France.

Butler, Josephine (1898) *Personal reminiscences of a great crusade*. London: Horace Marshall and Son.

Butler, Judith (1995) 'Contingent foundations', in Seyla Behabib, Judith Butler, Drucilla Cornell, Nancy Fraser, and Linda Nicholson (eds), *Feminist contentions. A philosophical exchange*, pp. 35-58. New York; London: Routledge.

Buzan, Barry, Ole Waever and Jaap de Wilde (1998) *Security: a new framework for analysis*. Boulder, CO: Lynne Rienner.

Campbell, John L. (1998) 'Institutional analysis and the role of ideas in political economy', *Theory and Society*, 27: 377-409.

Campbell, John L. (2002) 'Ideas, politics, and public policy', *Annual Review of Sociology*, 28: 21-38.

Capoccia, Giovanni and Daniel R. Kelemen (2007) 'The study of critical junctures: theory, narrative and counterfactuals in historical institutionalism', *World Politics*, 59(3): 341-369.

Carstensen, Martin (2011) 'Ideas are not as stable as political scientists want them to be: a theory of incremental ideational change', *Political Studies*, 59(3): 596-615.

Centre Lyonnais d'Études Féministes (CLEF) (1989) *Chronique d'une passion: le mouvement de libération des femmes à Lyon*. Paris: L'Harmattan.

Chapkis, Wendy (1997) *Women performing erotic labour*. New York: Routledge.

Charmaz, Kathy (2006) *Constructing grounded theory*. London: Sage.

Checkel, Jeffrey T. (2006) 'Tracing causal mechanisms', *International Studies Review*, 8(2): 362-370.

Chimienti, Milena, and Àgi Földhàzi (2008) 'Géographies du marché du sexe: entre dynamiques urbaines et économies politiques', *Sociétés*, 99(1): 80-90.

Chuang, Janie A. (2010) 'Rescuing trafficking from ideological capture: prostitution reform and anti-trafficking law and policy', *University of Pennsylvania Law Review*, 158(6): 1655-1728.

Citoyens – Justice – Police (2006) *De nouvelles zones de non droit: des prostituées face à l'arbitraire policier*. Paris: Commission nationale sur les rapports entre les citoyens et les forces de sécurité, sur le contrôle et le traitement de ces rapports par l'institution judiciaire.

Clarke, Michael, and John Stewart (1997) *Handling the wicked issues – a challenge for government*. University of Birmingham, School of Public Policy Discussion Paper. Birmingham: University of Birmingham.

Clatts, Michael C., and Kevin M. Mutchler (1989) 'AIDS and the dangerous other: metaphors of sex and deviance in the representation of disease', *Medical Anthropology*, 10(2-3): 105-114.

Collier, David (2011) 'Understanding process tracing', *PS: Political Science and Politics*, 44(4): 823-830.

Commission of the European Communities (1996) *Communication from the commission to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation*, COM(96) 567. Brussels: European Commission.

Conseil National du Sida (2010) *VIH et commerce du sexe. Garantir l'accès universel à la prévention et aux soins*. Conseil National du Sida: Paris.

Coppel, Anne (2002) *Peut-on civiliser les drogues? De la guerre à la drogue à la réduction des risques*. Paris: La Découverte.

Coppel, Anne, Lydia Braggiotti, Isabell de Vincenzi, Sylvie Besson, Rosemary Ancelle, and Jean-Baptiste Brunet (1990) *Recherche-action: prostitution et santé publique. rapport final*. Paris: WHO Collaborating Center on AIDS and Institut de Médecine et d'Épidémiologie Africaines et Tropicales.

Coquart, Elisabeth (2006) *Marthe Richard de la petite à la grande vertu*. Paris: Payot.

Corbin, Alain (1996) *Women for hire: prostitution and sexuality in France after 1850*, translated from the French by Alan Sheridan. Cambridge, MA: Harvard University Press.

Council of Europe (2007) *Council of Europe Resolution 1579 (2007): prostitution – which stance to take?*. [Online]. Available from: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1579.htm> [accessed, 20/10/2014].

Cox, Robert Henry (2001) 'The social construction of an imperative: why welfare reform happened in Denmark and the Netherlands but not in Germany', *World Politics*, 53(3): 463-498.

Cox, Robert Henry (2004) 'The path-dependency of an idea: why Scandinavian welfare states remain distinct', *Social Policy and Administration*, 38(2): 204-219.

Commission nationale consultative des droits de l'homme (CNCDDH) (2010) *Avis sur la traite et l'exploitation des êtres humains en France*. Paris: Commission nationale consultative des droits de l'homme.

Conseil national du sida (CNS) (2010) *VIH et commerce du sexe. Garantir l'accès universel à la prévention aux soins*. Paris: Conseil national du sida.

Cromer, Sylvie, Odile Krakovich, and Marie-Victoire Louis (1992) 'Entretien avec M. Sapin, Ministre délégué à la justice, concernant la réforme du code penal', *Project Féministes*, 3(October): 87-103. [Online]. Available at: www.marievictoirelouis.net/document.php?id=666&themeid= [accessed 16/05/12]

Crowhurst, Isabelle, Joyce Outshoorn and May-Len Skilbrei (2012) 'Introduction: prostitution policies in Europe', *Sexuality Research and Social Policy*, 9(3): 187-191.

Danet, Jean (2006) 'Réflexions sur deux exemples de politiques pénales locales autour de la prostitution, in Jean Danet and Véronique Guienne (eds), *Action publique et prostitution*, pp. 99-110. Rennes: Presses Universitaires de Rennes.

Danet, Jean (2008) 'Cinq ans de frénésie pénale', in Laurent Mucchielli (ed.), *La frénésie sécuritaire*, p. 19-29. Paris: La Découverte.

Danet, Jean, and Véronique Guienne (2006) 'Introduction', in Jean Danet and Véronique Guienne (eds), *Action publique et prostitution*, pp. 11-15. Rennes: Presses Universitaires de Rennes.

D'Anieri, Paul, Claire Ernst, and Elizabeth Kier (1990) 'New social movements in historical perspective', *Comparative Politics*, 22(4): 445-458.

Danna, Daniela (2012) 'Client-only criminalization in the city of Stockholm: a local research on the application of the "Swedish model" of prostitution policy', *Sexuality Research and Social Policy*, 9(1): 80-93.

David, Marion (2006) 'Maux de la rue et corps du délit', in Jean Danet and Véronique Guienne (eds), *Action publique et prostitution*, pp. 111-133. Rennes: Presses Universitaires de Rennes.

Delacoste, Frederique, and Priscilla Alexander (1988) *Sex work: writings by women in the sex industry*. London: Virago.

deLeon, Peter, and Linda deLeon (2002) 'What ever happened to policy implementation? An alternative approach', *Journal of Public Administration Research and Theory*, 12(4): 467-492.

Dery, John (1984) *Problem definition in policy analysis*. Lawrence, KS: University of Kansas Press.

Derycke, Dinah (2001) *Les politiques publiques et la prostitution: rapport d'information sur l'activité de la délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes pour l'année 2000*, Senate information report n°209 (2000-2001). Paris: Sénat.

Deschamps, Catherine (2005) 'Mobilisations parisiennes des prostitué(e)s', in Marie-Elisabeth Handman and Janine Mossuz-Lavau (eds), *La prostitution à Paris*, pp. 91-120. Paris: Éditions de la Martinière.

Deschamps, Catherine (2007) 'La figure de l'étrangère dans la prostitution', *Autrepart*, 42: 39-52.

Deschamps, Catherine (2008) 'Ville et prostitution: rivales ou riveraines?', *Recherches Sociologiques et Anthropologiques*, 39(1): 105-115.

Deschamps, Catherine, and Anne Souyris (2008) *Femmes publiques: les féminisme à l'épreuve de la prostitution*. Paris: Les Éditions Amsterdam.

Direction générale de la cohésion sociale (2010) *Synthèse de l'actualité, 30 avril 2010*, Service des droits des femmes et de l'égalité entre les femmes et les

hommes. [Online]. Available from: http://travail-emploi.gouv.fr/IMG/pdf/Synthese_actualite_30-04-10.pdf [accessed 30/05/2016]

Doezema, Jo (1999) 'Loose women or lost women? The re-emergence of the myth of white slavery in contemporary discourses of trafficking in women', *Gender Issues*, 18(1): 23-50.

Doezema, Jo (2005) 'Now you see her, now you don't: sex workers at the UN trafficking protocol negotiation', *Social and Legal Studies*, 14(1): 61-89.

Doezema, Jo (2006) 'Abolitionism', in Melissa Hope Ditmore (ed.), *Encyclopedia of prostitution and sex work, volume 1*, pp. 4-7. Westport, CT: Greenwood Press.

Dowding, Keith, Patrick Dunleavy, Desmond King, Helen Margetts and Yvonne Rydin (1999) 'Regime politics in London local government', *Urban Affairs Review*, 34(4): 515-545.

Duchen, Claire (2000) 'Crime and punishment in liberated France: the case of 'les femmes tondues'', in Claire Duchen, and Irene Bandhauer-Schöffmann (eds), *When the war was over: women, war and peace in Europe, 1940-1956*, pp. 233-250. London; New York: Leicester University Press.

Ducloux, Anne (1994) *Ad ecclesiam confugere: naissance du droit d'asile dans les églises (IV^e – milieu du V^e s.)*. Paris: De Boccard.

Duverger, Sylvia (2015) 'Simone Iff: du protestantisme au féminisme', *Nouvelles Questions Féministes*, 34(1): 158-166.

Dworkin, Andrea (1987) *Intercourse*. New York: Free Press.

Dworkin, Andrea (1989) *Pornography: men possessing women*. New York: Plume.

Edelman, Murray J. (1964) *The symbolic uses of politics*. Chicago: University of Illinois Press.

Edelman, Murray J. (1995 [1964]) 'Symbols and political quiescence', in Stella Z. Theodoulou and Matthew A. Cahn (eds.), *Public policy: the essential readings*, pp. 26-33. New Jersey: Prentice Hall.

Eisensten, Hester (1990) 'Femocrats, official feminism and the uses of power', in Sophie Watson(ed.), *Playing the state: Australian feminist interventions*, pp. 87-104. London: Verso Press.

Eisner, Marc Allen (1994) 'Discovering patterns in regulatory history: continuity, change and regulatory regimes', *Journal of Policy History*, 6(2): 157-187.

Eisner, Marc Allen (2000) *Regulatory politics in transition*, 2nd edition. Baltimore, MD: Johns Hopkins University Press.

Elder, Charles D. and Roger W. Cobb (1983) *The political use of symbols*. New York; London: Longman.

Ellis, Margaret E. and Nina Therese Kasniunas (2011) 'Gay rights: nature or nurture?', in Raymond Tatalovich and Byron W. Daynes (eds.), *Moral controversies in American politics*, pp. 80-109. Armonk, NY: M.E. Sharpe.

Elmore, Richard F. (1980) 'Backward mapping: implementation research and policy decisions', *Political Science Quarterly*, 94(4): 601-616.

Engeli, Isabelle, and Christine Rothmayr Allison (2013) 'Diverging against all odds? Regulatory paths in embryonic stem cell research across Western Europe', *Journal of European Public Policy*, 20(3): 407-424.

Engeli, Isabelle, Christoffer Green-Pedersen and Lars Thorup Larsen (2012) 'Theoretical perspectives on morality issues', in Isabelle Engeli, Christoffer Green-Pedersen and Lars Thorup Larsen (eds.), *Morality politics in Western Europe: parties, agendas and policy choices*, pp. 5-26. Basingstoke: Palgrave Macmillan.

Erikson, Kai T. (1962) 'Notes on the sociology of deviance', *Social Problems*, 9: 307-314.

Esping-Andersen, Gosta (1990) *The three worlds of welfare capitalism*. Princeton, NJ: Princeton University Press.

Euchner, Eva-Maria, Stephan Heichel, Kerston Nebel, and Andreas Raschzok (2013) 'From 'morality' policy to 'normal' policy: framing of drug consumption and gambling in Germany and the Netherlands and their regulatory consequences', *Journal of European Public Policy*, 20(3): 372-389.

Euchner, Eva-Marie, and Christoph Knill (2015) 'Prostitution: sin, unavoidable evil, or recognized profession?', in Christoph Knill, Christian Adam, and Steffen Hurka (eds.), *On the road to permissiveness? Change and the convergence of moral regulation in Europe*, pp. 129-156. Oxford: Oxford University Press.

Fairbanks, James David (1981) 'Morality legislation and policy analysis', *The Public Policy Journal*, 10(1): 149-160.

Falleti, Tulia G. (2010) 'Infiltrating the State: the evolution of health care reforms in Brazil, 1964-1988', in James Mahoney and Kathleen Thelen (eds), *Explaining institutional change: ambiguity, agency, and power*, pp. 38-61. New York: Cambridge University Press.

Falleti, Tulia G. and Julia F. Lynch (2009) 'Context and causal mechanisms in political analysis', *Comparative Political Studies*, 42(9): 1143-1166.

Falletti, Tulia, G. and James Mahoney (2015) 'The comparative sequential method', in James Mahoney and Kathleen Thelen (eds.), *Advances in comparative-historical analysis*, pp. 211-239. Cambridge: Cambridge University Press.

Farley, John E. (1987) *American social problems*. Englewood Cliffs, NJ: Prentice-Hall.

Fassin, Éric (2003) 'À propos de 'Les violences envers les femmes en France', une enquête nationale', *Mouvements*, 30: 170-172.

Fassin, Éric (2006) 'Questions sexuelles, questions raciales. Parallèles, tensions et articulations', in Éric Fassin and Didier Fassin (eds.), *De la question sociale à la question raciale?*, pp. 230-248. Paris: La Découverte.

Fausto-Sterling, Anne (2000) *Sexing the body: gender politics and the construction of sexuality*. New York: Basic Books.

Favre, Pierre (1992) 'Introduction: l'émergence des problèmes dans le champs politique', in Pierre Favre (ed.), *Sida et politique: les premiers affrontements (1981-1987)*, pp. 5-37. Paris: l'Harmattan.

Finlay, Linda (2002) "'Outing" the researcher: the provenance, process, and practice of reflexivity', *Qualitative Health Research*, 12(4): 531-545.

Finnemore, Martha, and Kathryn Sikkink (2001) 'Taking stock: the constructivist research program in international relations and comparative politics', *Annual Review of Political Science*, 4: 391-416.

Fondation Scelles (2000) *Peuple de l'abîme: la prostitution aujourd'hui. Actes imprimés*. Paris: Fondation Scelles.

Fournier, Pierre, and Louise Potvin (1995) 'Participation communautaire et programs de santé: les fondements du dogme', *Sciences Sociales et Santé*, 13(2): 39-59.

Froman, Daniel J. (1968) 'The categorization of policy contents', in Austin Ranney (ed.), *Political Science and Public Policy*, pp. 41-52. Chicago: Markham.

Garcia, Florence (2009) 'Complémentarité de la recherche et des actions de terrain. Le travail de prévention VIH et d'accès aux droits avec les personnes prostituées', *Tracés*, 9(1): 157-164.

George, Alexander L. (1979) 'Case studies and theory development: the method of structured, focused comparison', in Paul Gordon Lauren (ed.), *Diplomatic history: new approaches*, pp. 43-68. New York: Free Press.

George, Alexander L. and Andrew Bennett (2005) *Case studies and theory development in the social sciences*. Cambridge, MA: Harvard University.

Gerring, John (1999) 'What makes a concept good? A criterial framework for understanding concept formation in the social sciences', *Polity*, 31(3): 357-393.

Gerring, John (2004) 'What is a case study and what is it good for?', *American Political Science Review*, 98(2): 341-354.

Gerring, John (2007) *Case study research: principles and practices*. New York: Cambridge University Press.

Giroux, Hélène (2006) '“It was such a handy term”: management fashions and pragmatic ambiguity', *Journal of Management Studies*, 43(6): 1227-1260.

Glaser, Barney G. (1965) 'The constant comparative method of qualitative analysis', *Social Problems*, 12: 436-45.

Glaser Barney G., and Anselm L. Strauss (2012 [1967]) *The discovery of grounded theory: strategies for qualitative research*. Rutgers, NJ: Transaction Publishers.

Glick Schiller, Nina, Stephen Crystal and Denver Lewellen (1994) 'Risky business: the cultural construction of AIDS risk groups', *Social Science and Medicine*, 38(10): 1337-1346.

Godard, Aline (1998) 'Préface du Ministère de l'Emploi et de la Solidarité', in Fondation Scelles (ed.), *Memento de 16 associations françaises face à la prostitution*, p. 9. Paris: Fondation Scelles.

Goertz, Gary (2003) *International norms and decision making: a punctuated equilibrium model*. Oxford, UK; Lanham, MD: Rowman and Littlefield.

Goertz, Gary, and James Mahoney (2006) 'A tale of two cultures: contrasting qualitative and quantitative research', *Political Analysis*, 14: 227-249.

Goldstone, Jack (1998) 'Initial conditions, general laws, path-dependence, and explanation in historical sociology', *American Journal of Sociology*, 104(3): 829-845.

Goldstein, Judith, and Robert O. Keohane (1993) 'Ideas and foreign policy: an analytical framework', in Judith Goldstein and Robert O. Keohane (eds.), *Ideas and foreign policy: beliefs, institutions and political change*, pp. 3-30. Ithaca, NY: Cornell University Press.

Goldstein, Kenneth (2002) 'Getting in the door: sampling and completing elite interviews', *PS: Political Science and Politics*, 35(4): 669-672.

Gorges, Michael J. (2001) 'New institutionalist explanations for institutional change: a note of caution', *Politics*, 21(2): 137-145.

Gould, Arthur (2001) 'The criminalisation of buying sex: the politics of prostitution in Sweden', *Journal of Social Policy*, 30(3): 437-456.

Greener, Ian (2005) 'The potential of path dependence in political studies', *Politics*, 25(1): 62-72.

Greenberg, George D, Jeffrey A. Miller, Lawrence B. Mohr and Bruce C. Vladeck (1977) 'Developing public policy theory: perspectives from empirical research', *American Political Science Review*, 71(4): 1532-1543.

Guba, Egon G. and Yvonna S. Lincoln (1985) *Naturalistic inquiry*. Newbury Park, CA: Sage.

Guienne, Véronique, (2006a) 'La prostitution, une catégorie sociale construite', in Jean Danet and Véronique Guienne (eds), *Action publique et prostitution*, pp. 19-33. Rennes: Presses Universitaires de Rennes.

Guienne, Véronique, (2006b) 'Politiques problématiques pour femmes publiques', in Jean Danet and Véronique Guienne (eds), *Action publique et prostitution*, pp. 81-98. Rennes: Presses Universitaires de Rennes.

Gusfield, Joseph R. (1963) *Symbolic crusade, status politics and the American temperance movement*. Chicago: University of Illinois Press.

Gusfield, Joseph R. (1989) 'Constructing the ownership of social problems: fun, and profit in the welfare state', *American Journal of Sociology*, 36(5): 431-441.

Guzzini, Stefano (2011) 'Securitization as a causal mechanism', *Security Dialogue*, 42(4-5): 329-341.

Haas, Peter M. (1992) 'Introduction: epistemic communities and international policy coordination', *International Organization*, 46(1): 1-35.

Hacker, Jacob S. (2002) *The divided welfare state: the battle over public and private social benefits in the United States*. Cambridge: Cambridge University Press.

Hacker, Jacob S. (2004) 'Privatizing risk without privatizing the welfare state: the politics of social policy retrenchment in the United States', *American Political Science Review*, 98(2): 243-260.

Hacker, Jacob S. (2005) 'Policy drift: the hidden politics of US welfare state retrenchment', in Wolfgang Streeck and Kathleen Thelen (eds.), *Beyond continuity: institutional change in advanced political economies*, pp. 40-82. New York: Oxford University Press.

Haider-Markel, Donald P. (2001) 'Morality in Congress? Legislative voting on gay issues', in Christopher Z. Mooney (ed.), *The public clash of private values: the politics of morality policy*, pp. 115-29. Chatham, NJ: Chatham House.

Haider-Markel, Donald P., and Kenneth J. Meier (1996) 'The politics of gay and lesbian rights: expanding the scope of the conflict', *The Journal of Politics*, 58(2): 332-49.

Halimi, Gisèle (2008) *La clause de l'européenne la plus favorisée: le meilleur de l'Europe pour les femmes*. Paris: Choisir la Cause des Femmes.

Hall, Peter A. (1993), "Policy paradigms, social learning, and the State", *Comparative Politics*, 25(3): 275-296.

Hall, Peter A., (1997), "The role of interests, institutions, and ideas in the comparative political economy of the industrialized nations", in Mark Irving Lichback and Alan S. Zuckerman (eds.), *Comparative politics: rationality, culture and structure*, pp. 174-207. Cambridge: Cambridge University Press.

Hall, Peter A. and Rosemary C.R. Taylor (1996) 'Political science and the three new institutionalisms', *Political Studies*, 44(5): 936-957.

Handman, Marie-Elisabeth (2005) 'Enquête sur la prostitution', in Marie-Elisabeth Handman and Janine Mossuz-Lavau (eds), *La prostitution à Paris*, pp. 19-39. Paris: Éditions de la Martinière.

Handman, Marie-Elisabeth and Janine Mossuz-Lavau (eds.) (2005), *La prostitution à Paris*. Paris: Éditions de la Martinière.

Hannan, Michael T. and John Freeman (1989) *Organisational ecology*. Cambridge, MA: Harvard University Press.

Harden, Victoria A. and Dennis Rodrigues (2002) 'Context for a new disease: aspects of biomedical research policy in the United States before AIDS', in Virginia Berridge and Philip Strong (eds.), *AIDS and contemporary history*, pp. 182-202. Cambridge; New York: Cambridge University Press.

Harris, Richard A. and Sidney M. Milkis (1989) *The politics of regulatory change: a tale of two agencies*. New York: Oxford University Press.

Haut Conseil à l'Égalité entre les Femmes et les Hommes (HCEfh) (2013) *Avis sur la proposition de loi no. 1437 renforçant la lutte contre le système prostitutionnel*. Paris: HCEfh.

Hay, Colin (2002) *Political analysis: a critical introduction*. Basingstoke: Palgrave.

Heclo, Hugh (1974) *Modern social politics in Britain and Sweden: from relief to income maintenance*. New Haven; London: Yale University Press.

Heichel, Stephan, Cristophe Knill and Sophie Schmitt (2013) 'Public policy meets morality: conceptual and theoretical challenges in the analysis of morality policy change', *Journal of European Public Policy*, 20(3): 318-334.

Heinrich, Carolyn J, Carolyn J. Hill and Laurence E. Lynn, Jr. (2004) 'Governance as an organizing theme for empirical research', in Patricia A. Ingraham and Laurence E. Lynn, Jr. (eds.), *The art of governance: analysing management and administration*, pp. 3-19. Washington, D.C.: Georgetown University Press.

Hernes, Helga (1987) *Welfare state and woman power: essays in state feminism*. London: Norwegian University Press.

Hertz, Rosanna (1997) 'Introduction: reflexivity and voice', in Rosanna Hertz (ed.), *Reflexivity and voice*, pp. vii-xviii. Thousand Oaks, CA: Sage.

Herzlich, Claudine and Janine Pierret (1988) 'Une maladie dans l'espace public: le sida dans six quotidiens français', *Annales ESC*, 43(5): 1109-1134.

Hindle, Karen, Laura Barnett and Lyne Casavant (2003) *Prostitution: a review of legislation in selected countries*, Canadian Parliamentary Information and Research publication PRB 03-29. Ottawa: Service Legal Canadien/Canadian Legislative Affairs Division.

Hoffart, N. (1991) 'A membercheck procedure to enhance rigor in naturalistic research', *Western Journal of Nursing Research*, 13(4): 522-438.

Hogwood, Brian and Lewis A. Gunn (1984) *Policy analysis for the real world*. Oxford: Oxford University Press.

Hope, Mat and Ringa Raudla (2012) 'Discursive institutionalism and policy status in simple and compound polities: the cases of Estonian fiscal policy and United States climate change policy', *Policy Studies*, 33(5): 399-418.

Hoppe, Robert (2011) *The Governance of Problems: Puzzling, Powering, and Participation*. Bristol: The Policy Press.

Howlett, Michael (2001) 'Introduction: Policy Regimes and Policy Change in the Canadian Forest Sector', in Michael Howlett (ed.), *Canadian Forest Policy: Adapting to Change*, pp. 3-20. Toronto: University of Toronto Press.

Howlett, Michael (2009) 'Governance modes, policy regimes and operational plans: a multi-level nested model of policy instrument choice and policy design', *Policy Sciences*, 42(1): 73-89.

Hope Ditmore, Melissa (2006) 'Introduction', in Melissa Hope Ditmore (ed.), *Encyclopedia of prostitution and sex work*, pp. xxv-xxxix. Westport, CT; London: Greenwood Press.

Howlett, Michael and Jeremy Rayner (2006) 'Understanding the historical turn in the policy sciences: a critique of stochastic, narrative, path dependency and

process-sequencing models of policy-making over time', *Policy Sciences*, 39(1): 1-18.

Hubbard, Phil, Roger Matthews and Jane Scoular (2008) 'Regulating sex work in the EU: prostitute women and the new spaces of exclusion', *Gender, Place & Culture*, 15(2): 137-152.

Iceland Ministry of Justice and Ecclesiastical Affairs (2009) 'Chapter XXII – Sexual Offences', *General Penal Code*, no. 19/1940. [Online] Available at: <http://eng.innanrikisraduneyti.is/laws-and-regulations/nr/119> [accessed 20/10/2014]

Immergut, Ellen (1992) *Health politics: interests and institutions in Western Europe*. Cambridge, UK; New York, NY: Cambridge University Press.

Jackson, Gregory (2005) 'Contested boundaries: ambiguities and creativity in the evolution of German codetermination', in Wolfgang Streeck and Kathleen Thelen (eds.), *Beyond continuity: institutional change in advance political economies*, pp. 229-254. New York: Oxford University Press.

Jacobs, Alan M. (2015) 'Process-tracing the effects of ideas', in Andrew Bennett and Jeffrey T. Checkel (eds), *Process tracing in the social sciences: from metaphor to analytic tool*, pp. 41-73. Cambridge: Cambridge University Press.

Jacobs, Alan M. (2010) 'Policymaking as political constraint: institutional development in U.S. social security program', in James Mahoney and Kathleen Thelen (eds.), *Explaining institutional change: ambiguity, agency and power*, pp. 94-131. Cambridge; New York: Cambridge University Press.

Jakobsson, Niklas and Andreas Kotsadam (2013) 'The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation', *European Journal of Law and Economics*, 35(1): 87-107.

Jaksic, Milena (2008) 'Figures de la victime de la traite des êtres humains: de la victime idéale à la victime coupable', *Cahiers Internationaux de la Sociologie*, 124: 127-146.

Jaspard, Maryse, et al. (2003) *Les violences envers les femmes*. Paris: La Documentation Française.

Jaspard, Maryse (2005) 'Les violences envers les femmes: une reconnaissance difficile', in Margaret Maruani (ed.), *Femmes, Genre et Société*, pp. 148-156. Paris: La Découverte.

Jaspard, Maryse (2006) 'Les violences envers les femmes en France: contexte, résultats et impacte de l'enquête Enveff', in Annie Bureau, et al. (eds), *Féminisme II, 2005: des femmes et du politique*, pp. 28-37. Paris: Éditions de la Bibliothèque.

Jeffries, Sheila (1997) *The idea of prostitution*. Melbourne: Spinifex Press.

Jenkins-Smith, Hank C., Gilbert K. St.Clair and Brian Woods (1991) 'Explaining change in policy subsystems: analysis of coalition stability and defection over time', *American Journal of Political Science*, 35(4): 851-880.

Jenson, Jane and Mariette Sineau (1994) 'François Mitterrand and French women: un rendez-vous manqué', *French Politics and Society*, 12(4): 35-52.

Jepperson, Ronald L. (1991) 'Institutions, institutional effects, and institutionalisation', in Walter W. Powell and Paul J. DiMaggio (eds), *The new institutionalism in organizational analysis*, pp. 143-163. Chicago: University of Chicago Press.

Jobert, Bruno (1989) 'The normative frameworks of public policy', *Political Studies*, 37(3): 376-386.

Jochim, Ashley E. and May, Peter J. (2010a) 'Beyond subsystems: policy regimes and governance', *The Policy Studies Journal*, 38(2): 303-327.

Jochim, Ashley E. and Peter J. May (2010b) 'Policy regimes and governance: perspectives from political science', in Taco Brandsen and Marc Holzer (eds.), *The future of governance: selected papers from the Fifth Transatlantic Dialogue on Public Administration*, pp. 117-134. Newark, NJ: National Center for Public Performance.

Kay, Adrian (2006) *The dynamics of public policy*. Cheltenham: Edward Elgar.

Keeler, John (1993) 'Opening the window for reform: mandates, crises, and extraordinary policy-making', *Comparative Political Studies*, 25(4): 433-486.

Kettl, Donald F. (2006) 'Managing boundaries in American administration, the collaboration imperative', *Public Administration Review*, 66(s1): 10-19.

Kilvington, Judith, Sophie Day and Helen Ward (2001) 'Prostitution in Europe: a time of change?', *Feminist Review*, 67(1): 78-93.

King, Nigel and Christine Horrocks (2010) *Interviews in qualitative research*. Thousand Oaks: Sage.

Kingdon, John W. (2011) *Agendas, alternatives, and public policies*, 2nd edition. Harlow: Pearson.

Kitschelt, Herbert (1992) 'Political regime change: structure and process-driven explanations', *American Political Science Review*, 86(4): 1028-34.

Kligman, Gail and Stephanie Limoncelli (2005) 'Trafficking women after socialism: from, to, and through Eastern Europe', *Social Politics*, 12(1): 118-140.

Knill, Christoph (2013) 'The study of morality policy: analytical implications from a public policy perspective', *Journal of European Public Policy*, 20(3): 309-317.

Krasner, Stephen D. (ed.) (1983), *International regimes*. Cambridge, MA: Cornell University Press.

Kratochwil, Friedrich and John G. Ruggie (1997) 'International organization: the state of the art', in Paul F. Diehl (ed.), *The politics of global governance: international organizations in an interdependent world*, pp. 17-27. Boulder, CO: Lynne Rienner.

Lange, Matthew (2013) *Comparative-historical methods*. London; Thousand Oaks, CA: Sage.

LaPira, Timothy M. (2014) 'Lobbying after 9/11: policy regime emergence and interest group mobilization', *Policy Studies Journal*, 42(2): 226-251.

Lasswell, Harold D. (1948) *Power and personality*. New York, NY: W.W. Norton and Company.

Leclerc, Françoise and Michèle Weindling (1995) 'La répression des femmes coupables d'avoir collaboré pendant l'Occupation', *Femmes, Genre, Histoire*, 1: 2-11.

Le Cri (1993) *La prostitution aujourd'hui... Au marché du sexe, client, qui es-tu?*, Université d'été du Cri, 11-13, Dijon, 11-13.

Leech, Beth L. (2002) 'Asking questions: techniques for semistructured interviews', *PS: Political Science and Politics*, 35(4): 665-668.

Le Floch, Franck (1992) 'Michèle Barzach "ministre du sida": Les modalités d'une politization technicienne', in Pierre Favre (ed.), *Sida et politique: les premiers affrontements (1981-1987)*, pp. 175-187. Paris: l'Harmattan.

Legro, Jeffrey W. (2000) 'The transformation of policy ideas', *American Journal of Political Science*, 44(3): 419-432.

Léonard, Sarah and Christian Kaunert (2011) 'Reconceptualizing the audience in securitization theory', in Thierry Balzacq (ed.), *Securitization theory: how security problems emerge and dissolve*, pp. 57-75. Oxon; New York: Routledge.

Leroy, Pieter and Bas Arts (2006) 'Institutional dynamics in environmental governance', in Pieter Leroy and Bas Arts (eds.), *Institutional dynamics in environmental governance*, pp. 1-20. Springer: the Netherlands.

Leufen, Dirk, (2006) 'Bienvenue or access denied? Recruiting French political elites for in-depth interviews', *French Politics*, 4(3): 342-347.

Lewis, Jane (1993) 'Public health doctors and AIDS as a public health issue', in Virginia Berridge and Philip Strong (eds.), *AIDS and contemporary history*, pp. 37-54. Cambridge; New York: Cambridge University Press.

Lilleker, D.G. (2003) 'Interviewing the political elite: navigating a potential minefield', *Politics*, 23(3): 207-214.

Lim, Lin Lean (1998) *The sex sector: the economic and social bases of prostitution in Southeast Asia*. Geneva: International Labour Office.

Link, Bruce G. and Jo C. Phelan (1999) 'Labeling and stigma', in Carol S. Aneshensel and Jo C. Phelan (eds.), *Handbook of sociology and social research*, pp. 481-494. Madison, WI: Springer.

Limoncelli, Stephanie A. (2006) 'International voluntary associations, local social movements and state paths to the abolition of regulated prostitution in Europe, 1875-1950', *International Sociology*, 21(1): 31-59.

Locher, Birgit (2007) *Trafficking in women in the European Union: norms, advocacy-networks and policy-change*. New York: Springer.

Loseke, Donileen (2010) *Thinking about social problems: an introduction to constructionist perspectives*, 2nd edition. New Brunswick; New Jersey: Transaction Publishers.

Lowi, Theodore (1964) 'American business, public policy, case-studies and political theory', *World Politics*, 16(4): 677-715.

Lowi, Theodore J. (1972) 'Four systems of policy, politics, and choice', *Public Administration Review*, 32(4): 298-310.

Lowi, Theodore J. (2011) 'Foreword: new dimensions in policy and politics', in Raymond Tatalovich and Byron W. Daynes (eds.), *Moral controversies in American politics*, pp. x-xxix. Armonk, NY: M.E. Sharpe.

Lustick, Ian (1996) 'History, historiography, and political science: multiple historical records and the problem of selection bias', *American Political Science Review*, 90(3): 605-618.

Lynd, Robert S. (1939) *Knowledge of what? The place of social science in American culture*. Princeton, NJ: Princeton University Press.

Machiels, Christine (2008) 'Dealing with the issue of prostitution: mobilizing feminisms in France, Switzerland and Belgium (1875-1920) (work in progress)', *Women's History Review*, 17(2): 195-205.

MacKinnon, Catherine (1987) *Feminism unmodified: discourses on life and law*. Cambridge, MA: Harvard University Press.

MacKinnon, Catherine (1989) *Towards a feminist theory of the State*. Cambridge, MA: Harvard University Press.

MacKinnon, Catherine (1990) 'Confronting the liberal lies about prostitution', in D. Leidholdt and J. Raymond (eds.), *The sexual liberals and the attack on feminism*. New York: Elsevier Science.

Maffesoli, Sarah-Marie (2008) 'Le traitement juridique de la prostitution', *Sociétés*, 99(1): 33-46.

Mahoney, James (2000) 'Path dependence in historical sociology', *Theory and Society*, 29: 507-548.

Mahoney, James (2001) 'Path-dependent explanation in regime change: Central America in comparative perspective', *Studies in Comparative International Development*, 36(1): 111-141.

Mahoney, James (2003) 'Knowledge accumulation in comparative historical research: the case of democracy and authoritarianism', in James Mahoney and Dietrich Rueschmeyer (eds), *Comparative historical analysis in the social sciences*, pp. 131-174. Cambridge: Cambridge University Press.

Mahoney, James and Kathleen Thelen (2010a) 'A theory of gradual institutional change', in James Mahoney and Kathleen Thelen (eds.), *Explaining institutional change: ambiguity, agency and power*, pp. 103-126. New York, NY: Cambridge University Press.

Mahoney, James and Kathleen Thelen (eds.) (2010b) *Explaining institutional change: ambiguity, agency and power*. Cambridge: Cambridge University Press.

Mahoney, James (2015) 'Process tracing and historical explanation', *Security Studies*, 24(2): 200-218.

de Maillard, Jacques and Sebastian Roché (2004) 'Crime and justice in France: time trends, policies and political debate', *European Journal of Criminology*, 1(1): 111-151.

Mainsant, Gwénaëlle (2013) 'Gérer les contradictions du droit "par le bas"', *Actes de la Recherche en Sciences Sociales*, 198(3): 23-34.

March, James G. and Johan P. Olsen (1989) *Rediscovering institutions: the organisational basis of politics*. New York: The Free Press.

Marliac-Négrier, Claire (2002) 'Vagabondage et marginalité: droit et non-droit', in Marie-Thérèse Avon-Soletti (ed.), *Des vagabonds aux SDF: approches d'une marginalité*, pp. 176- 203. Saint-Étienne: Université de Saint-Étienne.

Martin, Pierre (2002) 'Les élections de 2002 constituent-elles un "moment de rupture" dans la vie politique française?', *Revue Française de Science Politique*, 52(5): 593-606.

Martinez, Hubert (1993) 'Flux de prostitution, organisation des "euro-criminels" et ripostes policières', *Revue d'Études et d'Information de la Gendarmerie*, 3: 51-55.

Marx, Jean L. (1982) 'New disease baffles medical community', *Science*, 217(4560): 618- 621.

Mathieu, Lilian (1998) *L'action collective des prostituées: le cheminement incertain de la constitution d'un groupe*. Unpublished thesis, University of Paris Nanterre-X.

Mathieu, Lilian (1999a) 'Une mobilisation improbable: l'occupation de l'église Saint-Nizier par les prostituées lyonnaises', *Revue Française de Sociologie*, 40(3): 475-499.

Mathieu, Lilian (1999b) 'Entre prévention du sida et réaffiliation sociale: les associations des "santé communautaires"', *Cahiers de Recherches de la MIRE*, 7(12): 23-29.

Mathieu, Lilian (2000) *Prostitution et sida: sociologie d'une épidémie et de sa prévention*. Paris: L'Harmattan.

Mathieu, Lilian (2001) *Mobilisations de prostituées*. Paris: Belin.

Mathieu, Lilian (2003) 'Prostituées et féministes en 1975 et 2002: l'impossible reconduction d'une alliance', *Travail, Genre et Sociétés*, 10: 31-48.

Mathieu, Lilian (2004a) 'Entre alienation du corps et sa libre disposition: Les politiques de la prostitution', in Didier Fassin et Dominique Memmi (eds.), *Le gouvernement des corps*, pp. 157-184. Paris: Éditions de École des Hautes Études en Sciences Sociales.

Mathieu, Lilian (2004b) 'The debate on prostitution in France: a conflict between abolitionism, regulation and prohibition', *Journal of Contemporary European Studies*, 12(2): 153-163.

Mathieu, Lilian (2005) 'Le débat français sur la prostitution', in Margaret Maruani (ed.), *Femmes, Genre et Sociétés*, pp. 364-371. Paris: La Découverte.

Mathieu, Lilian (2011) 'Neighbors' anxieties against prostitutes' fears: ambivalence and repression in the policing of street prostitution in France', *Emotion, Space and Society*, 4: 113-120.

Mathieu, Lilian (2012) 'An ambiguous compassion: policing and debating prostitution in contemporary France', *Sexuality Research & Social Policy*, 9(3): 203-211.

Mathieu, Lilian (2013a) *La fin du tapin: sociologie de la croisade pour l'abolition de la prostitution*. Lormont: Éditions François Bourin.

Mathieu, Lilian (2013b) 'Génèse et logiques des politiques de prostitution en France', *Les Actes de la Recherche en Sciences Sociales*, 198(3): 5-20.

Mathieu, Lilian (2014a) 'Invisibiliser et éloigner: wuelques tendances des politiques de la prostitution', *Regards Croisés sur l'Économie*, 15(2): 290-301.

Mathieu, Lilian (2014b) 'Minorités sexuelles', in Michel Pigenet (ed.), *Histoire des mouvements sociaux en France*, pp. 744-750. Paris: La Découverte.

Mathieu, Lilian, (2015), *La sociologie de la prostitution*. Paris: La Découverte.

Maugère, Amélie, (2009) *Les politiques de la prostitution: du Moyen Age au XXIe siècle*. Paris: Dalloz, Nouvelle Bibliothèque des Thèses Sciences Politiques.

Maugère, Amélie (2010) *La regulation de la prostitution en France a l'époque contemporaine: le passage d'un référentiel social à un référentiel sécuritaire?*, Conférence: Comment l'Etat fait-il notre lit? La regulation des sexualités en Europe, 25-26 Mach 2010, Brussels.

May, Peter J. (2014) 'Implementation failures revisited: policy regime perspectives', *Public Policy and Administration*, 29(3): 1-23.

May, Peter J. and Ashley E. Jochim, (2013) 'Policy regime perspectives: policies, politics, and governing', *Policy Studies Journal*, 41(3): 426-452.

May, Peter J., Ashley E. Jochim and Joshua Sapatichne (2011) 'Constructing homeland security: an anemic policy regime', *Policy Studies Journal*, 39(2): 285-307.

Mayer, Nonna (2002) 'Les hauts et les bas du vote Le Pen 2002', *Revue Française de Science Politique*, 52: 505-520.

Mayer, Sybilla (2011) 'Construction sociale de la "prostitution" et des "prostituées" par les riverains', *Déviance et Société*, 35(1): 35-58.

Mazur, Amy G. (1995) *Gender bias and the State: symbolic reform at work in Fifth Republic France*. Pittsburgh, London: University of Pittsburgh Press.

Mazur, Amy G. (2002) *Theorizing feminist policy*. New York: Oxford University Press.

Mazur, Amy G. (2004) 'Prostitute movements face elite apathy and gender-biased universalism in France', in Joyce Outshoorn (ed.), *The politics of prostitution: women's movements, democratic states and the globalisation of sex commerce*, pp. 123-143. Cambridge: Cambridge University Press.

McAdam, Doug, Sidney Tarrow and Charles Tilly (2001) *Dynamics of contention*. Cambridge: Cambridge University Press.

- McBride, Dorothy E. and Amy G. Mazur (2010) *The politics of state feminism: innovation in comparative research*. Philadelphia: Temple University Press.
- McCracken, Jill (2006) 'Terminology', in Melissa Hope Ditmore (ed.), *Encyclopedia of prostitution and sex work*, pp. 476-478. Westport, CT; London: Greenwood Press.
- McGuinn, Patrick J. (2006) *No Child Left Behind and the transformation of education policy, 1965-2000*. Lawrence, KS: University Press of Kansas.
- Mehta, Jal (2011) 'The varied roles of ideas in politics: from "whether" to "how"', in Daniel Béland and Robert Henry Cox (eds.), *Ideas and politics in social science research*, pp. 23-46. Oxford: Oxford University Press.
- Meier, Kenneth (1999) 'Drugs, sex, rock and roll: a theory of morality politics', *Policy Studies Journal*, 27(4): 681-695.
- Meier, Kenneth J. and Deborah R. McFarlane (1993) 'Abortion politics and abortion funding policy', in Malcolm L. Goggin (ed.), *Understanding the new politics of abortion*, pp. 249-67. Newbury Park, CA: Sage.
- Mercier, Arnaud (1992) 'Les médias comme espace scénique', in Pierre Favre (ed.), *Sida et politique: les premiers affrontements (1981-1987)*, pp. 109-126. Paris: l'Harmattan.
- Metanoya (2003) *Prostitution: état des lieux partagé et perspectives*. Ille et Vilaine: Metanoya.
- Nisbet Robert, (1971 [1961]) 'Introduction: the study of social problems', in Robert K. Merton and Robert Nisbet (eds.), *Contemporary social problems*, 3rd edition, pp.1-27. New York: Harcourt Brace Jovanovitch.
- Mero-Jaffe, Irit (2011) '“Is that what I said?” Interview transcript approval by participants: an aspect of ethics in qualitative research', *International Journal of Qualitative Methods*, 10(3): 231-247.
- Meyer, J.W. and B. Rowan (1990) 'The role of institutions in the revival of trade: the Medieval law merchant, private judges, and the Champagne Fairs', *Economics and Politics*, 2(1): 1-23.
- Meyer, Heinz-Dieter and Brian Rowan (eds.) (2006) *The new institutionalism in education*. Albany, NY: State University of New York Press.
- Miles, Matthew B. , A. Michael Huberman and Johnny Saldaña (2014), *Qualitative data analysis: a methods sourcebook*. London; Los Angeles; New Delhi; Thousand Oaks: Sage.
- Miller, Carol (1995) 'In-depth interviewing by telephone: some practical considerations', *Evaluation and Research in Education*, 9(1): 29-38.

- Millet, Kate (1975) *The prostitution papers*. St. Albans: Paladim.
- Mintrom, Michael (2013) 'Policy entrepreneurs and controversial science: governing human embryonic stem cell research', *Journal of European Public Policy*, 20(3): 442-457.
- Monjardet, Dominique (2002) 'L'insécurité politique: police et sécurité dans l'arène électorale', *Sociologie du Travail*, 44(4): 543-555.
- Monjardet, Dominique (2004) 'Le terrorisme international et la cage d'escalier. La sécurité publique dans le débat politique en France', *Canadian Journal of Law and Society/Revue Canadienne Droit et Société*, 19(1): 135-151.
- Mooney, Christopher Z. (1999) 'The politics of morality policy: symposium editor's introduction', *Policy Studies Journal*, 27(4): 675-680.
- Mooney, Christopher Z. (2001) 'The public clash of private values', in Christopher Z. Mooney (ed.), *The public clash of private values: the politics of morality policy*, pp. 1-19. Chatham, NJ: Chatham House.
- Mooney, Christopher Z. and Mei-Hsien Lee (1995) 'Legislating morality in the American States: the case of pre-Roe abortion regulation reform', *American Journal of Political Science*, 39: 599-627.
- Mooney, Christopher Z. and Richard G. Schuldt (2006) *Does morality policy exist? Testing a basic assumption*. Annual Meeting of the American Political Science Association, 31 August-3 September, Philadelphia, PA.
- Mossberger, Karen and Gerry Stoker (2001) 'The evolution of urban regime theory: the challenge of conceptualisation', *Urban Affairs Review*, 36(6): 810-835.
- Mossuz-Lavau, Janine (2007) 'Prostitution in Paris', in Daniela Danna (ed.), *Prostitution and public life in four European capitals*, pp. 10-23. Rome: Carocci.
- Mouvement du Nid (2010a) *Prostitution, une seul option: l'abolition! Actes des colloques organisés par le Mouvement du Nid – France de mai 2009 à février 2010*. Paris: Mouvement du Nid.
- Mouvement du Nid (2010b) *Rapport d'activité 2010*. Clichy: Mouvement du Nid.
- Mucchielli, Laurent (2007) *Violences et insécurité: fantasmes et réalités dans le débat français*. Paris: La Découverte.
- Mucchielli, Laurent (2008a) 'Le "nouveau management de la sécurité" à l'épreuve: délinquance et activité policière sous le ministère Sarkozy (2002-2007)', *Champ Pénal/Penal Field*, 5. [Online]. Available at: <http://champpenal.revues.org/3663> [accessed on 09/05/2014]

Mucchielli, Laurent (2008b) 'Introduction, in Laurent Mucchielli (ed), *La frénésie sécuritaire*, pp. 5-17. Paris: La Découverte.

Mucciaroni, Gary (2011) 'Are debates about "morality policy" really about morality? Framing opposition to gay and lesbian rights', *Policy Studies Journal*, 39(2): 187-216.

Munro, Vanessa E. and Marina Della Giusta (2008) 'The regulation of prostitution: contemporary contexts and comparative perspectives', in Vanessa E. Munro and Marina Della Giusta (eds), *Demanding sex: critical reflections on the regulation of prostitution*, pp. 1-12. Hampshire; Burlington, VT: Ashgate.

Murray, Rainbow (2008) 'Fifty years of feminising France's Fifth Republic', *Modern and Contemporary France*, 16(4). 469-482.

Nadelmann, Ethan A. (1990) 'Global prohibition regimes: the evolution of norms in international society', *International Organization*, 44(4): 479-526.

Nikander, Pirjo (2008) 'Working with transcripts and translated data', *Qualitative Research in Psychology*, 5(3): 225-231.

Norberg, Kathryn (2013) 'The body of the prostitute: medieval to modern', in Sarah Toulalan and Kate Fischer (eds.), *The Routledge history of sex and the body: 1500 to the present*, pp. 393-407. Oxon; New York: Routledge.

Northcott, Wayne and Jeffra Flaitz (1985) 'Women, politics and the French socialist government', *West European Politics*, 8(4): 50-70.

O'Brien, Erin, Sharon Hayes and Belinda Carpenter (2013) *The politics of sex trafficking: a moral geography*. New York, NY: Palgrave Macmillan.

O'Connell Davidson, Julia (1998) *Prostitution, power and freedom*. Cambridge: Polity Press.

Oliver, Daniel, G., Julianne M. Serovich and Tina L. Mason (2005) 'Constraints and opportunities with interview transcription: towards reflection in qualitative research', *Social Forces*, 84(2): 1273-1289.

O'Neill, Maggie (2001) *Prostitution and feminism: towards a politics of feeling*. Cambridge: Polity.

Orren, Karen and Stephen Skowronek (1994) 'Beyond the iconography of order: notes on the 'new' institutionalism', in Lawrence C. Dodd and Calvin C. Jillson (eds.), *The dynamics of American politics*, pp. 311-330. Boulder, CO: Westview Press.

Otis, Leah Lydia (1985) *Prostitution in medieval society: the history of urban prostitution in Languedoc*. Chicago: University of Chicago Press.

Outshoorn, Joyce (1992) '*Femocrats*' in the Netherlands: mission or career. European Consortium for Political Research annual conference, 30 March-4 April, Limerick.

Outshoorn, Joyce (2001) 'Debating prostitution in parliament', *European Journal of Women's Studies*, 8(4): 472-490.

Outshoorn, Joyce (2004a) 'Introduction: prostitution, women's movements and democratic politics', in Joyce Outshoorn (ed.), *The politics of prostitution: women's movements, democratic states and the globalisation of sex commerce*, pp. 1-20. Cambridge: Cambridge University Press.

Outshoorn, Joyce (2004b) 'Pragmatism in the polder: changing prostitution policy in the Netherlands', *Journal of Contemporary European Studies*, 12(2): 165-176.

Outshoorn, Joyce (2004c) 'Voluntary and forced prostitution: the 'realistic approach' of the Netherlands', in Joyce Outshoorn (ed.), *The politics of prostitution: women's movements, democratic states, and the globalisation of sex commerce*, pp. 185-204. Cambridge; New York: Cambridge University Press.

Outshoorn, Joyce (2005) 'The political debates on prostitution and trafficking of women', *Social Politics*, 12(1): 141-155.

Outshoorn, Joyce (2015) 'The struggle for bodily integrity in the Netherlands', in Joyce Outshoorn (ed.), *European women's movements and body politics: the struggle for autonomy*, pp. 52-83. New York: Palgrave Macmillan.

Ouvard, Lucille (2000) *La prostitution: analyse juridique et choix de politique criminelle*. Paris: L'Harmattan.

Overall, Christine (1992) 'What wrong with prostitution? Evaluating sex work', *Signs*, 17(4): 705-724.

Padamsee, Tasleem J. (2009) 'Culture in connection: re-contextualising ideational processes in the analysis of policy development', *Social Politics*, 16(4): 413-445.

Page, Benjamin I. (1976) 'The theory of political ambiguity', *The American Political Science Review*, 70(3): 742-752.

Palier, Bruno (2005) 'Ambiguous agreement, cumulative change: French social policy in the 1990s', in Wolfgang Streeck and Kathleen Thelen (eds.), *Beyond continuity: institutional change in advanced political economies*, pp. 127-144. New York: Oxford University Press.

Parker, Rachel and Oleg Parenta (2008) 'Explaining contradictions in film and television industry policy: ideas and incremental policy change through layering and drift', *Media, Culture and Society*, 30(5): 609-622.

Parsons, Craig (2011) 'Ideas, position, and supranationality', in Daniel Béland and Robert Henry Cox (eds.), *Ideas and politics in social science research*, pp. 127-142. Oxford; New York: Oxford University Press.

Parti Socialiste (2012) *Garantir les droits des femmes et transformer la société vers plus d'égalité: 40 engagements pour l'égalité femmes-hommes*. Paris: Parti Socialiste.

Pateman, Carole (1983) 'Defending prostitution: charges against Ericsson', *Ethics* 93: 561-65.

Pateman, Carole (1988) *The sexual contract*. Cambridge: Polity Press.

Patton, Michael Q. (1990) *Qualitative evaluation and research methods*. Beverly Hills, CA: Sage.

Payne, Rodger A. (2001) 'Persuasion, frames and norm construction', *European Journal of International Relations*, 7(1): 37-61.

Penttinen, Elina (2008) *Globalization, prostitution and sex-trafficking: corporeal politics*. Oxon: Routledge.

Pempel, T.J. (1998) *Regime shift: comparative dynamics of the Japanese political economy*. Ithaca, NY: Cornell University Press.

Peräkylä, Anssi (1997) 'Validity and reliability in research based tapes and transcripts', in David Silverman (ed), *Qualitative analysis: issues of theory and method*, pp. 201-220. London: Sage.

Perrineau, Pascal (ed.) (2003) *Chroniques électorales: le vote de tous les refus: les élections présidentielles et législatives de 2002*. Paris: Presses de Sciences Po.

Peters, B. Guy (2005) *Institutional theory in political theory: the 'new institutionalism'*, 2nd edition. London: Continuum.

Peters, B. Guy, Jon Pierre and Desmond S. King (2005) 'The politics of path dependency: political conflict in historical institutionalism', *The Journal of Politics*, 67(4): 1275-1300.

Peyrefitte, Alain (1977) *Réponse à la violence: Rapport à M. Le Président de la République du Comité d'étude sur la violence, la criminalité, et la délinquance*. Paris: La Documentation Française.

Pheterson, Gail (1989) *A vindication of the rights of whores*. Seattle, WA: Seal Press.

Pheterson, Gail (1996) *The prostitution prism*. Amsterdam: Amsterdam University Press.

- Picq, Françoise (2002) 'Le féminisme entre passé recomposé et futur incertain', *Cités*, 9(1): 25-38.
- Pierson, Paul (1993) 'When effect becomes cause: policy feedback and political change', *World Politics*, 45(4): 595-628.
- Pierson, Paul (2000) 'Increasing returns, path dependence, and the study of politics', *The American Political Science Review*, 94(2): 251-267.
- Pierson, Paul (2004) *Politics in time: history, institutions, and social analysis*. Princeton, NJ: Princeton University Press.
- Pierson, Paul (2005) 'The study of policy development', *Journal of Policy History*, 17(1): 34-51.
- Pinell, Patrice (2002) 'Introduction', in Patrice Pinel (ed.), *Une épidémie politique: la lutte contre le sida en France (1981-1996)*, pp. 1-23. Paris: Presses Universitaires de France.
- Pinell, Patrice, Claude Thiaudière and Pierre-Olivier de Busscher (2002) 'L'aide à la recherche', in Patrice Pinel (ed.), *Une épidémie politique: la lutte contre le sida en France (1981-1996)*, pp. 139-150. Paris: Presses Universitaires de France.
- Pinot, Guy (1975) *Mission d'information sur la prostitution: rapport*. Ministère de la condition féminine: Paris.
- Pokorn, Nike K. (2005) *Challenging the traditional axioms: translating into a non-mother tongue*. Amsterdam; Philadelphia: John Benjamins.
- Poland, Blake D. (1995) 'Transcription quality as an aspect of rigor in qualitative research', *Qualitative Inquiry*, 1(3): 290-310.
- Pollak, Michael (1992) 'Histoire d'une cause', *Autrement*, 130: 24-39.
- Poncela, Pierrette (2010) 'La pénalisation des comportements dans l'espace public', *Archives de politique criminelle*, 32(1): 5-21.
- Powell, Walter W. (1991) 'Expanding the scope of institutional analysis', in W. Powell and P. DiMaggio (eds.), *The new institutionalism in organizational analysis*, pp. 183-203. Chicago: University of Chicago Press.
- Pradel, Jean (1994) 'Les innovations du nouveau Code pénal', in Yves Castan et al. (eds), *Les cahiers de la sécurité intérieure: le nouveau Code pénal. normes et société*, pp. 27-38. Paris: La Documentation Française.
- Pratt, Murray (1998) 'The defense of the straight state: heteronormativity, AIDS in France, and the space of the nation', *French Cultural Studies*, 9(27): 263-280.

Pryen, Stéphanie (1999) 'Usage de drogues et prostitution de rue: l'instrumentalisation d'un stigmat pour la légitimation d'une pratique indigne', *Sociétés Contemporaines*, 36(1): 33-51.

Radaelli, Claudio (1995) 'The role of knowledge in the policy process', *Journal of European Public Policy*, 2(2): 159-183.

Rapley, Tim (2007) *Doing conversation, discourse and document analysis*. London; Thousand Oaks; New Delhi; Singapore: Sage.

Richard, Jérôme (2006) 'L'émergence d'une politique criminelle européenne autour de la prostitution', in Jean Danet and Véronique (eds), *Action publique et prostitution*, pp. 63-77. Rennes: Presses Universitaires de Rennes.

Rittle, Horst W.J. and Melvin M. Webber (1973) 'Dilemmas in a general theory of planning', *Policy Sciences*, 4: 155-169.

Roberts, Mary Louise (2010) 'The silver foxhole: the GIs and prostitution in Paris, 1944-1945', *French Historical Studies*, 33(1): 99-128.

Rocco, Philip and Chloe Thurston (2014) 'From metaphors to measures: observable indicators of gradual institutional change', *Journal of Public Policy*, 34(1): 35-62.

Roché, Sebastian (2012) 'Towards a new governance of crime and insecurity in France', in Adam Crawford (ed.), *Crime and insecurity: the governance of safety in Europe*, pp. 213-233. Oxon; New York: Routledge.

Rocheft, David A. and Roger W. Cobb (1993) 'Problem definition, agenda access, and policy choice', *Policy Studies Journal*, 21(1): 56-71.

Rodgers, Harrell R., Glenn Beamer and Lee Payne (2008) 'No race in any direction: state welfare and income regimes', *Policy Studies Journal*, 36(4): 525-43.

Romagnoli, Laura (2010) *La traite humaine à caractère sexuel et les associations abolitionnistes en France*. Torino: L'Harmattan Italia.

Rouso, Henry (1992) 'L'épuration en France: une histoire inachevée', *Vingtième Siècle*, 33(1): 78-105.

Ruddin, Lee Peter (2006) 'You can generalize, stupid! Social scientists, Bent Flyvberg, and case study methodology', *Qualitative Inquiry*, 12(4): 797-812.

Rueschmeyer, Dietrich and James Mahoney (eds) (2003) *Comparative historical analysis in the social sciences*. Cambridge: Cambridge University Press.

Rueschmeyer, Dietrich and John D. Stephens (1997) 'Comparing historical sequences: a powerful tool for causal analysis', *Comparative Social Research*, 16: 55-72.

Rudra Sil and Peter J. Katzenstein (2010) 'Analytic eclecticism in the study of world politics: Reconfiguring problems and mechanisms across research traditions', *Perspectives on Politics*, 8(2): 411-431.

Sacotte, Marcel (1971) *La prostitution, que peut-on faire? Problèmes d'aujourd'hui et de demain*. Paris: Buchet/Chastel.

Saldaña, Johnny (2013) *The coding manual for qualitative researchers*. Thousand Oaks: Sage.

Salisbury, Robert H. (1968) 'The analysis of public policy: A search for theories and roles', in Austin Ranney (ed.), *Political science and public policy*, pp.151-175. Chicago: Markham.

Salmon, Wesley C. (2006) *Four decades of scientific explanation*, 3rd edition. Minneapolis: University of Minnesota Press.

Sampson, Laurent (2014) "'The Obscenities of this Country": *Canada v. Bedford* and the Reform of Canadian Prostitution laws', *Duke Journal of Gender Law and Policy*, 22: 137-172.

Sanders, Teela, Maggie O'Neill and Jane Pitcher (2009) *Prostitution, Sex Work, Policy and Politics*. London: SAGE Publications.

Sanselme, Franck, (2004) 'Des riverains à l'épreuve de la prostitution', *Les Annales de la Recherche Urbaine*, 95: 111-117.

Sarantakos, Sotirios (2012) *Social Research*, 4th edition. Basingstoke: Palgrave Macmillan.

Sarde, Michèle (1988) 'L'action du ministère des droits de la femme, 1981-86: un bilan', *The French Review*, 61(6): 931-941.

Scaramuzzino, Gabriella and Roberto Scaramuzzino (2014) 'Violence, Sex or Work? Claims-Making Against the Swedish Ban on the Purchase of Sexual Services on the Internet', *Social Work and Society*, 12(1). [Online]. Available from: <https://www.socwork.net/sws/article/view/392/740> [accessed 21/10/2014]

Schensul, Jean J. (2008) 'Documents', in Lisa M. Given (ed), *The SAGE Encyclopedia of Qualitative Research Methods*, p. 233. Thousand Oaks: Sage.

Schickler, Eric (2001) *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress*. Princeton, NJ: Princeton University Press.

Schlager, Edella (1999) 'Conclusions. A comparison of frameworks, theories, and models of policy processes', in Paul Sabatier (ed.), *Theories of the Policy Process*, pp.233-259. Boulder, CO: Westview Press.

Schmidt, Vivien (2008) 'Discursive institutionalism: The explanatory power of ideas and discourse', *Annual Review of Political Science*, 11: 303-326.

Schmidt, Vivien (2011) 'Reconciling Ideas and Institutions through Discursive Institutionalism', in Daniel Béland and Robert H. Cox (eds.), *Ideas and Politics in Social Science Research*, pp. 47-63. New York: Oxford University Press.

Schmitt, Sophie, Eva-Maria Euchner and Caroline Preidel (2013) 'Regulating prostitution and same-sex marriage in Italy and Spain: The Interplay of Political and Social Veto Players in Two Catholic Societies', *Journal of European Public Policy*, 20(3): 425-441.

Schneider, Ann and Helen Ingram (1993) 'Social construction of target populations: Implications for politics and policy', *American Political Science Review*, 87(2): 334-347.

Schneider, Ann L. and Helen M. Ingram (1997) *Policy Design for Democracy, Studies in Government and Public Policy*. Lawrence: University of Kansas.

Schneider, Ann L. and Helen M. Ingram (2005) 'Introduction: Public Policy and the Social Construction of Deservedness', in Anne L. Schneider and Helen M. Ingram (eds.), *Deserving and Entitled: Social Constructions and Public Policy*, pp. 1-34. Albany, NY: State University of New York Press.

Schur, Edwin (1971) *Our Criminal Society*. Englewood-Cliffs: Prentice-Hall.

Schur, Edwin (1984) *Labeling women deviant: Gender, stigma, and social control*. Philadelphia, PA: Temple University Press.

Scott, John (1990) *A Matter of Record: Documentary Sources in Social Research*. Cambridge: Polity Press.

Scoular, Jane (2004) 'The 'subject' of prostitution: Interpreting the discursive, symbolic and material position of sex/work in feminist theory', *Feminist Theory*, 5(3): 343-355.

Scoular, Jane (2010) 'What Law Got To Do With It? How and Why Law Matters in the Regulation of Sex Work', *Journal of Law and Society*, 37(1): 12-39.

Scoular, Jane (2015) *The Subject of Prostitution: Sex Work, Law and Social Theory*. Oxon: Routledge.

Scoular, Jane and Maggie O'Neill (2007) 'Regulating Prostitution: Social Inclusion, Responsibilization and the Politics of Prostitution Reform', *British Journal of Criminology*, 47(5): 764-778.

Seale, Clive (1999) 'The Quality of Qualitative Research', *Qualitative Inquiry*, 5(4): 465-478.

Seidman, Irving (2013) *Interviewing as qualitative research: A guide for researchers in education and the social sciences*, 4th edition. NY: Teachers College Press.

Serre, Anne, Camille Cabral, Sonia Castelletti, Jean-Baptiste Brunet and Isabell de Vincenzi (1994) 'Recherche-Action auprès des transsexuels et travestis prostitués à Paris', *Bulletin épidémiologique hebdomadaire*, 1994(20): 89-90.

Service de l'accès au droit et à la justice et e la politique de la ville (2005) *Les Associations et la lutte contre les violences au sein du couple*. Paris: Service de l'accès au droit et à la justice et e la politique de la ville.

Sheingate, Adam D. (2001) *The Rise of the Agricultural Welfare State: Institutions and Interest Group Power in the United States, France, and Japan*. Princeton, NJ: Princeton University Press.

Showden, Carisa R. (2009) 'What's Political about the New Feminisms?', *Frontiers*, 30(2): 166-198.

Showden, Carisa R. and Samantha Majic (eds.) (2014) *Negotiating Sex Work: Unintended Consequences of Policy and Activism*. Minneapolis: University of Minnesota Press.

Shpaizman, Ilana (2014) 'Ideas and institutional conversion through layering: The case of Israeli immigration policy', *Public Administration*, 92(4): 1038-1053.

Silverman, David (2011) *Interpreting Qualitative Research*, 4th edition. London; Thousand Oaks; New Delhi; Singapore: Sage.

Siméant, Johanna (1998) *La cause des sans-papiers*. Paris: Presses de Sciences Po.

Simon, Sophie (2014) 'Violences faites aux femmes: Définitions, principaux chiffres et politiques publiques de lutte', *Les Tribunes de la santé*, 44(3): 93-98.

Skilbrei, May-Len and Charlotta Holmström (2011) 'Is there a Nordic prostitution regime?', *Crime and Justice*, 40: 479-518.

Skilbrei, May-Len and Charlotta Holmström (2013) *Prostitution policy in the Nordic region: ambiguous sympathies*. London; New York: Routledge.

Smelser, Neil J. (1976) *Comparative Methods in the Social Sciences*. Englewood Cliffs, NJ: Prentice-Hall.

Smith, Katherine (2013) 'Institutional filters: The translation and re-circulation of ideas about health inequalities within policy', *Policy & Politics*, 41(1): 81-100.

Smith, T. Alexander and Raymond Tatalovich (2003) *Cultures at War: Moral Conflicts in Western Democracies*. Peterborough, ON: Broadview Press.

Solé, Jacques (1993) *L'Âge d'or de la prostitution de 1870 à nos jours*. Paris: Librarie Plon.

Spanger, Marlene (2011) 'Human trafficking as a lever for feminist voices? Transformations of the Danish policy field of prostitution', *Critical Social Policy*, 31(4): 517-539.

Spector, Malcolm and John I. Kitsuse (2009) *Constructing Social Problems*. New Brunswick; New Jersey: Transaction Publishers.

Sproule, J. Michael (1989) 'Progressive propaganda critics and the magic bullet myth', *Critical Studies in Mass Communication*, 6(3): 225-246.

St.Denny, Emily (2014) "'The personal is political science': Epistemological and methodological issues in feminist social science research on prostitution', *Journal of International Women's Studies*, 16(1): 76-90.

Steffen, Monika, (1993), 'AIDS policies in France', in Virginia Berridge and Philip Strong (eds.), *AIDS and Contemporary History*, pp. 240-264. Cambridge; New York: Cambridge University Press.

Steinberg, Paul F. (2007) 'Causal Assessment in Small-N Policy Studies', *The Policy Studies Journal*, 35(2): 181-204.

Steinmo, Sven (2008) 'Historical Institutionalism', in Donatella Della Porta and Michael Keating (eds), *Approaches and Methodologies in the Social Sciences*, pp. 118-128. Cambridge: Cambridge University Press.

Stetson, Dorothy E. and Amy G. Mazur (eds.) (1995) *Comparative state feminism*. London; Thousand Oaks, CA: Sage Publications.

Stone, Clarence N. (1989) *Regime Politics: Governing Atlanta 1946-1988*. Lawrence, KS: University Press of Kansas.

Stone, Deborah (2002) *Policy Paradox: The Art of Political Decision Making, Revised Edition*, 3rd edition. New York; London: W. W. Norton.

Stone, Deborah (2012) *Policy Paradox: The Art of Political Decision Making*, 3rd edition. New York; London: W.W.Norton and Co.

Stone Sweet, Alec, Neil Fligstein and Wayne Sandholtz (2001) 'The institutionalisation of European Space', in Alec Stone Sweet, Wayne Sandholtz and Neil Fligstein (eds), *The Institutionalisation of Europe*, pp. 1-28. New York: Oxford University Press.

Streeck, Wolfgang (1992) *Social Institutions and Economic Performance*. Newbury Park, CA: Sage Publications.

Streeck, Wolfgang and Kathleen Thelen (2005a) 'Introduction', in Wolfgang Streeck and Kathleen Thelen (eds.), *Beyond continuity: Institutional Change in Advanced Political Economies*, pp. 1-57. Oxford: Oxford University Press.

Streeck, Wolfgang and Kathleen Thelen (2005b) *Beyond Continuity: Institutional Change in Advanced Political Economies*. New York, NY: Oxford University Press.

Strickland, Ruth Ann (2011) 'Abortion: Pro-Choice versus Pro-Life', in Raymond Tatalovich and Byron W. Daynes (eds.), *Moral Controversies in American Politics*, pp. 3-43. Armonk, NY: M.E. Sharpe.

Studlar, Donley (2001) 'What constitutes morality policy? A cross-national analysis', in Christopher Z. Mooney (ed.), *The Public Clash of Private Values: The Politics of Morality Policy*, pp. 37-51. Chatham, NJ: Chatham House.

Sturges, Judith E. and Kathleen, J. Hanrahan (2004) 'Comparing Telephone and Face-to-Face Qualitative Interviewing: a Research Note', *Qualitative Research*, 4(1): 107-118.

Sullivan, Barbara (2010) 'When (Some) prostitution is Legal: The Impact of Law Reform on Sex Work in Australia', *Journal of Law and Society*, 37(1): 85-104.

Sullivan, Helen and Chris Skelcher (2002) *Working Across Boundaries: Collaboration in Public Services*. Basingstoke: Palgrave.

Summers, Anne (2008) 'Introduction: the International Abolitionist Federation', *Women's History Review*, 17(2): 149-152.

Svanström, Yvonne (2004) 'Criminalising the john – a Swedish gender model', in Joyce Outshoorn (ed.), *The Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce*, pp. 225-244. Cambridge: Cambridge University Press.

Tansey, Oisín (2007) 'Process Tracing and Elite Interviewing: A Case for Non-probability Sampling', *PS: Political Science and Politics*, 40(4): 765-772.

Tatalovich, Raymond and Byron W. Daynes (2011) 'Introduction: Moral conflicts and the policy process', in Raymond Tatalovich and Byron W. Daynes (eds.), *Moral Controversies in American Politics*, pp. xxix-xli. Armonk, NY: M.E. Sharpe.

Tausig, Jane E. and Ellen W. Freeman (1988) 'The Next best Thing to Being There: Conducting the Clinical Research Interview by Telephone', *American Journal of Orthopsychiatry*, 58(3): 418-27.

- Tévanian, Pierre (2003) 'Le mythe de l'insécurité', *Lignes*, 10(1): pp. 175-188.
- Thacher, David and Martin Rein (2004) 'Managing Value Conflict in Public Policy', *Governance*, 17(4): 457-486.
- Thelen, Kathleen (1993) 'European Labour in Transition: Sweden and Germany Compared', *World Politics*, 46(1): 23-49.
- Thelen, Kathleen (1999) 'Historical institutionalism in comparative politics', *Annual Review of Political Science*, 2(1): 369-404.
- Thelen, Kathleen (2002) 'How institutions evolve: Insights from comparative-historical analysis', in James Mahoney and Diertrich Rueschemeyer (eds.), *Comparative Historical Analysis in the Social Sciences*, pp. 208-240. New York: Cambridge University Press.
- Thelen, Kathleen (2004) *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan*. New York: Cambridge University Press.
- Thelen, Kathleen and James Mahoney (2015) 'Comparative-historical analysis in contemporary political science', in James Mahoney and Kathleen Thelen (eds.), *Advances in Comparative-Historical Analysis*, pp. 3-37. Cambridge: Cambridge University Press.
- Thelen, Kathleen and Sven Steinmo (1992) 'Historical Institutionalism in Comparative Politics', in Sven Steinmo, Kathleen Thelen and Frank Longstreth (eds), *Structuring Politics: Historical Institutionalism in Comparative Analysis*, pp. 1-32. Cambridge: Cambridge University Press.
- Thiaudière, Claude and Pierre Pinell (2002) 'Le temps de la 'non-intervention' (1982-1985)', in Patrice Pinel (ed.), *Une épidémie politique: La lutte contre le sida en France (1981-1996)*, pp. 77-90. Paris: Presses Universitaires de France.
- Tolbert, Pamela S. and Lynne G. Zucker (1996) 'The institutionalization of institutional theory', in Stewart R. Clegg, Cynthia Hardy and Walter R. North (eds), *Handbook of Organization Studies*, pp. 175-190. London; Thousand Oaks, CA: SAGE Publications.
- Toupin, Louise (2002) 'La scission politique du féminisme international sur la question du 'trafic des femmes': Vers la 'migration' d'un certain féminisme radical?', *Recherches féministes*, 15(2): 9-39.
- United Nations (1996) *Rapport de la Quatrième Conférence Mondiale sur les Femmes*, A/CONF.177/20/Rev.1. New York: United Nations.
- Védrine, Huber (2001) 'Exposé des motifs', *Project de loi autorisant la ratification du protocole additionnel à la convention des Nations unies contre la criminalité transnationale organisée visant à prévenir, réprimer et punir la traite*

des personnes, en particulier des femmes et des enfants, n° 118, 5 December. Paris: Assemblée nationale.

Verloo, Mieke (2005) 'Mainstreaming Gender Equality in Europe: A Critical Frame Analysis Approach', *The Greek Review of Social Research*, 117: 11-34.

Verloo, Mieke and Emanuela Lombardo (2007) *Contested Gender Equality and Policy Variety in Europe: Introducing a Critical Frame Analysis Approach*. Budapest: CPS Books.

Vernier, Johanne (2005) 'La Loi pour la sécurité intérieure: punir les victimes du proxénétisme pour mieux les protéger?', Marie-Elisabeth Handman and Janine Mossuz-Lavau (eds), *La Prostitution à Paris*, pp. 121-152. Paris: Éditions de la Martinière.

Vernier, Johanne (2010) 'La répression de la prostitution à la conquête de nouveaux espaces', *Archives de politique criminelle*, 32(1): 75-92.

de Vincenzi, Isabell (1989) 'Sida et prostituées: Revue des données françaises', *Bulletin épidémiologique hebdomadaire*, 40: 165-166.

de Vincenzi, Isabell, Lydia Braggiotti, Mounir El-Amri, Rosemary Ancelle-Park and Jean-Baptiste Brunet (1992) 'Infection par le VIH dans une population de prostituées à Paris', *Bulletin épidémiologique hebdomadaire*, 47: 223-224.

Virgili, Fabrice (1995) 'Les "tondues" à la Libération: Le corps des femmes, enjeu d'une réappropriation', *Femmes, Genre, Histoire*, 1: 12-20.

Vlassopoulos, Chloe (2014) 'How policies change: clean air policy in France and Greece', in Michael Hill (ed.), *Studying Public Policy: An International Approach*, pp. 15-30. Bristol; Chicago: Policy Press.

Vogel, Stephen K. (2005) 'Routine adjustment and bounded innovation: The changing political economy of Japan', in Wolfgang Streeck and Kathleen Thelen (eds.), *Beyond continuity: Institutional change in advanced political economies*, pp. 145-168. Oxford; New York: Oxford University Press.

Vulbeau, Alain (2013) 'Rupture et incivilités à l'âge sécuritaire', *Connexions*, 99: 19-28.

Waever, Ole (1995) 'Securitization and Desecuritization', in Ronnie D. Lipschutz (ed.), *On Security*, pp. 46-86. New York: Columbia University Press.

Wagenaar, Hendril and Sietske Altink (2012) 'Prostitution as Morality Politics or Why It Is Exceedingly Difficult To Design and Sustain Effective Prostitution Policy', *Sexuality Research and Social Policy*, 9(3): 279-292.

Ward, Richard (1971) 'The labelling theory: A critical analysis', *Criminology*, 9: 268-290.

- Weaver, Kent (2010) 'Paths and Forks or Chutes and Ladders?: Negative Feedbacks and Policy Regime Change', *Journal of Public Policy*, 30(2): 137-162.
- Weber, Max (1949) *The Methodology of the Social Sciences*, translated by Edward A. Shils and Henry A. Finch (eds.). New York: Simon & Schuster.
- Weimer, David L. and Aidan R. Vining (1989) *Policy Analysis: Concepts and Practice*. Englewood Cliffs, NJ: Prentice Hall.
- West, Jackie (2000) 'Prostitution: Collectives and the Politics of Regulation', *Gender, Work and Organization*, 7(2): 106-118.
- White, Linda A. (2002) 'Ideas and the Welfare State: Explaining Child Care Policy Development in Canada and the United States', *Comparative Political Studies*, 35(6): 713-743.
- White, Linda A. (2004) 'Ideas and Normative Institutionalization: Explaining the Paradoxes of French Family and Employment Policy', *French Politics*, 2: 247-271.
- White, Linda A. (2009) 'Explaining Differences in Child Care Policy Development in France and the USA: Norms, Frames, Programmatic Ideas', *International Political Science Review*, 30(4): 385-405.
- Wohlwend, Renate (1997) *Report on the traffic in women and forced prostitution in Council of Europe member states*. Strasbourg: Council of Europe.
- Wilson, Carter A. (2000) 'Policy Regimes and Policy Change', *Journal of Public Policy*, 20(3): 247-274.
- Wilson, James Q. (1995) *Political Organizations*. Princeton, NJ: Princeton University Press.
- Wolfers, Arnold (1952) "'National Security" as an Ambiguous Symbol', *Political Science Quarterly*, 67(4): 481-502.
- Wolfram Cox, Julie and John Hassard, (2007) 'Ties to the past in organization research: A comparative analysis of retrospective methods', *Organization*, 14(4): 475-497.
- Woodward, James (2003) *Making Things Happen: A Theory of Causal Explanation*. Oxford; New York: Oxford University Press.
- Worsham, Jeff and Chaun Stores (2012) 'Pet Sounds: Subsystems, Regimes, Policy Punctuations, and the Neglect of African American Farmers', *Policy Studies Journal*, 40(1): 169-190.
- Yees AS. (1996) 'The Causal Effects of Ideas on Policies', *International Organization*, 50(1): 69-108.

Yin, R. K. (1989) *Case Study Research, Design, and Methods*. Newbury Park; London; New Delhi: Sage.

Zatz, Noah D. (1997) 'Sex Work/Sex Act: Law, Labour, and Desire in Constructions of Prostitution', *Signs*, 22(2): 277-308.

Newspaper, magazine articles, and press releases:

AIDES, Médecins du Monde, Arcat, Act-Up Paris, le Mouvement Français pour le Planning Familial, in Brigaud, Thierry (2013) 'Pénaliser les clients de la prostitution: un ticket pour la clandestinité', *Mediapart*, 5 November. [Online]. Available from: <https://blogs.mediapart.fr/edition/les-invites-de-mediapart/article/051113/penaliser-les-clients-de-la-prostitution-un-ticket-pour-la-clandestinite> [accessed 26/03/16]

AFP (1990a) 'Le PS estime que Mme Barzach mélange deux problèmes', 8 June, n.p.

AFP (1990b) 'Le spectre du SIDA relance le débat sur les maisons closes', 8 June, n.p.

AFP (1990c) 'Réouverture des maisons closes: l'avis des policiers', 8 June, n.p.

AFP (1990d) '80% des Français considèrent les "maisons closes" comme un moyen de limiter la propagation du SIDA', 8 June, n.p.

AFP (1990) 'Réouverture des maisons closes: hostilité du Planning familial et de la Ligue des Droits de l'Homme', 9 June, n.p.

AFP (1990a) 'Le ministre de la Santé Claude Evin contre la réouverture des maisons closes', 10 June, n.p.

AFP (2002) 'La mairie de Paris opposée à la réouverture des maisons closes', 2 July, n.p.

AFP (2006) 'Il y a 60 ans, la fermeture des maisons closes', 13 April, n.p.

AFP (2013) 'Prostitution: Touraine défend la pénalisation des clients', *Libération*, 20 November. [Online]. Available from: http://www.liberation.fr/societe/2013/11/20/prostitution-touraine-defend-la-penalisation-des-clients_950053 [accessed 05/08/2014]

Albertini, Catherine (2003) 'Étrange féminisme', *Le Monde*, 14 January, n.p.

Amiard, Christian (1997) 'Interview', *Lettre du Service des Droits des Femmes*, 47: 2-3. Paris: Service des Droits des Femmes.

Aulagnon, Michèle (1998) 'L'Europe divisée entre "abolitionnistes" et "réglementaristes"', *Le Monde*, 30 December, p. 2.

Aurore (1975) 'M. 'Prostitution' va s'attaquer à l'hypocrisie', 23 July, n.p.

Barret, Anne-Laure (2012) 'Vallaud-Belkacem : "Je souhaite que la prostitution disparaisse"', *Journal du Dimanche*, 23 June. [Online]. Available from: <http://www.lejdd.fr/Societe/Actualite/Vallaud-Belkacem-Je-souhaite-que-la-prostitution-disparaisse-interview-521763> [accessed 16/03/2016].

Barzach, Michèle (1990) 'Maisons closes: la prostitution n'a jamais existé', *Le Monde*, 21 June, p. 2.

Benkimoun, Paul (2005) 'Le Conseil national du sida juge "insuffisant" l'engagement de l'État en faveur de la prévention', *Le Monde*, 23 November 2005, p. 12.

Benloulou, Guy (2003) 'Entretien avec Malika Nor: "Cacher la prostitution est certainement rassurant mais ne résoud rien"', *Lien Social*, 668: n.p.

Bissuel, Bertrand (2002) 'De Metz à Quimper, nouvelle vague d'arrêtés antimendicité', *Le Monde*, 13 August, p. 6.

Bissuel, Bertrand (2002) 'Trois questions à Patrick Giros', *Le Monde*, 22 October, n.p.

Borrillo, Daniel, Éric Fassin, Jeanne Favret-Saada and Françoise Gaspard (2002) 'Non à la guerre aux prostituées', *Le Monde*, 8 November, p. 17.

Boucher, Philippe (1972) 'L'office chargé de la lutte contre le proxénétisme est réorganisé', *Le Monde*, 3-4 September, n.p.

Bousquet, Danielle, Christophe Caresche and Martine Lignières-Cassou (2003) 'Oui, abolitionnistes!', *Le Monde*, 15 January, n.p.

Brassat-Georg, Marie (1998) 'Prostitution: une progression inquiétante', *Les Dernières Nouvelles d'Alsace*, December, n.p.

Brisac, Geneviève, Marie Desplechin, Annie Ernaux, Kathleen Evin and Marie Masmonteil (2003) 'Prostitution: au vrai chic féministe', *Le Monde*, 15 January, n.p.

Ceaux, Pascal, Hervé Gattegno and Piotr Smolar (2002) 'Sarkozy se veut le défenseur de la "France des oubliés"', *Le Monde*, 24 October, p. 8.

Chambon, Frédéric, Alexanre Garcia and Piotr Smolar (2002) 'Magistrats et avocats s'indignent du projet Sarkozy', *Le Monde*, 27 October, n.p.

Chartier, Claire (2011) 'Prostitution: "Il y aura toujours des clients!"', *L'Express*, 13 April. [Online]. Available from:

http://www.lexpress.fr/actualite/societe/prostitution-il-y-aura-toujours-des-clients_981603.html [accessed 10/01/12]

Chastaing, Michel (1973a) 'La prostitution, aujourd'hui comme hier: (partie IV) en attendant Lincoln', *Le Monde*, 17 March, n.p.

Chastaing, Michel (1973b) 'La prostitution, aujourd'hui comme hier: (partie I) un suicide quotidien', *Le Monde*, 14 March, p.1; 14.

Chastaing, Michel (1981) 'Les associations d'accueil et de réadaptation sociale espèrent obtenir des "moyens nouveaux"', *Le Monde*, 20 May, n.p.

Chemin, Anne (2005) 'La loi Sarkozy a repoussé les prostituées à la périphérie des villes', *Le Monde*, 17 March 2005, p. 9.

Chemin, Anne (2011) 'La pénalisation des clients de prostituées qualifiée de retour au puritanisme', *Le Monde*, 25 April. [Online]. Available from: http://www.lexpress.fr/actualites/1/politique/sanctionner-les-clients-de-prostituees-mercier-plutot-pour_982329.html [accessed 25/05/2016]

Coignard, Jacqueline (2006) 'Prostitution: le PS veut pénaliser les clients', *Libération*, 6 July. [Online]. Available from: http://www.liberation.fr/politiques/2006/07/06/prostitution-le-ps--veut--penaliser--les-clients_45276 [accessed 22/08/2011]

Courtois, Claudia (2002a) 'Bordeaux s'attaque aux clients de la prostitution', *Le Monde*, 13 September, p. 11.

Cristofoli, Roberto (2004) 'Polémique sur la baisse de la prostitution', *Le Parisien*, 9 January. [Online]. Available from: <http://www.leparisien.fr/paris/polemique-sur-la-baisse-de-la-prostitution-09-01-2004-2004670445.php> [accessed 26/02/12]

Dabadie, Catherine (1998) 'Un collectif pour venir en aide aux prostituées', *Nord Éclair*, n.p.

Demonpion, Denis (2002) 'Insécurité: le cas d'école strasbourgeois', *Le Point*, 24 May, pp. 36-37.

Denuzière, Maurice (1972a) 'L'affaire de proxénétisme à Lyon: (partie I) des policiers entre le vice et la vertu', *Le Monde*, 20-21 August, n.p.

Denuzière, Maurice (1972b) 'L'affaire de proxénétisme à Lyon: (partie II) les pièges de la Croiz-Rousse', *Le Monde*, 30 August, n.p.

Denuzière, Maurice (1972c) 'Quand les prostituées descendent dans la rue', *Le Monde*, 27-28 August, n.p.

Deroubaix, Christophe (2001) 'Martine Durlach: 'On ne fait pas assez contre les trafics'', *L'Humanité*, 7 December, p. 16.

Dia, Malik (2013) 'Point de vue prostitution: "C'est minable et indigne!"', *Le Républicain Lorrain*, 12 November. [Online]. Available from: <http://www.republicain-lorrain.fr/actualite/2013/11/12/c-est-minable-et-indigne> [accessed 25/11/2014]

Dorion, Anne-Noémie (2002) 'Les maires en croisade contre la prostitution', *France Soir*, 13 July 2002, n.p.

Dupont, Gaëlle (2013) 'Prostitution: "L'État n'a pas à légiférer sur l'activité sexuelle des individus"', *Le Monde*, 19 November. [Online]. Available from: http://www.lemonde.fr/societe/article/2013/11/19/prostitution-pour-elisabeth-badinter-l-etat-n-a-pas-a-legiferer-sur-l-activite-sexuelle-des-individus_3516272_3224.html [accessed 04/05/2016]

Égré, Pascale (2003) 'Les villes démunies face à l'explosion de la prostitution', *Le Parisien*, 13 June. [Online]. Available: <http://www.leparisien.fr/faits-divers/les-villes-demunies-face-a-l-explosion-de-la-prostitution-13-06-2003-2004165494.php> [accessed 15/10/12]

Elle (2010) 'Chantal Brunel: "Il fait rouvrir des maisons closes minutieusement contrôlées"', 29 January, n.p.

Fabre, Clarisse (2002a) 'Prostitution: le gouvernement veut aussi s'attaquer aux proxénètes', *Le Monde*, 31 October, p. 8.

Fabre, Clarisse (2002b) 'À Paris, les Verts conseillers ès mobilisations des prostituées', *Le Monde*, 15 November, p. 9.

Fabre, Clarisse (2003) 'Le débat sur la prostitution brouille les clivages politiques', *Le Monde*, 16 January, p. 10.

Fabre, Clarisse and Claudia Courtois (2003) 'La loi réprimant le racolage se heurte à de nombreux obstacles', *Le Monde*, 1 August, p. 5.

Fabre, Clarisse and Nathalie Guibert (2003) 'Une infraction bien difficile à caractériser', *Le Monde*, 1 August, p. 5.

Fabre, Clarisse and Pascale Krémer (2002) 'Plusieurs centaines de "personnes prostituées" se sont rassemblées à Paris contre le projet Sarkozy', *Le Monde*, 7 November, p. 14.

FAI (1982) 'Commission des Droits de l'Homme: résumé du Représentant permanent de la France', *FAI newsletter*, n° 46: 2-3.

Ferniot, Michèle (1979) 'La garde à cheval contre la prostitution', *France Soir*, n.d., n.p.

Fort, José (2002) 'L'homme de Chirac', *L'Humanité*, 7 May, p. 4.

Fournier, Catherine (2011) 'Pénaliser les clients des prostituées: "c'est faire fi du consentement entre deux personnes majeures" – interview de Marie-Elisabeth Handman', *20 Minutes*, 13 April. [Online]. Available from: <http://www.20minutes.fr/societe/706273-20110413-societe-penaliser-clients-prostituees-c-faire-fi-consentement-entre-deux-personnes-majeures> [accessed 25/05/2016]

Frappat, Bruno (1974) 'Un décret précise les attributions de Mme Françoise Giroud', *Le Monde*, 25 July, n.p.

Frappat, Bruno (1975a) 'Chaque fois qu'une femme est en question', *Le Monde*, 11 June 1975, n.p.

Frappat, Bruno (1975b) 'M. Pinot remettra avant la fin de l'année son rapport sur la prostitution', *Le Monde*, 25 July, n.p.

Frappat, Bruno (1978) 'Sauver les apparences', *Le Monde*, 6 December, n.p.

Garcia, Alexandre (2002) 'Des professionnels de la justice dénoncent une campagne sécuritaire', *Le Monde*, 4 April, p. 12.

Garcia, Alexandre (2003) 'Premières applications contestées de la loi Sarkozy qui pénalise le racolage passif et la mendicité agressive', *Le Monde*, 19 April, n.p.

Genebrier, Roger (1957) 'Une lettre du préfet de police', *Le Monde*, 21 September, n.p.

Géraud, Alice (2012) 'Prostitution: les politiques dans l'impasse', *Libération*, 19 July. [Online]. Available from: http://www.liberation.fr/societe/2012/07/19/prostitution-les-politiques-dans-l-impasse_834462 [accessed 17/08/12]

Géraud, Alice (2013) 'Prostitution: les clients mis à l'amende', *Libération*, 10 November. [Online]. Available from: http://www.liberation.fr/societe/2013/11/10/prostitution-les-clients-mis-a-l-amende_946081 [accessed 25/11/2014]

Giroud, Françoise (1975) 'Lettre de Françoise Giroud à Le Monde', *Le Monde*, 8-10 June, n.p.

Gros, Marie-Joëlle (2002) 'Delanoë veut abolir la prostitution: la mairie de Paris de refuse à toute "organisation" de cette pratique', *Libération*, n.p.

Guenot, Hervé (2001) 'Vers une union des villes contre l'insécurité', *Le Figaro*, 11 October, p. 13.

Guérin, Marion (2013) 'Le collectif "Abolition 2012" a organisé ce samedi une "journée d'abolition citoyenne du système prostituteur". Le mouvement abolitionniste renforce ses rangs. Reportage', *L'Express*, 13 April. [Online].

Available from: http://www.lexpress.fr/actualite/societe/prostitution-les-abolitionnistes-gagnent-du-terrain_1240083.html [accessed 02/05/13]

Guiraud, Elise (2009) 'Grande cause nationale 2010: La prostitution, une violence réaffirmée!', *Prostitution et Société*. [Online]. Available from: <http://www.prostitutionetsociete.fr/societe/sexisme-egalite-hommes-et-femmes/grande-cause-nationale-2010-la> [accessed 30/05/2016]

Hofstein, Cyril (2000) 'La grande colère des riverains des boulevards parisiens', *Le Figaro*, 15-16 December, p. 32.

Iacub, Marcela, Catherine Millet and Catherine Robbe-Grillet (2003) 'Ni coupables, ni victimes: libres de se prostituer', *Le Monde*, 8 January, n.p.

Iff, Simone (1979) 'Non aux maisons closes', *Le Monde*, 17 January, n.p.

Iff, Simone (1980) 'Champ Libre: après le procès de Grenoble', *Libération*, 3 July, n.p.

Jeunes Radicaux de Gauche, et al. (2013) 'Pour une approche réaliste de la prostitution', *Libération*, 24 September. [Online]. Available from: http://www.liberation.fr/societe/2013/09/24/pour-une-approche-realiste-de-la-prostitution_934057 [accessed 28/10/13]

Kermarec, Yves (1998) 'Forum des élus', *Prostitution et Société*, 122: 18-19.

Krémer, Pascale (2000a) 'Des "travailleurs du sexe" s'invitent à un colloque antiprostitution', *Le Monde*, 18 May, p. 14.

Krémer, Pascale (2000b) 'Les "travailleurs du sexe" continuent leur combat', *Le Monde*, 3 July, p. 14.

Krémer, Pascale (2002) 'Des associations dénoncent l'amalgame entre insécurité et prostitution', *Le Monde*, 5 June, n.p.

Krémer, Pascale (2002) 'Le texte du gouvernement interdira, de fait, la prostitution sur la voie publique', *Le Monde*, 21 October, n.p.

Lafay, Bernard (1974) 'Point de vue: le bois de Boulogne', *Le Monde*, 9 September, n.p.

Laforgerie, Jean-François (2012) 'François Hollande: "Le sida ne doit pas seulement concerner ceux qui sont porteurs de cette maladie"', *Seronet*, 19 March. [Online]. Available from: <http://www.seronet.info/article/francois-hollande-le-sida-ne-doit-pas-seulement-concerner-ceux-qui-sont-porteurs-de-cette-ma> [accessed 16/03/2016]

Lansalot, Nicolas (2002) 'Trois questions à Maryse Joissains', *France Soir*, 13 June, n.p.

de Larminat, Astrid (2002) 'Prostitution: la France dans le camp des abolitionnistes', *Le Figaro*, n.p.

La Tribune (1990) 'Maisons closes: Michèle Barzach fait l'unanimité contre elle', 11 June, n.p.

L'Echo du Macadam (1981) 'Femmes prostituées oui, putains non', March, 1(1): 2.

L'Express (2011) 'Pénaliser les clients des prostituées: Mercier "plutôt pour"', 13 April. [Online]. Available from: http://www.lexpress.fr/actualites/1/politique/sanctionner-les-clients-de-prostituees-mercier-plutot-pour_982329.html [accessed 25/05/2016]

Le Figaro (2011) 'Un sénateur pour les maisons closes', 21 October, n.p.

Le Figaro (2012) 'Projet pour abroger le racolage passif', 17 December. [Online]. Available from: <http://www.lefigaro.fr/flash-actu/2012/12/17/97001-20121217FILWWW00566-projet-pour-abroger-le-racolage-passif.php> [accessed 28/12/12]

Le Figaro (2013) 'Loi sur la prostitution: Taubira reste inflexible', 13 November. [Online]. Available from: Publié le 13/11/2013 <http://www.lefigaro.fr/flash-actu/2013/11/13/97001-20131113FILWWW00638-loi-sur-la-prostitution-taubira-reste-inflexible.php> [accessed 25/11/2014]

Le Figaro (2014) 'Belkacem au Sénat sur la prostitution', 1 July. [Online]. Available from: <http://www.lefigaro.fr/flash-actu/2014/07/01/97001-20140701FILWWW00420-belkacem-au-senat-sur-la-prostitution.php> [accessed 09/07/2014]

Legardinier, Claudine (2006a) 'Maisons closes: 60 ans après la fermeture, l'éternelle tentation', *Prostitution et Société*. [Online]. Available from: <http://www.prostitutionetsociete.fr/eclairage/comprendre/maisons-closes-60-ans-apres-la?lang=fr> [accessed 03/02/2015]

Legardinier, Claudine (2006b) 'Laurence Rossignol: 'Une bataille a été gagnée mais la victoire est loin'', *Prostitution et Société*, 154: 14-15.

Legardinier, Claudine, (2006c) 'Nicole Borvo: 'Manifester au 'client' que ce qu'il fait est interdit'', *Prostitution et Société*, 153: 14-15.

Legardinier, Claudine (2016) 'Loi prostitution: une révolution française', *Prostitution et Société*. [Online]. Available from: <http://prostitutionetsociete.fr/actualites/actualites-france/Loi-Prostitution-une-revolution-francaise> [accessed 01/05/2016]

Le Gendre, Bertrand and Edwy Plenel (1983) 'Les urnes de la peur', *Le Monde*, 11 November, n.p.

Le Matin (1980) 'Prostituées: La lutte reprend', 14-15 June, n.p.

Lemettre, Bernard (2010) 'Pour un front de refus de la prostitution', *L'Humanité*, 6 February. [Online]. Available from: <http://www.humanite.fr/node/432462> [accessed 10/06/2011]

Le Monde (1947) 'Au conseil municipal de Paris, la question des maisons closes', 29 March, n.p.

Le Monde (1947) 'Après une controverse sur la prostitution, le conseil municipal aborde enfin le budget de 1948', 30 December, n.p.

Le Monde (1949) 'Vote d'une convention réprimant l'exploitation de la prostitution', 5 December, n.p.

Le Monde (1952) 'Nouvelle discussion sur la réouverture éventuelle des maisons de tolérance', 25 January, n.p.

Le Monde (1952) 'Plusieurs associations féminines protestent contre le réouverture éventuelle des maisons de tolérance', 31 January, n.p.

Le Monde (1952) 'Le Docteur Frugier se prononce contre la réouverture des maisons de tolérance', 14 February, n.p.

Le Monde (1952) 'Une sous-commission étudiera les moyens de lutter contre la prostitution', 22 February, n.p.

Le Monde (1952) 'La commission sénatoriale de la Famille est opposée à la réouverture des maisons de tolérance', 27 June, n.p.

Le Monde (1953) 'Un débat sur la santé de Paris', 25 November, n.p.

Le Monde (1953) 'Le problème de la prostitution', 11 December, n.p.

Le Monde (1955) 'L'actualité politique', 7 February, n.p.

Le Monde (1956) 'Les françaises qui se livrent à la prostitution à l'étranger partent de leur plein grè, affirme M. Gilbert-Jules', 20 March, n.p.

Le Monde (1956) 'La "traite des femmes" a été vigoureusement dénoncée salle Wagram', 17 December, n.p.

Le Monde (1957) 'La prostitution', 25 September, n.p.

Le Monde (1958) 'Un nouvel organisme luttera contre le proxénétisme', 5 November, n.p.

Le Monde (1958) 'Débat sur la prostitution', 6 December, n.p.

Le Monde (1959) 'Les équipes d'action contre la traite des femmes réclament des mesures sévères contre les trafiquants', 13 March, n.p.

Le Monde (1959) 'Congrès extraordinaire contre le proxénétisme', 6 May, n.p.

Le Monde (1960) 'Le conseil général de la Seine discute de la prostitution', 4 July, n.p.

Le Monde (1960) 'Les dames de petite vertu manifestent devant le Palais-Bourbon', 14 December, n.p.

Le Monde (1972) 'L'affaire de proxénétisme à Lyon', 20-21 August, n.p.

Le Monde (1974) 'M. Bernard Lafay demande au Ministre de l'Intérieur de lutter contre la prostitution au Bois de Boulogne', 18 July, n.p.

Le Monde (1975a) 'Fait divers', 4 June, p. 6.

Le Monde (1975b) 'Soixante prostituées occupent une église de Lyon', 4 June, n.p.

Le Monde (1975) 'L'occupation de l'église Saint-Nizier', 6 June, n.p.

Le Monde (1975) 'Mme Giroud: Comment pourrais-je être le Ministre des femmes?', 7 June, n.p.

Le Monde (1975) 'Sur l'ordre de M. Poniatowski: la police fait évacuer les églises occupées par les prostituées', 11 June, n.p.

Le Monde (1975) 'Un haut fonctionnaire auprès du Ministre de la Santé sera chargé d'examiner les problèmes de prostitution', 12 June, n.p.

Le Monde (1975) 'L'intervention de la police a été tristement privée de tout sens de l'humour écrit le Times', 13 June, p. 14.

Le Monde (1975) 'Le médiateur étudie le dossier de la prostitution', 10 July, n.p.

Le Monde (1975) 'Placé auprès de Mme Veil, M. Guy Pinot chargé du dossier de la prostitution affirme sa volonté de "dialogue"', 23 July, n.p.

Le Monde (1975) 'Guy Pinot confirme qu'il est hostile à la réouverture des maisons closes', 8 August, n.p.

Le Monde (1975) 'La prostitution: la proposition de loi de M. Le Tac soulève de nombreuses critiques', 7 December, n.p.

Le Monde (1985) 'Un référendum sur la prostitution', 23 October, n.p.

Le Monde (1987) 'La lutte contre le SIDA: apparition du virus dans les milieux de la prostitution à Paris', 9 January, n.p.

Le Monde (1990a) 'Le plan anti-sida de la Ville de Paris – Mme Michèle Barzach se prononce pour la réouverture des maisons closes', 8 June, p. 14.

Le Monde (1990a) 'La réouverture des maisons closes: Nouvelles réactions hostiles à la proposition de Mme Barzach', 10 June, p. 14.

Le Monde (1990b) 'Après la proposition de Mme Barzach: le Ministre de la Santé s'oppose fermement à une réouverture des maisons closes', 10 June, n.p.

Le Monde (2002) 'Insécurité: Ce que font les maires', 4 January, p.1.

Le Monde (2002) 'De la sécurité', 29 January, p. 17.

Le Monde (2002) 'La prostitution interdite sur certains axes à Lyon', 4-5 August 2002, p. 7.

Le Monde (2002) 'Orléans, sa cathédrale, son couvre-feu, ses interdits', 23 August, n.p.

Le Monde (2002) 'Manifestation: Protestation contre les mesures anti-prostitution', 8 October, n.p.

Le Monde (2002) 'La gauche accuse Sarkozy d'entrer en "guerre contre les pauvres"', 22 October, n.p.

Le Monde (2002) 'Le PS secoué par des "débats assez vifs"', 24 October, p. 8.

Le Monde (2002) 'Les prostituées dans la rue mardi à Paris contre le projet Sarkozy', 5 November, n.p.

Le Monde (2002) 'La prostitution "nécessaire" mais dégradante"', 14 November, p. 10.

Le Monde (2002) 'La Commission des droits de l'homme juge le projet Sarkozy sur la sécurité dangereux pour les libertés', 16 November, n.p.

Le Monde (2002) 'Des femmes manifestent à Paris pour défendre les prostituées', 12 December, n.p.

Le Monde (2003) 'La gauche veut amender le projet de loi Sarkozy à l'Assemblée', 14 January, n.p.

Le Monde (2003a) 'Si ce projet passe, la prostitution deviendra sauvage, clandestine', 15 January, n.p.

Le Monde (2003b) 'Le débat sur la prostitution brouille les clivages politiques', 15 January, n.p.

Le Monde (2003) 'Les associations de défense des prostituées s'inquiètent des conséquences de la pénalisation du racolage passif', 22 January, n.p.

Le Monde (2003) 'Sécurité Intérieure', 22 February, p. 10.

Le Monde (2009) 'Christine Boutin n'est pas opposée à la réouverture des maisons closes', 24 November. [Online]. Available from: http://www.lemonde.fr/societe/article/2009/11/24/christine-boutin-n-est-pas-opposee-a-la-reouverture-des-maisons-closes_1271526_3224.html#zzcyERBfH0fPWfbg.99 [accessed 26/03/2016]

Le Monde (2011) 'Les prostituées manifestent contre la pénalisation des clients', 3 June. [Online]. Available from: http://www.lemonde.fr/societe/article/2011/06/03/les-prostituees-manifestent-contre-la-penalisation-des-clients_1531467_3224.html?xtmc=prostitution_clients&xtr=7 [accessed 25/05/2016]

Le Nouvel Observateur (1987) 'Panique sur le trottoir', n.d., n.p.

Le Nouvel Observateur (2000) 'Le corps n'est pas une marchandise', 18 May 2000, n.p.

Le Nouvel Observateur (2000) 'La France est abolitionniste, rappelle Martine Aubry', 17 May. [Online]. Available from: <http://tempsreel.nouvelobs.com/societe/20000517.OBS4495/la-france-est-abolitionniste-rappelle-martine-aubry.html> [accessed 04/07/2016]

Le Nouvel Observateur (2013) 'Prostitution: la proposition de loi qui divise les partis', 29 November. [Online]. Available from: <http://tempsreel.nouvelobs.com/politique/20131128.OBS7515/prostitution-la-proposition-de-loi-qui-divise-les-partis.html> [accessed 14/12/14]

Le Nouvel Observateur (2013) 'Prostitution: la majorité des députés UMP finalement contre le projet de loi', 3 December. [Online]. Available from: <http://tempsreel.nouvelobs.com/societe/20131203.AFP4056/prostitution-la-majorite-des-deputes-ump-finalement-contre-le-projet-de-loi.html> [accessed 14/12/14]

Le Parisien (2002) 'Le maire interdit la prostitution', n.d. n.p.

Le Parisien (2003) '63% des Français pour les maisons closes', 9 February. [Online]. Available from: <http://www.leparisien.fr/une/63-des-francais-pour-les-maisons-closes-09-02-2003-2003803580.php> [accessed 15/08/2015]

Le Parisien (2004) 'La difficile appréciation du délit de racolage', 8 January. [Online]. Available from: <http://www.leparisien.fr/seine-et-marne/la-difficile-appreciation-du-delit-de-racolage-08-01-2004-2004667631.php> [accessed 26/02/12]

Le Parisien (2004) 'Ces enquêtes bousculent tous les stéréotypes', 18 October. [Online]. Available from: <http://www.leparisien.fr/faits-divers/ces-enquetes-bousculent-tous-les-ster-eotypes-18-10-2004> 2005382534.php [accessed 03/05/2014]

Le Parisien (2010) 'Fermées il y a soixante ans, les maisons closes font encore débat', 18 March. [Online]. Available from: <http://www.leparisien.fr/societe/fermees-il-y-a-soixante-ans-les-maisons-closes-font-encore-debat-18-03-2010-853127.php> [accessed 05/08/2015]

Le Parisien (2011) 'Les prostituées contre la pénalisation des clients', 3 June. [Online]. Available from: <http://www.leparisien.fr/paris-75/paris-75005/les-prostituees-contre-la-penalisation-des-clients-03-06-2011-1478105.php> [accessed 10/01/12]

Le Parisien Libéré (1978) 'Priorité à la sécurité des français dans le budget du ministère de l'Intérieur', 20 October, n.p.

Le Point (2013) 'Pataquès chez les sénateurs PS sur l'abrogation du délit de racolage', 25 March. [Online]. Available from: http://www.lepoint.fr/politique/pataques-chez-les-senateurs-ps-sur-l-abrogation-du-delit-de-racolage-25-03-2013-1645483_20.php [accessed 02/04/13]

Le Quotidien de Paris (1981) 'Yvette Roudy part en guerre contre la prostitution', 10 September, n.p.

Le Quotidien de Paris (1983) 'Sida: Le syndrome est dans le bois', 11 August, n.p.

Les Cahiers du Féminisme (1978) 'Le mouvement des prostitués en France', July-August, 5: 32.

Libération (2002) 'Françoise de Panafieu veut rouvrir les maisons closes', 1 July, n.p.

Ligue Communiste Révolutionnaire (1978) 'La prostitution, c'est aussi les proxénètes', *Les Cahiers du Féminisme*, June-August: 29-30.

Ligue des Droits de l'Homme (2002a) 'Non à la pénalisation de l'exclusion', 14 October. [Online]. Available from: <http://www.ldh-france.org/Non-a-la-penalisation-de-l/> [accessed 22/12/2015]

Ligue des Droits de l'Homme (2002b) 'Sur le projet de loi sur la sécurité intérieure', 22 October. [Online]. Available from: <http://www.ldh-france.org/Sur-le-projet-de-loi-sur-la/> [accessed 22/12/2015]

Martin, Julien (2013) 'Opération déminage', *Le Nouvel Observateur*, no. 2559, p. 115.

Mathieu, Mathilde (2003) 'Il y a plein de femmes de l'Est qu'on ne voit plus', *Le Monde*, 19 April, n.p.

Midi Libre (2005) 'Des maisons closes contre le racolage sur route? Le maire de Baillargues: "Je suis prêt à accueillir une maison closes"', 27 September, n.p.

Monnot, Caroline (2002) 'Les prostituées vont manifester parce qu'"on s'en prend aux victimes"', *Le Monde*, 31 October, n.p.

Montreal Gazette (1974) 'Giroud not 'waging war' on men of France', 13 August 1974, n.p.

Mouvement du Nid (1988) 'L'État et la prostitution: encore trop d'ambiguïté et d'incohérence', *Femmes et Mondes*, 83: 13.

Mouvement du Nid (1990) 'Quelques réactions aux propos de Madame Barzach', *Prostitution et Société*, 90(3): 9.

Mouvement du Nid (1992) 'Entretien avec Véronique Neiertz', *Prostitution et Société*, 98(3): 12-13.

Mouvement du Nid (1993a) 'Le projet "Cabiria": l'organisation de la prostitution roule en bus', *Prostitution et Société*, 103: 8-9.

Mouvement du Nid (1993b) 'Opération anti-prostitution', *Prostitution et Société*, 103: 6.

Mouvement du Nid (1994) "Ce que je crois: Pierre Gauthier", *Prostitution et Société*, 107(4): 11.

Mouvement du Nid (1998) 'Entretien avec Noël Mamère, député vert de Bègles', *Prostitution et Société*, 122: 12-13.

Mouvement du Nid (2001) 'Roselyne Bachelot, députée', *Prostitution et Société*. [Online]. Available from: <http://www.prostitutionetsociete.fr/eclairage/interviews/roselyne-bachelot-deputee-2001> [accessed 31/05/2016]

Mouvement du Nid (2006a) 'Des personnalités s'expriment', *Prostitution et Société*, 155: 2.

Mouvement du Nid (2006b) 'Mondial de football et prostitution: les politiques ont pris position', *Prostitution et Société*, 153: 8-9.

Nau, Jean-Yves (1986) 'Sidatoriums et maisons closes', *Le Monde*, n.p.

Nau, Jean-Yves (1989) 'La prostitution joue un rôle croissant dans la propagation du sida', *Le Monde*, 27 October, p. 16.

Nau, Jean-Yves (1990a) 'Un rapport sur les problèmes médicaux de la prostitution parisienne. La santé sur le trottoir', *Le Monde*, 25-26 November, n.p.

Nau, Jean-Yves (1990b) 'Sida, prostitution et maisons closes: Le "mea culpa" de Mme Barzach', *Le Monde*, 12 December, p. 10.

Nice Matin (1981) 'La lutte contre le proxénétisme international: un échec', 9 September, n.p.

Nunès, Eric (2002) 'Les prostituées veulent rester dans la rue', *Le Monde*, 5 November, n.p.

Pacione, Harmonie (2014) 'Prostitution: faut-il pénaliser les clients d'une amende de 1500€?', *La Dépêche*, 13 July. [Online]. Available from: <http://www.ladepeche.fr/article/2014/07/13/1917898-prostitution-faut-penaliser-clients-amende-1500-e.html> [accessed 06/02/15]

Paris Normandie (2011) 'Prostitution: faut il pénaliser les clients?', 7 December, n.p.

Parti Socialiste (2006) *8 mars: journée de Bluff à l'UMP* [press release], 8 March. [Online]. Available from: <http://www.parti-Socialiste.fr/communiqués/8-mars-journee-de-bluff-lump> [accessed 03/06/13]

Perrin, Jean (1980) 'La Goutte d'Or au plus offrant', *Le Monde*, 18 January, n.p.

Piatier, Jacqueline (1957a) 'Une loi pour applicable et peu appliquée', *Le Monde*, 7 September, n.p.

Piatier, Jacqueline (1957b) 'À qui incombe la responsabilité?', *Le Monde*, 8 September, n.p.

Poussier, Jean-Luc (2001) 'Dossier insécurité: 84^e congrès de l'Association des maires de France', *La Croix*, 21 November, p. 5.

Prieur, Cécile (1996) 'Polémique autour des journées de la prévention de la prostitution', *Le Monde*, 25 November, p. 8.

Prieur, Cécile (1998) 'À Lille, des opérations contre la prostitution suscitent une polémique', *Le Monde*, 19 March, p. 9.

Prolongeau, Hubert (2000) 'Les filles de Nanes', *Le Nouvel Observateur*, May, pp. 28-30.

Rosignol, Laurence (2006a) *Communiqué de presse du Parti socialiste: violences faites aux femmes: Rapport d'Amnesty International* [press release], 7 February. [Online]. Available from: <http://www.parti-Socialiste.fr/communiqués/violence-aux-femmes-rapport-damnesty-international> [accessed 03/06/13]

Rossignol, Laurence (2006b) *Communiqué de presse du Parti socialiste: Mondial 2006 'Acheter du sexe n'est pas un sport'* [press release], 9 June. [Online]. Available from: <http://www.parti-socialiste.fr/communiques/mondial-2006-acheter-du-sexe-nest-pas-un-sport> [accessed 20/02/2015]

Rossignol, Laurence (2006c) 'Prostitution: cherchez le client', *Gauche MIP*, 1 July. [Online]. Available from: <http://www.gauchemip.org/spip.php?article581> [accessed 22/11/2014]

Rousselle, François (2002) 'Un enjeu électoral à Paris', *France Soir*, 13 June, n.p.

RTL (2013) 'Le Grand Juy: Valérie Pécresse', 1 December. [Online]. Available from: <http://www.rtl.fr/actu/politique/prostitution-valerie-pecresse-votera-contre-la-proposition-de-loi-7767510300> [accessed 14/12/14]

Saint-Clair, Elisabeth (1972) 'Interview - Edouard Charret: "Les français souhaitent la réouverture des maisons closes"', *Le Nouvel Observateur*, 21 August, p. 27.

Sarazin, James (1973) 'La fin des 'condés'? ', *Le Monde*, 3 December, n.p.

Saulnier, Julie (2011) 'Bayrou: "La prostitution ne sera pas régulée par la pénalisation"', *L'Express*, 15 April. [Online]. Available from: http://www.lexpress.fr/actualite/societe/bayrou-la-prostitution-ne-sera-pas-regulee-par-la-penalisation_983026.html [accessed 10/01/12]

Scelles, Jean (1957) 'La prostitution et la loi de 1946', *Le Monde*, 2 November, n.p.

de Senneville, Valérie and Yann Rousseau (2002) 'Sécurité et justice: premières décisions', *Les Échos*, 16 May, p. 2.

Seres, Aude (2011) 'Prostitution: la répression des clients s'annonce difficile', *Le Figaro*, 15 April. [Online]. Available from: <http://www.lefigaro.fr/actualite-france/2011/04/14/01016-20110414ARTFIG00780-prostitution-la-repression-des-clients-s-annonce-difficile.php> [accessed 28/12/12]

Séronet (2016) 'Travail du sexe: les arguments du vote', n.d. [Online]. Available from: <http://www.seronet.info/article/travail-du-sexe-les-arguments-du-vote-75084> [accessed 15/04/2016]

Séry, Patrick (1976) 'Des "filles" à part entière', *Nouvel Observateur*. n.d., n.p. Paris.

Sud Ouest (2013) 'Les élus girondins divisés sur la prostitution', 28 November. [Online]. Available from: <http://www.sudouest.fr/2013/11/28/divisions-sur-la-prostitution-1242437-2733.php> [accessed 27/ 01/14]

Tabard, Guillaume (2002) ‘Sarkozy, “ministre de l’actualité”’, *Le Figaro*, 25 May, n° 17975: 7.

Ubrich, Laurence (2002) ‘Opération “ville propre” dans le centre d’Orléans’, *France Soir*, 13 July, n.p.

United Nations General Assembly (2000) *Communiqué de presse n° AG/1015: L’application des recommandations de Beijing exige un partenariat entre pays développés et pays en développement* [press release], 5 June. [Online]. Available from: <http://www.un.org/press/fr/2000/20000605.ag1015.doc.html> [accessed 15/08/2015]

Vital-Durand, Brigitte (2000) ‘A Lyon, ces prostituées de l’Est qui “cassent le métier”’, *Libération*, 25 janvier, n.p.

Verges, Pierrette (1979) ‘La Prostitution: choix de société, donc choix politique’, *Le Travail*, 18 January, n.p.

Zappi, Sylvia, Claudia Courtois and Nicolas Bastuck (2002) ‘Le gouvernement veut expulser les prostituées étrangères’, *Le Monde*, 12 July, p.8.

Laws, bills, decrees, and executive orders.

Assemblée nationale (1939), Décret-loi du 29 novembre 1939 relatif à la prophylaxie des maladies vénériennes, *JORF*, 7 December 1939: 13748. Paris.

Assemblée nationale, (1946), Loi n° 48-1086 du 8 juillet 1946 sur le dépistage et le traitement des malades vénériens contagieux, *JORF*, 9 July 1948: 6642. Paris.

Assemblée nationale, (1958), *Ordonnance n° 58-1303 du 23 décembre 1958*. Paris.

Assemblée nationale, (1960a), Ordonnance n° 60-1245 du 25 novembre 1960 modifiant et complétant les dispositions du chapitre 1er du livre II du Code de la santé publique relatives aux maladies vénériennes, *JORF*, 27 November 1960: 10603. Paris.

Assemblée nationale, (1960b), Ordonnance n° 60-1246 du 25 novembre 1960 modifiant et complétant les dispositions du chapitre 1er du livre II du Code de la santé publique relatives aux maladies vénériennes, *JORF*, 27 November 1960: 10606. Paris.

Assemblée nationale, (1960c), Loi n° 60-773 du 30 juillet 1960 autorisant le gouvernement à prendre, par application de l’article 38 de la constitution, les mesures nécessaires pour lutter contre certains fléaux sociaux, *JORF*, 2 August 1960: 7130. Paris.

Assemblée nationale (1960d), Décret n° 60-1248 du 25 novembre 1960 modifiant certaines dispositions du Code pénal, *JORF*, 27 November 1960: 10608. Paris.

Assemblée nationale, (2002a), *Projet de loi d'orientation et de programmation pour la sécurité intérieure*, 11 July. Paris.

Assemblée nationale, (2002b), *Projet de loi adopté par le Sénat après déclaration d'urgence, pour la sécurité intérieure*, 19 November. Paris.

Assemblée nationale, (2003), *Projet de loi modifié par l'Assemblée nationale en première lecture, pour la sécurité intérieure*, 28 January. Paris.

Assemblée nationale, (2013), *Proposition de loi renforçant la lutte contre le système prostitutionnel*, 10 October 2013. no. 1437. Paris.

Bousquet, Danielle, and Guy Geoffroy, (2011), *Proposition de loi visant à responsabiliser les clients de la prostitution et à renforcer la protection des victimes de la traite des êtres humains et du proxénétisme*, 7 December. Paris. Assemblée nationale.

Caresche, Christophe, (2002, July), *Proposition de loi relative à la lutte contre le système de la prostitution et aux droits des victimes*. Paris: Assemblée nationale.

Conseil Constitutionnel, (2003), *Décision n° 2003-467 DC du 13 Mars 2003*. Paris: Conseil Constitutionnel.

Conseil d'État, (1959), "Arrêté: Société *Les films Lutetia*", n° 36385 36428, 18 December.

Conseil d'État, (1960), "Arrêté: Sieur Jauffret", n°46282, 30 September.

Council of Europe, (2011), *Council of Europe Convention on preventing and combating violence against women and domestic violence*. 12 April 2011.

Durand, Jean, (1951), *Proposition de loi n° 705 tendant à l'abrogation de la loi du 13 avril 1946 et à une stricte réglementation de la prostitution*, 6 November. Paris: Assemblée nationale.

EU Council of Ministers, (1997), *The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation*, 26 April. The Hague.

European Parliament, (1986), "Resolution on violence against women", Doc. A2-44/86, 11 June, in *Official Journal*, 14 July 1986, C. 176/73, pp. 73-86.

Le Tac, Joël, (1978) *Proposition de loi n° 938 relative à l'exercice de la prostitution*, 15 January 1979. Paris: Assemblée nationale.

Mazuez, Jean (1952), *Proposition de loi n° 2118 tendant à l'abrogation de la loi du 13 avril 1946 et à une stricte réglementation de la prostitution*, 3 January. Paris: Assemblée nationale.

Sénat, (2002), *Projet de loi pour la sécurité intérieure (Urgence déclarée)*, 23 October. Paris: Sénat. Available from: <http://www.senat.fr/leg/pjl02-030.html> [accessed 12/11/2015]

United Nations, (1949), *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, 96 UNTS 271, approved 2 December 1949, and entered into force 25 July 1951.

United Nations, (2000), *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime*, UNTS 2237, approved 25 November 2000, and entered into force 23 December 2003.

Ministerial publications

Ameline, Nicole, (2003a), *Communication en Conseil des Ministres*, 21 January. Paris: Ministère délégué à la parité et à l'égalité professionnelle.

Ministère de la Santé Publique et de la Sécurité Sociale, (1970), *Circulaire n° 97 du 25 août 1970*. Paris.

Ministère de la Santé Publique et de la Sécurité Sociale, (1971), *Circulaire n° 29 du 10 août 1971*. Paris.

Ministère de la Santé et de la Famille, (1979), *Circulaire n° 14 AS du 21 mars 1979*. Paris.

Ministère délégué à la parité et à l'égalité professionnelle, (2004), *La Charte de l'Égalité*. Paris: Ministère des Affaires Sociales.

Ministère des Affaires Sociales et de la Solidarité Nationale, (1983), *Circulaire n° 83-15 du 13 avril 1983*. Paris.

Ministère des Affaires Sociales et de l'Emploi, (1988), *Circulaire n° 88-06 du 7 mars 1988*. Paris.

Ministère de l'Économie, (1981), *Note: Situation fiscale des prostituées*, Paris.

Ministère de l'Emploi et de la Solidarité, (2000), *Pékin: 5 ans après. L'Égalité en marche*. Paris: Ministère de l'Emploi et de la Solidarité.

Ministère de la Justice, (2003), Présentation des dispositions de droit pénal de la loi n°2003-239 du 18 mars pour la sécurité intérieure et de la loi n°2003-88 du 3 février 2003 visant à aggraver les peines punissant les infractions à caractère raciste, antisémite ou xénophobe, *Bulletin Officiel du Ministère de la Justice*, 90. Paris: Ministère de la Justice. Available from: <http://www.justice.gouv.fr/bulletin-officiel/dacg90d.htm> [accessed 12/11/2015]

Ministère de la Solidarité Nationale (1981), *Memo F.E.2. Dispositif Réglementaire Relatif à la Réinsertion Sociale des Personnes Prostituées ou en Danger de Prostitution*, 10 Novembre, Paris.

Ministère des Solidarités et de la Cohésion Sociale, (2010), *Plan interministériel de lutte contre les violences faites aux femmes (2011/2013)*. Paris: Ministère des Solidarités et de la Cohésion Sociale.

Ministry of Women's Rights, (1981), *Note de Synthèse des Propositions du Groupe de Travail Interministériel sur le Proxénétisme et la Prostitution*, Paris.

Ministry of Women's Rights ad hoc Committee (1982), *Les femmes en France dans une société d'inégalités*, Paris.

Ministre of Women's Rights, (1985) *Point de vue de Madame Yvette Roudy: Prostitution* [press release], 28 September.

Ministry of Women's Rights (1984), "Proxénétisme et prostitution", memo, 24 October, Paris.

Ministry of the Interior, (1981), "Prostitution et lutte contre le proxénétisme en France", memo, n.d. Paris.

Ministère de l'Intérieur, (2002), *Circulaire no. 2002/03 relative aux arrêtés municipaux relatifs à la prostitution sur la voie publique du 23 août 2002*. Paris

Direction de l'Action Sociale, (1981), Letter to Ministère de la Solidarité Nationale, 8 September 1981. Paris.

Parliamentary debate transcripts

Journal Officiel de la République Française (1949) '2è séance du vendredi 8 juillet 1949', 8 July: 4411-4433. Paris: Assemblée nationale.

Journal Officiel de la République Française (1959) '2è séance du vendredi 20 novembre 1959', 21 November: 2679-2706. Paris: Assemblée National.

Journal Officiel de la République Française (1960a) 'Séance du mardi 28 juin 1960', 29 June 1960: 1544-1561. Paris: Assemblée nationale.

Journal Officiel de la République Française (1989) '1è séance du mardi 10 octobre', 10 October: 3324-3347. Paris: Assemblée nationale.

Journal Officiel de la République Française (1991) '1è séance du jeudi 20 juin', 20 June: 3410-3436. Paris: Assemblée nationale.

Journal Officiel de la République Française (2002a) '1è séance du mardi 16 juillet', pp.1960-2005. Paris: Assemblée nationale.

Journal Officiel de la République Française (2002b) ‘2^e séance du mardi 16 juillet’, pp. 2008-2044. Paris: Assemblée nationale.

Journal Officiel de la République Française (2002a) ‘1^e séance du mercredi 17 juillet’, pp.2047-2103. Paris: Assemblée nationale.

Journal Officiel de la République Française (2002b) ‘2^e séance du mercredi 17 juillet’, pp.2104-2154. Paris: Assemblée nationale.

Journal Officiel de la République Française (2002) ‘Séance du 30 juillet’. Paris: Sénat. [Online]. Available from: http://www.senat.fr/seances/s200207/s20020730/s20020730_mono.html [accessed 01/11/2014]

Journal Officiel de la République Française (2002) ‘Séance du 31 juillet’. Paris: Sénat. [Online]. Available from: http://www.senat.fr/seances/s200207/s20020731/s20020731_mono.html [accessed 01/11/2014]

Journal Officiel de la République Française (2002) ‘Séance du 13 novembre’. Paris: Sénat. [Online]. Available from: http://www.senat.fr/seances/s200211/s20021113/s20021113_mono.html [accessed 26/12/2015]

Journal Officiel de la République Française (2002) ‘Séance du 14 novembre’. Paris: Sénat. [Online]. Available from: http://www.senat.fr/seances/s200211/s20021114/s20021114_mono.html [accessed 14/11/2015]

Journal Officiel de la République Française (2002) ‘Séance du 15 novembre’. Paris: Sénat. [Online]. Available from: http://www.senat.fr/seances/s200211/s20021115/s20021115_mono.html [accessed 14/11/2015]

Journal Officiel de la République Française (2002) ‘Séance du 19 novembre’. Paris: Sénat. [Online]. Available from: http://www.senat.fr/seances/s200211/s20021119/s20021119_mono.html [accessed 14/11/2015]

Journal Officiel de la République Française (2003) ‘2^e séance du mardi 14 janvier’, 14 January, pp. 32-73. Paris: Assemblée nationale.

Journal Officiel de la République Française (2003) ‘2^e séance du mercredi 15 janvier’. Paris: Assemblée nationale. [Online]. Available from: <http://www.assemblee-nationale.fr/12/cr/2002-2003/20030117.asp> [Accessed 28/12/2015]

Journal Officiel de la République Française (2003a, 22 January) ‘1^e séance du mardi 21 janvier’. Paris: Assemblée nationale. [Online]. Available from:

<http://www.assemblee-nationale.fr/12/cri/2002-2003/20030121.asp> [Accessed 21/12/2015]

Journal Officiel de la République Française (2003b, 22 January) ‘2è séance du mardi 21 janvier’. Paris: Assemblée nationale. [Online]. Available from: <http://www.assemblee-nationale.fr/12/cri/2002-2003/20030122.asp> [Accessed 21/12/2015]

Journal Officiel de la République Française (2011) ‘2è séance du mardi 6 décembre’. Paris: Assemblée nationale. [Online]. Available from: <http://www.assemblee-nationale.fr/13/pdf/cri/2011-2012/20120078.pdf> [accessed 12/10/2013]

Journal Officiel de la République Française (2016) ‘Séance du mercredi 6 avril 2016’. Paris: Assemblée nationale. [Online]. Available from: <http://www.assemblee-nationale.fr/14/pdf/cri/2015-2016/20160170.pdf> [accessed 12/05/2016]

Parliamentary publications

Assemblée nationale (2010) *Compte rendu n° 69 de la session ordinaire 2009-2010 - Commission des lois constitutionnelles de la législation et de l'administration générale de la République*. Paris: Assemblée nationale.

Délégation aux droits des Femmes et à l'égalité des chances entre les hommes et les femmes (2002) *Compte Rendu no. 3, Séance de 10 heures*, 23 October. Paris: Assemblée nationale.

Geoffroy, Guy, (2011), *Rapport d'information déposé par la Commission des lois constitutionnelles, de la législation et de l'administration générale de la République, en conclusion des travaux d'une mission d'information sur la prostitution en France*, 13 April. Paris: Assemblée nationale.

Lazerges, Christine and Alain Vidalies (2001) *Rapport d'information par la mission d'information commune sur les diverses formes de l'esclavage moderne*. Paris: Assemblée nationale.

de Montesquiou, Aymeri (2002) *Avis présenté au nom de la commission des Finances, du contrôle budgétaire et des comptes économiques de la Nation sur le projet de loi, adopté par l'Assemblée nationale, après déclaration d'urgence, d'orientation et de programmation pour la sécurité intérieure*. Paris: Sénat.

Olivier, Maude (2013) *Rapport fait au nom de la commission spéciale chargée d'examiner la proposition de loi (n°1437) renforçant la lutte contre le système prostitutionnel*, 19 November. Paris: Assemblée nationale.

Rozier, Janine (2002) *Rapport d'information no. 34 fait au nom de la délégation du Sénat aux droits des femmes et à l'égalité des chances entre les hommes et les femmes sur le projet de loi no. 30 (2002-2003) pour la sécurité intérieure*. Paris: Sénat.

Zimmerman, Marie-Jo (2002) *Rapport d'information fait au nom de la délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes sur le projet adopté par le sénat après déclaration d'urgence pour la sécurité intérieure*. Paris: Assemblée nationale.

Parliamentary Questions

Bariani, Didier (1994) 'Question écrite n° 393 au Garde des Sceaux, Ministère de la Justice', *JORF*, 25 May: 2175. Paris: Assemblée nationale.

Bariani, Didier (1995a) 'Question écrite n° 22779 au Garde des Sceaux, Ministère de la Justice', *JORF*, 1 Septembre: 148. Paris: Assemblée nationale.

Bariani, Didier (1995b) 'Question écrite n° 24786 au Ministre de l'Intérieur', *JORF*, 3 June: 1203. Paris: Assemblée nationale.

Bertrand, Jean-Michel (2004) 'Question n° 34348 au Ministre de la Justice', *JORF*, 24 February: 1341. Paris: Assemblée nationale.

Borvo Cohen-Seat, Nicole (2005) 'Question n° 16757 au Ministre de l'Intérieur', *JORF*, 24 March: 808. Paris: Sénat.

Chabroux, Gilbert (2003) 'Question n° 09608 au Ministre déléguée à la parité et à l'égalité professionnelle', *JORF*, 30 October: 3201. Paris: Sénat.

Comparini, Anne-Marie (2004) 'Question n° 935 au Ministère de l'Intérieur', *JORF*, 30 November: 9296. Paris: Assemblée nationale.

Destot, Michel (2003) 'Question n° 28824 au Ministre des Affaires Sociales, du Travail et de la Solidarité', *JORF*, 24 November: 8880. Paris: Assemblée nationale.

Dominati, Laurent (1994) 'Question écrite n° 19596 au Garde des Sceaux, Ministère de la Justice', *JORF*, 24 October: 212. Paris: Assemblée nationale.

Dominati, Laurent (1995) 'Question écrite n° 28451 au Ministre de l'Intérieur', *JORF*, 24 July: 3178. Paris: Assemblée nationale.

Féron, Jacques (1994) 'Question écrite n° 18247 au Garde des Sceau, Ministère de la Justice', *JORF*, 19 September: 4639. Paris: Assemblée nationale.

Garde des Sceaux (1995) 'Réponse à la question écrite n° 19596', *JORF*, 9 January: 212. Paris: Assemblée nationale.

Gautier, Nathalie, (2003), 'Question n° 24494 au Ministre des Affaires Sociales, du Travail et de la Solidarité', *JORF*, 8 September: 6856. Paris: Assemblée nationale.

Klifa, Joseph (1994) 'Question écrite n° 15620 au Garde des Sceaux, Ministère de la Justice', *JORF*, 20 June : 3098. Paris: Assemblée nationale.

Gautier, Nathalie (2003) 'Question n° 24494 au Ministre des Affaires Sociales, du Travail et de la Solidarité', *JORF*, 8 September: 6856. Paris: Assemblée nationale.

Gremetz, Maxime (2005) 'Question n° 75342 au Ministre de l'Intérieur', *JORF*, 11 October: 9367. Paris: Assemblée nationale.

Mahéas, Jacques (2005) 'Question n° 17416 au Ministre de l'Intérieur', *JORF*, 5 May: 1245. Paris: Sénat.

Masse, Christophe (2005) 'Question n° 65669 au Ministre de l'Intérieur', *JORF*, 24 May: 5252. Paris: Assemblée nationale.

Pérol-Dumont, Marie-Françoise (2005) 'Question n° 64583 au Ministre de l'Intérieur', *JORF* 10 May: 4747. Paris: Assemblée nationale.

Remond, Pierre (1995) 'Question écrite n° 30030 au Garde des Sceaux, Ministère de la Justice', *JORF*, 25 September: 4035. Paris: Assemblée nationale

Tian, Dominique (2004) 'Question n° 54214 au Ministre de la Justice', *JORF*, 21 December: 10172. Paris: Assemblée nationale.

Verwaerde, Yves (1993) 'Question écrite n° 7291 au Garde des Sceaux, Ministère de la Justice', *JORF*, 1 Novembre: 3763. Paris: Assemblée nationale.

Vidal, Marcel (2004) 'Question n° 10668 au Ministre de l'Intérieur', *JORF*, 29 January: 223. Paris: Sénat.

Vidalies, Alain (2004) 'Question n° 43482 du Ministre de l'Intérieur', *JORF*, 13 July: 5257. Paris: Assemblée nationale.

Vuilque, Philippe (2004) 'Question n° 62529 au Ministre de l'Intérieur', *JORF*, 12 April: 3643. Paris: Assemblée nationale.

Speeches

Ameline, Nicole (2003b) 'Déclaration de Mme Nicole Ameline, ministre déléguée à la parité et à l'égalité professionnelle, sur la lutte contre la prostitution, la traite des êtres humains et l'esclavage domestique', transcript, 25 February. [Online]. Available from: <http://discours.vie-publique.fr/notices/033001429.html> [accessed 04/05/2015]

Péry, Nicole (2001) 'Intervention de Nicole Péry, Secrétaire d'État aux Droits des femmes et à la Formation professionnelle à l'occasion des assises nationales contre les violences faites aux femmes', in *memo from the Ministère de l'Emploi et de la Solidarité*, 25 January. Paris: Ministère de l'Emploi et de la Solidarité.

Sarkozy, Nicolas (2002) 'Déclaration de M. Nicolas Sarkozy, ministre de l'intérieur, de la sécurité intérieure et des libertés locales, sur les missions et les compétences de la police et de la gendarmerie dans la lutte contre l'insécurité et la délinquance et sur les moyens mis à leur disposition', transcript, 26 June. [Online]. Available from: <http://discours.vie-publique.fr/notices/023002204.html> [accessed 23/09/2015]

Vallaud-Belkacem, Najat (2013) 'Discours de Bruxelles pour les 65 ans de la convention de New York sur la suppression de la traite des êtres humains et de l'exploitation de la prostitution', transcript, 10 October. [Online]. Available from: <http://www.familles-enfance-droitsdesfemmes.gouv.fr/discours-de-bruxelles-celebrant-les-65-ans-de-la-convention-de-new-york-pour-la-suppression-de-la-traite-des-etres-humains-et-de-l'exploitation-de-la-prostitution/> [accessed 13/04/2016]

Personal communication

Delaplace, Elisabeth (chargée de mission, Ministry of Women's Rights) (1982), *Letter to Mrs. Iff and Mrs. Abéla*, 24 August.

Gaussen, Gérard (French ambassador to Sweden) (1981), *Letter to the Minister of Foreign Affairs*, 15 May.

Fernand-Laurent, Jean (permanent representative of France to the UN) (1982), *Note pour le groupe interministériel sur la prostitution, correspondance No. 5/ONG with the Ministry of Foreign Affairs*, 6 January.

Josselin, Danièle (conseiller technique, Ministry of Foreign Affairs) (1982), *Letter to Simone Iff*, 11 January.

Chief of Staff, Ministry of National Solidarity (1981) *Letter to the Ministry of Women's Rights*, 8 September.

TV and radio

France 2 (1985) *Midi 2*, television program, 27 March. Paris: France Télévision.

France 3 (1993) *Le Soir*, television program, 24 November. Paris: France Télévision.

France 3 (2000) 'Alsace: La lutte contre la prostitution à Strasbourg', news segment in *Le journal des journaux*, 12 August. Strasbourg: France Télévision.

France 3 (2002) 'Arrêtés municipaux contre la prostitution, invité: Jean-Marie Bockel', news segment in *Soir 3 Journal*, 5 November. Paris: France Télévision.

France 3 Aquitaine (1994) 'Manifestation contre la prostitution à Bègles', news segment in *Aquitaine Actualité*, 8 December. Bordeaux: France Télévision.

TF1 (1985) *13H*, television program, 4 April. Paris: TF1 Group.

TF1 (2000) 'Prostituées à Strasbourg', news segment in *20 Heures*, 10 August. Paris: TF1 Group.

Van Geirt, Jean Pierre/TF1 (1993) *Reportages*, television program, 16 October. Paris: Sunset Production.

Surveys

CSA (2003) *Les Français et la réouverture des maisons closes: Sondage exclusif CSA/Le Parisien/Aujourd'hui en France*, survey, 5 February. [Online]. Available from: <http://www.csa.eu/multimedia/data/sondages/data2003/opi20030129a.htm> [accessed on 08/03/2015]

CSA (2006) *L'opinion des Français à l'égard de la prostitution*, survey, 18-19 April. Available from: <http://www.csa.eu/multimedia/data/sondages/data2006/opi20060419b.htm> [accessed on 08/03/2015]

Ifop (2013) *Les français et la prostitution (pour Causette)*, survey, 4-6 February. [Online]. Available from: http://www.ifop.com/media/poll/2180-1-study_file.pdf [accessed on 05/08/2015]

Ipsos (1990) *Les maisons closes*, survey, 10-11 of May.

Appendices

Appendix 1: Interview consent forms

NOTTINGHAM
TRENT UNIVERSITY



**School of Arts and Humanities
History, Languages and International Studies**

Fiche d'information pour participants aux entretiens

I. Gouvernance du projet

Chercheuse:

Emily St.Denny
Ph.D. Candidate
History, Languages and International
Studies
School of Arts and Humanities
Nottingham Trent University
Clifton Lane
Nottingham NG11 8NS
United Kingdom

Telephone +44 (0) 7 903 637 741
Facsimile: +44 (0) 1786 467 581
e-mail:
emily.stdenny2013@my.ntu.ac.uk

Directeur de thèse:

Professeur Gill Allwood
History, Languages and International
Studies
School of Arts and Humanities
Nottingham Trent University
Clifton Lane
Nottingham NG11 8NS
United Kingdom

II. Le projet

Cette thèse doctorale en science politique et histoire de la France examine l'évolution de l'action publique visant la prostitution en France de 1970 à nos jours.

La collecte d'information comporte une dimension de recherche en archives et une dimension de recueil d'histoires orales et d'entretiens avec les acteurs politiques qui

ont participé au développement de l'action publique dans ce domaine tout au long de la période. Les participants aux entretiens ont ainsi été identifiés en tant qu'acteurs importants dans ce domaine.

Les données et informations générées au travers des entretiens seront principalement utilisées dans la rédaction d'une thèse doctorale, qui sera soutenue en 2016. Ces informations sont aussi susceptibles d'être utilisées dans la rédaction d'articles pour revues scientifiques produits en parallèle au projet doctoral. Enfin, ces données et informations pourraient être utilisées dans la rédaction d'articles, de rapports et de monographies une fois le projet doctoral terminé.

Ce projet, et toutes les modalités de collecte d'information, ont été approuvés par le comité d'éthique de l'Université de Nottingham Trent.

III. Vos droits en tant que participant(e)

L'entretien auquel vous allez peut-être consentir n'excèdera pas une heure, sauf si vous demandez à ce qu'il se prolonge, une fois l'heure venue.

Vous avez le droit de retirer votre participation à tout moment: avant, pendant, ou après l'entretien.

Vous avez le droit de conserver votre anonymat dans toute trace écrite (publiée ou non) produite à partir des informations collectées au travers de cet entretien.

Vous avez le droit de refuser de répondre à une, plusieurs, ou toutes les questions qui vous seront posées.

Vous avez aussi le droit de stipuler les limites de l'utilisation des informations, soit en partie, soit pour la globalité des informations partagées.

Pour ma part je m'engage à respecter le code déontologique des Conseils de Recherche en Grande Bretagne. Ainsi, dans une perspective de transparence et de vérification, toutes les données et informations collectées lors de votre entretien seront conservées par moi même, et de façon sûre, pendant une durée minimum de 6 ans et qui n'excèdera pas 10 ans.

De plus, je m'engage à vous faire parvenir une transcription de votre entretien, effectuée par moi même, dans un délai de six mois. À cette occasion, vous pourrez vérifier, corriger et/ou compléter le contenu de l'entretien.

IV. Le consentement

M'autorisez-vous à enregistrer l'entretien?

M'autorisez-vous à vous identifier dans la rédaction de traces écrites (publiées ou non) produites à partir des informations collectées pendant cet entretien?

Consentez-vous au stockage des données et informations générées lors de cet entretien?

Enfin, consentez-vous à la publication et la dissémination des données et informations générées lors de cet entretien?

**Merci beaucoup pour votre participation et n'hésitez pas à me
contacter si vous avez des questions.**

Appendix 2: NVivo coding framework

Name	Sources	References	Created On	Created By	Modified On	Modified By
Actors' programmatic preferences	0	0	19/03/2015 22:41	ESD	13/06/2016 16:54	ESD
Continue taxing individuals involved in prostitution	1	1	10/05/2015 11:06	ESD	13/06/2016 17:02	ESD
CPSS	106	200	19/03/2015 22:41	ESD	19/10/2015 14:35	ESD
Criminalise passive soliciting	31	56	20/03/2015 12:08	ESD	13/06/2016 16:54	ESD
Decriminalise passive soliciting	45	84	20/03/2015 12:33	ESD	13/06/2016 16:55	ESD
Decriminalize prostitution	10	11	19/03/2015 22:42	ESD	13/06/2016 16:55	ESD
Defiscalise prostitution	11	15	19/03/2015 22:44	ESD	23/06/2015 13:50	ESD
Deport foreigners selling sexual services	10	11	19/03/2015 22:44	ESD	13/06/2016 16:55	ESD
Enhance government's knowledge of policy problem	3	3	26/03/2015 12:42	ESD	13/06/2016 16:56	ESD
Extend social security rights to inds. involved in prostitution	11	12	20/03/2015 12:53	ESD	13/06/2016 17:14	ESD
Grant conditional residency to migrants selling sex	18	22	19/03/2015 22:46	ESD	13/06/2016 16:57	ESD
Grant full residency to migrants selling sex	14	17	19/03/2015 22:45	ESD	13/06/2016 16:57	ESD
Implement parking and traffic restrictions	48	76	20/03/2015 12:46	ESD	13/06/2016 16:58	ESD
Improve joined up government	11	20	26/03/2015 12:44	ESD	13/06/2016 16:58	ESD
Improve prevention of entry into prostitution	39	56	19/03/2015 22:48	ESD	13/06/2016 16:59	ESD
Improve support for third sector	15	20	26/03/2015 12:42	ESD	13/06/2016 17:01	ESD
Improve women's rights	5	7	20/03/2015 17:47	ESD	13/06/2016 16:56	ESD
Increase education and pedagogy (abolitionist)	42	60	21/03/2015 14:54	ESD	13/06/2016 16:59	ESD
Increase or improve public information campaigns	10	15	19/03/2015 22:49	ESD	13/06/2016 17:00	ESD
Increased investment in police and security measures	6	7	24/03/2015 10:17	ESD	13/06/2016 16:58	ESD
Increased investment in social and health support	23	30	20/03/2015 13:12	ESD	13/06/2016 16:57	ESD
Partial CPSS (eg. vulnerable)	4	6	15/06/2015 18:18	ESD	13/06/2016 16:58	ESD
Pay damages to individuals involved in prostitution	3	3	28/03/2015 17:08	ESD	13/06/2016 17:03	ESD
Prohibition of prostitution	3	4	19/03/2015 22:48	ESD	13/06/2016 16:59	ESD
Provide or improve health assistance	2	3	27/03/2015 11:32	ESD	13/06/2016 16:57	ESD
Provide or improve 'social rehabilitation'	42	51	19/03/2015 22:51	ESD	13/06/2016 17:01	ESD
Regulate prostitution	23	35	19/03/2015 22:50	ESD	13/06/2016 17:01	ESD
Tackle exploitation (eg. pimping)	43	52	19/03/2015 22:53	ESD	13/06/2016 17:01	ESD
Tackle VAW	5	6	20/03/2015 13:16	ESD	23/06/2015 12:26	ESD
Articulation of the policy problem	1	1	19/03/2015 22:38	ESD	13/06/2016 16:44	ESD
Exploitation	56	80	26/03/2015 15:43	ESD	13/06/2016 16:47	ESD

Increase in prostitution	43	61	20/03/2015 17:29	ESD	19/10/2015 14:25	ESD
Inherent victimisation	22	39	26/03/2015 14:36	ESD	13/06/2016 16:46	ESD
Nonpatrimoniaity	10	10	20/03/2015 14:01	ESD	19/10/2015 14:02	ESD
Security and nuisance	67	106	20/03/2015 11:46	ESD	19/10/2015 14:25	ESD
The client	20	23	20/03/2015 17:30	ESD	19/10/2015 14:33	ESD
VD and AIDS	22	22	20/03/2015 13:42	ESD	22/06/2015 13:10	ESD
Citizen demands	64	92	20/03/2015 11:43	ESD	19/10/2015 14:28	ESD
Definition of Abolitionism	54	75	20/03/2015 13:53	ESD	23/06/2015 12:55	ESD
Definition of prostitution	0	0	19/03/2015 22:30	ESD	19/03/2015 22:30	ESD
Economic constraint	26	34	19/03/2015 22:36	ESD	19/10/2015 14:03	ESD
Form of labour	1	1	19/03/2015 22:37	ESD	13/06/2016 16:47	ESD
Incompatible with gender equality	11	12	26/03/2015 09:40	ESD	23/06/2015 12:01	ESD
Incompatible with human dignity	22	28	19/03/2015 22:32	ESD	23/06/2015 12:04	ESD
Incompatible with women's rights	11	14	20/03/2015 13:10	ESD	28/04/2015 14:02	ESD
Inherent form of victimisation	28	31	26/03/2015 10:38	ESD	13/06/2016 16:49	ESD
Inherently oppressive	43	68	26/03/2015 14:31	ESD	13/06/2016 16:49	ESD
Necessary evil	7	8	20/03/2015 13:43	ESD	28/04/2015 14:20	ESD
Other	5	7	28/04/2015 10:47	ESD	23/06/2015 12:13	ESD
Patriarchal domination	5	5	19/03/2015 22:37	ESD	28/04/2015 11:59	ESD
Slavery	13	15	26/03/2015 12:22	ESD	23/06/2015 11:20	ESD
Unacceptable commercialisation of the body	26	29	20/03/2015 13:11	ESD	13/06/2016 16:48	ESD
Violence against women	42	51	19/03/2015 22:31	ESD	23/06/2015 12:04	ESD
Voluntary occupation	15	15	20/03/2015 11:17	ESD	22/06/2015 22:35	ESD
Evaluation of France in the world	26	32	21/03/2015 14:58	ESD	13/06/2016 16:50	ESD
Evaluation of past policy	0	0	19/03/2015 22:33	ESD	19/03/2015 22:33	ESD
Negative	67	111	19/03/2015 22:34	ESD	19/10/2015 14:26	ESD
Positive	18	20	19/03/2015 22:33	ESD	19/10/2015 14:26	ESD
Evaluations of police enforcement	83	143	20/03/2015 12:40	ESD	13/06/2016 16:50	ESD
Evidence of Government reflection on issue	27	35	20/03/2015 13:12	ESD	13/06/2016 16:52	ESD
Evidence of local authority action	130	303	20/03/2015 12:44	ESD	13/06/2016 16:52	ESD
Information pertaining to policy process	161	313	24/03/2015 08:55	ESD	13/06/2016 17:03	ESD
Key dates	80	108	19/03/2015 22:39	ESD	23/06/2015 12:32	ESD
Opposition to policy proposal	0	0	20/03/2015 12:28	ESD	20/03/2015 12:28	ESD
Opposition to abrogation of LSI in full	19	28	26/03/2015 09:33	ESD	13/06/2016 16:52	ESD
Opposition to CPSS	77	188	20/03/2015 14:20	ESD	19/10/2015 14:34	ESD
Opposition to defiscalisation	1	1	20/03/2015 13:30	ESD	20/03/2015 13:30	ESD
Opposition to Le Tac proposal	3	10	20/03/2015 13:54	ESD	26/04/2015 16:52	ESD
Opposition to local authority police and traffic by-laws	13	13	20/03/2015 17:33	ESD	13/06/2016 16:53	ESD
Opposition to Pinot report	2	2	20/03/2015 12:28	ESD	26/03/2015 11:09	ESD

Opposition to prohibition	4	4	26/03/2015 11:12	ESD	26/04/2015 21:23	ESD
Opposition to regulation	43	61	20/03/2015 12:34	ESD	23/06/2015 13:01	ESD
Opposition to repeal of LSI passive solicitation	39	89	20/03/2015 14:38	ESD	13/06/2016 16:52	ESD
Opposition to residency rights for foreign 'victims' or sex workers	2	2	03/04/2015 18:57	ESD	13/06/2016 16:53	ESD
Opposition to sexual auxiliaries	3	7	26/03/2015 15:09	ESD	28/04/2015 14:21	ESD
Opposition to 'unfair criminalisation'	1	1	15/06/2015 18:29	ESD	13/06/2016 17:13	ESD
Rationale for policy preference	123	288	19/03/2015 22:53	ESD	13/06/2016 17:03	ESD
Reference to foreign models	3	3	19/03/2015 22:54	ESD	04/04/2015 15:12	ESD
Bad practice	34	40	19/03/2015 22:57	ESD	19/10/2015 14:34	ESD
Best practice	27	37	19/03/2015 22:56	ESD	19/10/2015 14:10	ESD
Relationship with trafficking	0	0	19/03/2015 22:58	ESD	19/03/2015 22:58	ESD
Conflation	61	78	19/03/2015 22:59	ESD	19/10/2015 14:33	ESD
Distinction	7	8	19/03/2015 22:59	ESD	07/05/2015 12:19	ESD
Survey data	13	17	20/03/2015 11:59	ESD	23/06/2015 12:03	ESD
Use of expert evidence	12	15	19/03/2015 23:00	ESD	26/04/2015 21:20	ESD

Appendix 3: Full transcript of research interviews in chronological order

Transcript of phone interview with Michèle André, 5 November 2012.

1. **M'autorisez-vous à enregistrer l'entretien?**
2. Oui.
3. **Quelles ont été, à votre avis, vos interventions les plus importantes sur le sujet de la prostitution pendant votre mandat de Secrétaire d'Etat?**
4. À l'époque, la tendance était plutôt axée vers l'insertion des femmes – puisqu'à l'époque on avait surtout à faire à des femmes, mais il faut savoir que la prostitution n'est pas que féminine – donc c'était surtout de la réintégration en activité professionnelle, et pour sortir de l'influence d'un homme qui était le proxénète. Donc, les fois où j'ai eu à travailler, c'était beaucoup sur ces sujets, c'est à dire: comment on fait pour aider une femme qui a longtemps vécu de la prostitution pour l'accompagner dans la vie normale où elle n'est pas exploitée par quelqu'un contre prostitution. Il m'est arrivé d'aller casser des projets qu'avaient des proxénètes sur une femme précise parce qu'ils en faisaient leur chose, avec la police derrière. Vous voyez, on pouvait faire ça à cette époque.
5. **Avez-vous, à l'époque, à intervenir en matière de droit, particulièrement par rapport à l'élaboration du nouveau code pénal qui allait être introduit?**
6. C'était les années 1988-1990, il n'y avait pas du tout cette problématique, qui est devenue après l'épouvantail du racolage passif, mais qui date de très peu de temps. C'était donc bien avant. Le prostitué n'était pas vécu comme des personnes que l'on pourchassait, et on avait à faire à une prostitution sans doute moins internationale qu'elle ne l'est aujourd'hui.
7. **Justement, à ce sujet, avez-vous eu, à l'époque, l'occasion de défendre ou de promouvoir la place de la France en matière de prostitution sur la scène internationale?**
8. Ça ne se posait pas comme ça. Vous voyez, à l'époque j'avais comme collaboratrice une femme formidable qui s'appelait Simone Iff¹⁰³, qui travaillait beaucoup avec nous, qui savait parler de la prostitution comme d'un élément de l'exploitation des femmes, mais c'était tout avant l'apparition de cette dimension internationale, traite des êtres humains, qu'a pris la prostitution en sillon des grands conflits et surtout avec l'émergence d'internet et la circulation rapide des

¹⁰³ Ancienne présidente du Planning Familial

informations.

9. **Par rapport au mandat de la prostitution, qui touche aux compétences de multiples ministères et d'une pluralité d'institutions, quelles ont été les difficultés auxquelles vous avez pu être confrontée dans votre travail sur ce thème là?**
10. Il fallait convaincre la police du fait que quand une femme venait demander une protection, elle pouvait être sincère, que ce n'était pas, à priori, quelqu'un qui venait pour poser un problème insoluble. En effet, à ce moment là, les policiers avaient l'impression que, de toute façon, elles n'y arriveraient pas, que c'était difficile. Donc nous étions souvent dans une explication ancrée dans le droit des femmes, le droit de sortir de cette situation, de récupérer un enfant qu'on a eu et qu'on vous a enlevé parce que vous êtes une prostituée.
11. **Comment gère-t-on la réconciliation des objectifs nationaux d'abolition de la prostitution et les demandes assez ponctuelles, spécifiques et géographiquement différenciées des résidents au niveau local?**
12. C'est très compliqué. Et ça, je pense que tout le monde le sait. Mais moi je considère que ce n'est pas en chassant les femmes prostituées des rues parce que les riverains y sont confrontés quand ils rentrent chez eux. Mais ça, on l'a eu sur Paris, on l'avait à Clermont-Ferrand, où on avait des rues dans lesquelles il y avait des personnes qui se prostituaient, franchement, j'y suis passée plusieurs fois et, honnêtement, ce n'était pas dangereux du moment où vous n'étiez pas en train de tapiner sur le bord vous-même. Vous pouviez même leur dire bonjour et elles étaient plutôt sympathiques. Mais il s'est installé des peurs aujourd'hui: des rejets, des voitures bruyantes, et des espèces de fantasme de l'étranger, qui brouillent beaucoup le message. Donc, je ne considère pas que c'est en les mettant en rase campagne que l'on va régler le problème. Vous voyez, dans la vie, quand on a un problème, soit on peut le regarder pour ce qu'il est, avec les inconvénients qu'il a, soit on le rejette et donc on le cache – et ça, c'est très hypocrite. Moi, je pense que dans ce domaine ça ne vaut pas la peine de jouer l'hypocrisie.
13. **Comment définissez-vous la prostitution, et cette conception a-t-elle évolué au fur et à mesure de votre travail sur ce thème?**
14. Je pense qu'il y a des victimes de la prostitution. Ce sont, aujourd'hui, les jeunes femmes qui vivent misérables dans un pays, qui pensent répondre à une annonce pour garder les enfants, ou s'occuper de quelque chose de licite dans un pays européen, et qui se retrouvent sur des plateformes de recyclage de prostituées à Chypre. C'est la dimension internationale de la traite des êtres humains qui est grave. Et c'est celle là sur laquelle, à mon avis, on devrait urgemment, en France, et ailleurs, mettre tous les moyens de police pour traquer les proxénètes. Il faut aller chercher où est l'argent et sortir du malheur ces femmes là. Le problème après c'est qu'elles savent bien qu'il y a des familles, là bas, c'est le même système que quand, en Union Soviétique, on voulait se sauver et qu'on était musicien dans un grand orchestre, la famille était pourchassée à cause de ceci. Donc là il y a des éléments de dangerosité qui sont nouveaux, et je pense que c'est

sur cela que l'on devrait se pencher et mettre toutes nos forces de police.

15. **Par rapport aux lois nationales et sur lesquelles vous avez peut-être une opinion, vous avez aussi travaillé sur les mesures anti-racolage continues dans la loi du 18 mars 2003. Compte tenu d'une opposition assez soutenue à ces dispositions, pourquoi, à votre avis, aucun amendement les abrogeant n'a-t-il réussi à être passé?**
16. Parce que la droite était au pouvoir et n'en voulait pas. Voilà. Donc c'est sur ce projet de suppression du délit de racolage passif que nous avons actuellement des projets en cours.
17. **Pourquoi n'avez-vous pas plus travaillé sur le sujet de la prostitution pendant votre mandat?**
18. Ce n'était pas mon mandat. Moi, j'avais, d'abord, une toute petite administration. C'est simple: le Ministère des droits des femmes il avait une déléguée régionale par région, une chargée de mission départementale, et quelques personnes au ministère. Nous avions quand même ce problème en souci, en attention, mais c'était partagé avec les gens qui travaillaient sur le code pénal, avec le Ministère de la Justice, avec bien d'autres; et sur les problématiques transversales, comme la réinsertion, avec les affaires sociales, parce que, souvent, les crédits étaient dans ces ministères là. Moi, j'avais un Ministère interministériel fort, dans lequel j'avais la main sur un certain nombre de budgets mais pas tous. Mais, je ne suis pas persuadée qu'on aurait pu faire beaucoup plus dans la réinsertion. Parce que c'est quand même très difficile. J'ai vu des femmes, avec qui j'ai créé des liens forts, qui avaient la volonté d'en sortir, et qui n'y sont pas arrivées, à cause de problèmes financiers, ou bien à cause de l'illusion qu'elles avaient de la famille parfaite, et qui, une fois qu'elles avaient retrouvé leurs enfants, ne tenaient pas la route, parce que c'est difficile d'assumer ces morceaux de passé. Moi, je crois que c'est un problème extrêmement complexe, qui est aujourd'hui d'autant plus complexifié avec la prostitution des garçons et avec, de la part de certains qui se prostituent, une demande de les laisser libres avec leur corps – une revendication qu'il faut entendre aussi.
19. **Que pensez-vous de la pérénnité du message de Dinah Derycke qui, dans son rapport à l'époque, disait que beaucoup de travail dans le social devrait être fait?**
20. Vous savez, c'est comme lutter contre le tabagisme, ou l'acoolisme, si on pouvait faire en sorte de ne pas y tomber, ça serait quand même par là qu'il faudrait commencer.
21. **Donc un service de prévention?**
22. Oui, mais une prévention qui n'est pas dite comme ça, mais qui est dans la

globalité de la vie des gens les uns avec les autres. Moi, par rapport au message de Dinah, qui était quelqu'un avec qui j'ai beaucoup aimé travailler, on était sur une insertion pour celles qui le voulaient, ancrée dans une logique très objectivement positive. Après, il est vrai que ces dernières années ont un peu changé la donne – la dimension internationale est beaucoup plus présente qu'elle ne l'était. À l'époque, la police à Clermont-Ferrand me disait: "Ils nous changent les filles de temps en temps (ils parlaient comme ça, je répète ce qu'ils m'ont dit, mais enfin, je comprenais ce qu'ils voulaient dire). Aujourd'hui ce n'est même plus des filles, c'est de la marchandise".

23. Donc il y a eu un changement des modalités.

24. Oui, il y a eu un changement des modalités: il y a eu des arrivées des filles d'Afrique, des filles de l'Est, qui est terrifiante, et qui joue sur la misère. Alors, après, à la misère sexuelle des uns s'ajoute la misère matérielle des unes – mais au milieu de tout ça vous avez aussi une prostitution de luxe dont tout le monde a compris ce qu'elle était, avec beaucoup d'argent de la part d'hommes qui auront toujours beaucoup d'argent et de femmes qui aimeront toujours avoir beaucoup d'argent.

- FIN -

1. **M'autorisez vous à enregistrer l'entretien?**
2. Oui
3. **Pouvez vous me raconter l'histoire de cette campagne d'information¹⁰⁴?**
4. Au début il était question d'une conférence organisée par la Direction Départementale de la Cohésion Sociale (DDCS), dans une logique plutôt intéressante de réunir toutes les structures pour voir de quoi ont besoin les personnes et puis de discuter de ce qu'il serait bien de faire ensemble. Et puis, c'est un avis tout à fait personnel, mais assez vite, j'ai trouvé que toutes les personnes avaient envie de faire quelque chose pour faire quelque chose parce qu'il fallait montrer que la Délégation des Droits des Femmes s'emparait de cette question là et qu'il fallait produire quelque chose. Et, assez vite, on est arrivé à: "Il faut organiser une conférence pour prévenir les étudiantes de ne pas se prostituer et les étudiants de ne pas devenir clients, et il faut faire une affiche qui va dans ce sens là." Donc, assez vite, c'est apparu comme *le* truc qu'il fallait, et assez vite, nous on a dit qu'on était pas forcément convaincus que c'était l'urgence pour les personnes qui se prostituent ou que ce soit *cette* réponse là qui soit la plus pertinente.
5. Donc, moi j'ai donc suivi jusqu'à la proposition par l'agence¹⁰⁵ de différentes suggestions visuelles, et là on a dit "non, clairement ça ne nous correspond pas." On l'a testé auprès des personnes que nous on rencontre, contrairement au Nid, pour le coup, et ça a été un super outil pour nous, de discuter du sujet, de leur poser la question de si la prostitution est une violence ou pas, de comment c'est perçu. En l'occurrence, elles ne se reconnaissent pas du tout dans cette affiche là. Donc dire non c'était aussi une façon de leur dire "arrêtez de faire des choses contre vous, sans en parler aux personnes concernées – vous faites toujours des choses pour "protéger" (ça rejoint la Loi pour la Sécurité Intérieure), des choses qui sont sensées protéger des personnes qui, au final, sont beaucoup plus nuisibles. Et, effectivement, à cette première réunion, c'était beaucoup des associations qui sont très "victimo" qui ne donnent pas du tout la capacité aux personnes de réfléchir et qui ont plutôt tendance à dire que les personnes ne sont plus en capacité de réfléchir, justement. Mais les membres de la police qui étaient présents disaient qu'ils étaient plutôt à voir des personnes qui étaient différentes, qui avaient un rapport à la prostitution qui est différent, et nous aussi on disait ça, donc c'était intéressant de voir qu'on était sur la même longueur d'onde que la police.

¹⁰⁴ Campagne d'information organisée par le Mouvement du Nid en partenariat avec le Conseil Général de Loire-Atlantique, la Direction Départementale de Cohésion Sociale de Loire Atlantique.

¹⁰⁵ Le Square Deshoulières

6. Donc, vite, c'est devenue la DDCS et le Nid qui ont travaillé là dessus et personne d'autre. Moi, ce que ça me renvoie, c'est qu'il y a des gens qui sont d'accord en théorie, et qui ne cherchent pas du tout le débat mais qui cherchent à présenter leur positionnement.
7. **Hier ¹⁰⁶ vous avez utilisé, lors d'une de vos interventions, le mot "pragmatique" pour qualifier la nature de l'action et de l'engagement de l'association. Est-ce que vous pouvez m'expliquer ce que ça veut dire pour vous?**
8. Nous on est une Organisation Non-Gouvernementale humanitaire, médicale, à la base, et on intervient depuis plus de vingt cinq ans en France sur les problématiques d'accès aux soins et d'accès au droit des personnes. Tous les programmes qui sont auprès des personnes qui se prostituent sont des programmes issus de programmes d'échange de seringues ou de réduction des risques. Donc, on est dans cette approche de "il y a des personnes qui ont des pratiques et on va travailler avec elles pour réduire les risques liés à ces pratiques." Et donc tous nos programmes auprès des personnes qui se prostituent sont conçus sur cette approche de RDR ¹⁰⁷, de *harm reduction*, et donc avec cette éthique de non jugement et de donner aux personnes des capacités de construire leurs réponses, d'être dans l'*empowerement*, enfin d'être dans une construction qui n'est pas celle de l'expert situé et qui sait ce qui est bon pour la personne. Et, en plus, on est pas positionné sur le sujet de la prostitution. C'est ce qui fait qu'on est pas pour ou contre, chacun peut avoir un avis personnel et, évidemment, dans l'équipe, chacun en a un, mais on est pas du tout, au niveau de l'association, à se positionner pour défendre le droit des travailleurs du sexe ou dire absolument qu'il faut vivre dans un monde sans prostitution. On est pragmatique parce que les personnes avec qui on travaille le sont. C'est à dire que, pour nous, la plupart des personnes que l'on rencontre, elles sont en demande d'asile, ou elles sont sans papier, elles ont besoin d'argent, certaines nous disent qu'elles sont contentes de pouvoir travailler dans la rue parce que ça leur permet de ne pas voler – elles sont aussi extrêmement pragmatiques.
9. On fait souvent des débats avec le Nid, et on arrive à se parler – on ne se pourrait pas – mais tout leur positionnement "il faut vivre dans un monde sans prostitution", à la limite, pourquoi pas, ok; mais la réalité c'est que les personnes viennent en France, elles n'ont pas de travail, elles sont migrantes, alors qu'est ce que tu veux qu'elles fassent? Et tous les dispositifs qu'ils sont en train de mettre en place ça va être pour des personnes qui sont soit régularisées, soit françaises, et qui veulent sortir de la prostitution. Dans ces cas là, super, nous on estime que, pour ces personnes, s'il pouvait y avoir ici plus de structures qui pourraient un peu plus les accompagner et les aider à accéder au travail, on serait les premiers contents. Mais il y en a aussi qui préfèrent continuer cette activité là, parce que c'est de l'argent qu'elles vont avoir rapidement, et donc, voilà, on est pas obligé d'arrêter de se prostituer. Et il y en a qui sont dans une stratégie de survie qui fait qu'elles n'ont pas accès à un autre travail. Donc, qu'est-ce-qu'on va faire des personnes qui de toute façon vont continuer?

¹⁰⁶ Lors de la conférence-débat organisée pour lancer la campagne d'information.

¹⁰⁷ "réduction des risques"

10. En plus, il y a une vraie hypocrisie sur le fait que pas toute la prostitution se passe dans la rue. D'ailleurs, la police le disait très bien hier aussi. Nous, on a commence à travailler auprès des personnes qui mettent des annonces sur internet¹⁰⁸ - c'est super compliqué, c'est un public qui n'est pas du tout accessible, et qui ne sera ni accessible à la police pour lutter contre le trafic et le proxénétisme, ni aux associations de santé. Donc c'est une espèce d'hypocrisie pour la tranquillité publique, les riverains, et pour les personnes qui pensent qu'il ne faut absolument pas faire de travail du sexe, mais ça ne répond pas aux besoins des personnes.
11. **Justement, comment ces idées affectent la relation entre l'association et les autres acteurs? Hier soir vous étiez présente pour représenter les Médecins du Monde mais vous vous trouviez du côté de l'audience. Ca vous arrive souvent de vous trouver, géographiquement ou idéologiquement à l'écart de cette façon?**
12. Ça dépend de qui organise. C'est à dire que s'il y avait eu la même chose organisée par l'Agence Régionale de Santé, je pense que ça aurait été l'inverse – Médecins du Monde aurait été au devant de la scène.
13. Franchement, la plupart des gens qui veulent organiser quelque chose sur la question de la prostitution, que ce soit un collectif d'étudiants, la prochaine fois c'est l'hôpital, ou une autre association, clairement, ils appellent Médecins du Monde en premier. Parce qu'ils savent, honnêtement, que la réalité de terrain c'est (et ce n'est pas du tout une prétention, je ne la revendique pas pour la revendiquer) que nous, aussi peut être parce qu'on a deux salaires aussi, ça aide, on fait des tournées deux fois par semaine, on connaît des personnes, on parle anglais (le public est 80% nigérien donc évidemment il faut parler anglais) – le Nid n'a absolument pas suivi cette évolution là, ils ne sont pas du tout disponibles pour tourner jusqu'à trois ou quatre heures du matin. Nous, on a un lieu, ouvert on a une permanence, contrairement au Nid, où c'est super compliqué – et pour tout le monde, nous aussi, on fixe des rendez-vous et ils sont pas là, alors après il faut réajuster. Nous on est sur un seuil de facilité. Donc c'est sûr que ça marche mieux pour les personnes, on s'est vraiment adaptés à leur fonctionnement.
14. D'ailleurs, en générale, la police ne travaille qu'avec nous. C'est à dire que, la loi en France prévoit qu'une personne qui veut dénoncer son proxénète, la police doit absolument lui proposer l'aide d'une association, donc dans ces cas, c'est toujours nous. L'avocate,¹⁰⁹ toutes les affaires qu'elle traite, c'est avec nous aussi.
15. Donc je pense que la plupart des gens qui veulent avoir un regard éclairé sur la réalité de ce qui se passe à Nantes, ils appellent Médecins du Monde. Après, on ouvre la bouche de plus en plus pour donner notre positionnement, notamment sur ce projet de pénalisation du client, donc après, quand les gens veulent un débat, quand ils ne sont pas positionnés, ils invitent les deux en général. Et là, d'après les

¹⁰⁸ Pour voir les acteurs de la mission des Médecins du Monde à Nantes en train d'intervenir par rapport à la prostitution sur internet et les entendre parler des difficultés liées à ce type d'intervention, voir le film "Amours Propores" d'Estelle Robin You.

¹⁰⁹ Anne Bouillon

deux exemples récents que j'ai en tête (l'association des paralysés de France et un collectif qui travaille plutôt sur des questions de bisexualité, transsexualité), clairement, ils étaient d'accord avec ce principe de pragmatisme de Médecins du Monde. Et aussi avec le fait que nous on met en avant que toutes les politiques qui visent à pénaliser les gens au regard de leurs pratiques on sait que ça a des effets néfastes et que là on est en train de reproduire exactement ça. Je veux dire, on travaille à l'internationale auprès des usagers de drogues, on le voit bien. Et le modèle suédois qui est tant mis en avant c'est juste une catastrophe pour les personnes.

16. **Hier, ce qui est ressorti, c'était un peu la place d'or des données empiriques et l'importance de la recherche...**
17. Oui, mais tu vois, elle est ressorti en pleurant, Sophie¹¹⁰... Donc il faut bien voir la violence de ces politiques et de ces propos là, qui viennent de gens qui réfléchissent mais sans connaître le terrain, comparée à la parole de ceux qui vivent le terrain. À un moment donné, c'est cette violence là qu'il serait bon qu'ils entendent – ils arrivent à casser des personnes, franchement, avec ces politiques hyper-victimisantes.
18. **Votre association produit des enquêtes, basées de façon assez importante sur le travail de terrain. Ces enquêtes sont-elles prises en compte par les acteurs politiques?**
19. Moi je pense que le gros problème c'est qu'aujourd'hui, la question de la prostitution n'est traité que par le prisme du droit à l'égalité des femmes. Donc, effectivement, ceux qui défendent cette perspective ne considèrent pas du tout les études qu'on peut faire en tant qu'ONG médicale, humanitaire, ni la parole des personnes. Ils sont ancrés dans leur orientation idéologique.
20. Nous, on est financés à la mairie, par le crédit santé et tranquillité publique. Mais c'est quand même énorme - je ne sais pas si tu as remarqué mais sur le tract¹¹¹ tu as le logo de la mairie, et je suis allée leur demander [ndlr: à la représentante de la DDCCS présente] pourquoi ce logo y figurait – puisque, tu as remarqué, personne à la conférence n'a posé la question, mais moi j'avais suivi l'histoire de ce tract. Effectivement, la mairie disait "la mairie n'a rien à faire dans cette question là, on n'a pas à se positionner là dedans, c'est *une* idéologie portée, par des féministes en l'occurrence" et donc eux [ndlr: la mairie] ne s'y retrouvent pas du tout, dans ce discours là. D'où la question de pourquoi leur logo figure sur le tract.
21. Après, sur les enquêtes et les rapports, moi, là où je suis très critique, c'est qu'on ne les interprète pas du tout de la même manière. Et c'était ça qui était compliqué hier – ils n'ont pas du tout laissé place au débat, ils ont vraiment monopolisé la

¹¹⁰ Escorte accompagnant Irène Aboudaram à la conférence du 19/11/12 et qui a interpellé les intervenants sur le sujet de leur écoute (ou le manque perçu de leur écoute) des personnes proposant des services tarifés et qui ne souhaitent pas en sortir.

¹¹¹ Affiche de la campagne d'information "La prostitution: une violence faites aux femmes?"

parole, et notamment le représentant¹¹² du Mouvement du Nid – ils sont vraiment dans leur monde. Alors, peut-être qu’on va finir par être dans le notre, j’en sais rien... Mais au moins, nous, on s’appuie vraiment sur une réalité de terrain très locale. Nous, on invente rien. Après, je pense que nous, ce qui nous embête le plus, c’est vraiment la généralisation qui est générée par l’utilisation d’une situation pour dire que c’est comme ça que ça se passe pour tout le monde. Clairement, nous, les personnes nigériennes que l’on rencontre, on est toujours en train de dire, en France, qu’elles sont victimes de la traite, et bien ou, effectivement, il y en a qui le sont, certaines le sont mais ne se vivent vraiment pas comme ça, certaines ne le sont pas vraiment mais vont sentir que oui... leurs histoires sont extrêmement variées. Franchement, il faut prendre le temps de bien étudier cette différence là. Et, du coup, de réfléchir au fait que si, effectivement, toutes les solutions que l’on propose sont réellement adaptées à toutes ces situations là. Là, en l’occurrence, ce n’est absolument pas le cas. C’est adapté à une idéologie hyper marquée, que l’on veut défendre, en l’occurrence “un monde sans prostitution, parce que la prostitution c’est mal”, parce qu’on dit que les personnes “vendent leur corps” – mais, non, elles vendent des services sexuels – alors voilà, en mélange tout parce qu’on est parasité par cette idéologie là.

22. Moi ça m’a fait rire, quand ils ont parlé de la Suède ...Moi j’y été en Suède en avril, à rencontrer des associations dans un cadre plus large que le *sex work* – c’était des associations d’usagers de drogues, d’anciens détenus, et de *sex work*, donc c’est effectivement plus des associations communautaires, puisque c’est ce qui nous intéressait dans ce projet là – et, en fait, toutes les personnes qu’on a rencontré, elles parlent du modèle suédois en tant qu’enfer pour ces populations là qui ne sont pas dans le moule dans lequel le gouvernement a envie de les mettre. On avait le témoignage d’une *sex worker* (et c’était en avril, donc ce n’était pas il y a si longtemps), qui fait part d’une association¹¹³ qui va partout dans le monde pour dire “surtout ne faites pas comme en Suède”, elle disait “voilà: moi j’ai vécu avec un homme qui était violent, j’ai eu des enfants, on m’a aidé pour que mon compagnon soit éloigné, et puis, quand ils ont appris que j’étais escortée, ils m’ont demandé d’arrêter, ils m’ont demandé de me dire que j’étais une pauvre fille qu’il fallait aider. Moi je ne me suis pas du tout reconnu là dedans. Du coup ils m’ont enlevé la garde de mes enfants et l’ont donné au père qui était violent et qui a reproduit les violences sur son autre compagne ...” Voilà, tout ça juste parce que la personne ne reconnaissait pas comme victime ou comme faisant un truc horrible qu’il fallait absolument arrêter pour protéger ses enfants. Là, pareil, quand on raconte ça, ce n’est pas pour absolument faire la promotion du travail du sexe, mais juste que dans ce cas là, d’une personne qui veut vivre autrement, et bien on la pénalise et on la punit parce qu’elle ne veut pas changer. Les usagers de drogues font le même commentaire; les ex-détenus disent “si tu ne fais pas absolument redemption de ce que t’as vécu, si tu ne dis pas “Oui, excusez-moi, j’ai fait un truc horrible”, si tu n’es pas là dedans, tu es totalement exclu de la société et, du coup, on ne va jamais t’aider.”

23. En revanche, celles qui se vivent vraiment comme étant victimes de quelque chose et qui demandent de l’aide, elles sont super bien aidées. Donc, après, je me dis que c’est dommage, il y aurait plein de choses qu’on pourrait faire vraiment très bien

¹¹² Grégoire Théry, Secrétaire Général du Mouvement du Nid.

¹¹³ Rose Alliance

pour des personnes qui ont vraiment envie, en l'occurrence là c'est le cas – je ne nie pas qu'il y en a vraiment pour qui le travail est vraiment pénible et qui pourrait arrêter mais elles n'ont pas accès à un autre travail – alors celles-là, si on pouvait les aider, ça serait vraiment super. Mais que celles qui n'ont pas franchement envie, ou qui ne sont pas dans ce projet là maintenant, qu'on ne les pénalise pas pour autant.

24. L'équilibre à trouver, moi je ne sais pas où il existe. On est pas, effectivement, un association qui réfléchit sur un modèle à trouver. On sait juste que des associations de santé un peu plus positionnées pro-travail du sexe dissent que le dispositif du droit commun suffit et qu'il n'y a pas besoin d'un cadre particulier pour la prostitution.
25. **Est-ce-que tu penses que la relation qu'ont les acteurs politiques/acteur locaux avec les associations abolitionnistes comme le Mouvement du Nid sont sensiblement différente que celles qu'ils ont avec les ONG comme les Médecins du Monde?**
26. Clairement. En tant que financement, déjà. C'est à dire que nous, on ne va pas du tout être financé par la Direction Départementale de la Cohésion Sociale dès l'instant où – en tout cas c'était vrai sur Paris, nous [ndlr: à Nantes] on va réessayer quand même, on arrivera peut être à avoir une petite enveloppe financière pour toutes les femmes qu'on protégé, mais en même temps, puisqu'ils n'ont pas beaucoup d'argent, ils disaient que la priorité n'était pas là-dessus – mais, clairement, Paris c'est vu son financement refusé parce qu'ils n'étaient pas en train de dire que la prostitution était une violence faite aux femmes. Et, clairement, le Nid reste une structure très bien financée. Et justement, certains membres du STRASS sont mécontents que le Nid récupère beaucoup d'argent. Le financement des associations est très compliqué. On a eu des financements, au moins nous dans des associations communautaires, que dans des lignes SIDA. Du coup, qu'est-ce-que ça renvoie, d'être financé sur des questions de santé, SIDA...? Nous on est, effectivement, beaucoup financé sur "santé" et "tranquillité publique" – ce qui est quand même assez incroyable. Et heureusement que le service de la mairie est très bon – on est complètement d'accord sur les objectifs et ils ne nous demandent pas de faire autre chose. Mais, à la préfecture on recevait un somme, on recevait €35 000, et en 2007 on a perdu le financement parce que la préfecture nous a demandé (pas explicitement) d'insister un peu plus sur le fait de dire aux personnes de rentrer chez elles, et qu'on leur a dit clairement que notre action ne portait pas là-dessus et du coup on a plus du tout eu de financement.
27. Bon, après, on a de la chance d'être une ONG qui a des fonds privés, et du coup on peut continuer à financer nos actions. C'est un choix de Médecins du Monde de garder ces missions là sur fonds propres – c'est ce qui fait qu'on a une liberté d'action assez importante.
28. **Médecins du Monde est une association reconnue d'utilité publique donc une partie du financement de l'association provient de l'État et des collectivités territoriales. Y-a-t'il eu une évolution de ce financement?**

29. Globalement on a perdu du financement. Les associations en générale ont perdu du financement, surtout en ce qui concerne leur action sur des problématiques sociales. Quand les Agences Régionales de Santé (ARS) se sont créées, d'un coup, il y a eut d'un côté la santé et de l'autre le social.¹¹⁴ Et nous, globalement, on n'a que vraiment été financé par la santé et, pour le coup, pour des matières sociales la santé nous disait "Non, allez voir la DDCS" – alors, oui, bon, la DDCS... mais elle est positionnée différemment que nous, donc elle ne peut nous financer de la même manière. Je pense qu'issus du financement de la DDCS, on trouve des programmes beaucoup plus axés sur le fait de faire comprendre aux personnes que ce qu'elles font c'est pas bien, qu'il faut arrêter,... Mais, à Médecins du Monde, on est clairement pas axés là dessus. Même quand on met en avant tout le travail social qu'on fait, qui est quand même énorme, ça ne suffit pas à être financé par la DDCS.
30. C'est ce changement qui a le plus impacté sur l'évolution du financement – ça a eut comme résultat d'éclipser toute notre problématique sociale et d'engendrer des difficultés pour nous. En effet, on travaille sur la Charte d'Ottawa¹¹⁵ et notre Agence Régionale de Santé met vraiment en avant cette Charte d'Ottawa, mais qui finalement, du coup, ne nous confère qu'un tout petit financement. Du coup, toute la problématique sociale, tous les facteurs déterminants pour la santé sont peu pris en compte.
31. Nous avons aussi perdu tout le financement provenant de Sidaction – mais dans leurs cas, c'est à leur plus grand désespoir, je pense: ils ont moins d'argent donc ils peuvent moins en distribuer et privilégient donc les petites associations qui ont moins de fonds propres que Médecins du Monde.
32. **Une hypothèse avancée pour expliquer la capacité des structures politiques locales de s'associer en même temps aux deux associations qui étaient présentes hier soir (le Nid et Médecins du Monde) malgré leurs actions différentes et parfois antagonistes est que la richesse de connaissance du terrain offerte par les associations telles que celles-ci n'est pas légitimement remplaçable par des structures officielles qui opèreraient au sein de la mairie, par exemple. Qu'en penses-tu?**
33. Je suis assez perplexe sur ça, parce qu'en fait, chez nous, à Médecins du Monde, l'idée c'est de ne pas de substituer au droit commun. Notre action est spécifique aux personnes qui se prostituent au regard de leurs pratiques – c'est à dire qu'il y a un travail de réduction des risques liés à la pratique prostitutionnelle – mais tout ce qui en est des droits fondamentaux et de leur respect, l'idée c'est vraiment

¹¹⁴ Issues de la RGPP qui a scindé la DDASS et la DRASS et créé les Agences Régionales de Santé et les Directions Départementales (dont la Direction Départementale de la Cohésion Sociale qui a, dans chaque département, une chargée de mission dans le domaine des droits des femmes et de l'égalité – une fonction tenue par Emmanuelle Proteau, à Nantes à cette période) en 2010.

¹¹⁵ La Charte d'Ottawa pour la promotion de la santé a été établie à l'issue de la première Conférence internationale sur la promotion de la santé, qui s'est tenue à Ottawa, au Canada en 1986. Cette charte met en avant l'importance de la santé et des actions qui permettent aux populations un plus grand soutien et un plus grand contrôle sur leur santé puisque celle-ci est indispensable à la satisfaction de besoins humains, réalisation d'ambitions personnelles.

qu'ils soient respectés dans les structures de droits commun, et qu'il n'y ait pas de structure spéciale pour les personnes qui se prostituent.

34. Parce que c'est un public super stigmatisé, parce que c'est une public qui n'a pas facilement accès au système de soin, à cause de méconnaissance et souvent à cause de problèmes de langues, il y a toujours besoin d'un intermédiaire et, notamment, de Médecin du Monde. Cependant, malgré la présence systématique de professionnels de la santé dans nos locaux ou en tournée dans le bus, on ne fait pas de soins nous même; l'idée étant que les personnes aient accès au droit commun comme tout le monde.
35. Le risqué lié au financement des structures à 100% par l'état, et on le voit dans certain domaines, c'est une la perte de la capacité d'adaptation aux nouvelles formes de prostitution, par exemple, puisque tu opère sur un modèle que tu ne questionne plus. La richesse d'une association comme Médecins du Monde c'est d'avoir une force militante et associative qui va, à un moment donné, questionner les pratiques, qui va dire "voilà, 70% de la prostitution se passe en *indoor*, qu'est-ce-qu'on peut faire pour travailler en *indoor*?", et qui va questionner notre modèle. En effet, c'est une mission qui est nait en 2000, auprès d'un public plutôt français, qui a très vite dévié à un public migrant, et qui a très vite dévié à un public nigérien. Tout ça, ça sous-entends d'adapter ton mode d'action, ton équipe,... Et cette adaptation est plus facile en association puisqu'on est plus souple.
36. Ce qui m'interpelle vraiment par rapport à hier soir, c'est que c'est beaucoup de gens qui parlent sans connaître la réalité de terrain. Alors, la réalité de terrain n'est pas nécessairement la seule porte d'entrée pour réfléchir au sujet, mais je trouve quand même que la nier, c'est quand même hallucinant. Et hier, à table, il y avait, un monopole du débat sur le modèle national, avec le représentant du Nid au niveau nationale, mais à la limite, pourquoi discuter du modèle nationale quand il y a une réalité locale don't on pourrait parler? Les seuls présents qui avaient une réalité de terrain indéniable et qui ont quelquechose à dire sur le sujet, c'étaient la police. Du coup, à table, il y a avait tous ces sénateurs et députés qui compilent des rapports et des études sans prendre en compte la parole des personnes qui, du coup, perd de la valeur.
37. **Quelles méthodes utilisez-vous pour interpeller les acteurs politiques quand il y en a besoin?**
38. On est pas super bons...
39. **Y-a-t'il un écart sensible et difficile à réconcilier entre ce qui se passe au niveau national (reaffirmation de la position abolitionniste de la France, la remise de rapports sur le phénomène au niveau national) et une réalité locale et très géographiquement différenciée qui pousse à des demandes très ponctuelles de la part de residents (LSI, arrêtés municipaux,...)?**

40. Oui, mais à m'on avis ce paradoxe ne se cantonne pas à la prostitution, c'est le cas avec plein d'autre sujets aussi. Quand les élus locaux chantent les louanges des études et des rapports, il devient clair que la valeur scientifique des choses est très importante, mais à un moment donné, quand tu as un témoignage, la réaction c'est "Bon, t'es bien gentille, mais tu ne représente que toi-même". C'est par exemple ce qui s'est passé avec Sophie hier soir. Et ils ont raison – Sophie ne se présentait *que* comme elle-même, elle n'a jamais dit que tout le monde devait penser comme elle. Mais, tout de même, nier ça et mettre en avant des études dont l'interprétation est extrêmement différente selon ton idéologie, c'est mal-honnête. Souvent, les acteurs politiques locaux sont très gentils, mais ça ne change pas le fait qu'ils ne connaissent rien au sujet à part leur propres idées. C'est assez dérangeant. D'un autre côté c'est bien qu'ils reconnaissent l'utilité d'associations comme Médecins du Monde et le Nid.
41. Il nous arrive d'orienter vers le Nid des personnes qui veulent arrêter. Mais, en même temps, quand on oriente une personne nigérienne qui veut arrêter et qui, éventuellement qui est régularisée, ils sont vite bloqués parce que c'est un accompagnement qui est compliqué, parce que les personnes ne parlent pas nécessairement tout de français, parce qu'il leur faut des diplômes et qu'elles n'en ont pas, parce que peut-être elles ne savent pas lire et écrire, ... Du coup c'est cette réalité là – comment on l'intègre dans les politiques publiques qu'on est en train de mettre en place?
42. Je me souviens d'avoir demandé à la DDCS ce que, concrètement, qu'est-ce-que vous allez faire aujourd'hui pour les personnes qui se prostituent? Qui sont déboutées du droit d'asile? (Parce qu'en France, quand tu es demandeur d'asile, tu as droit à une place en hébergement, mais il n'y a pas assez de places) Qui sont donc éventuellement en train d'essayer de se débrouiller pour trouver un hébergement? Qui n'ont que €300 pendant leur demande d'asile? Ça ne suffit pas pour s'habiller, se nourrir et se loger à Nantes. Donc, du coup, elles travaillent dans la rue, puisque, quand on est demandeur d'asile, on n'a pas le droit de travailler concrètement. Du coup, qu'est-ce-qu'on fait? On est tous d'accord pour dire qu'aujourd'hui 80% de la prostitution de rue ce sont des migrantes. Mais qu'est-ce-qu'on va *faire*? Et c'est là où tu sens que le débat ne se place pas au même endroit pour tout le monde.
43. Du coup, faire tout une campagne sur la prostitution en tant que violence faite aux femmes, franchement, je ne pense vraiment pas du tout que ce soit ce que les personnes qui se prostituent attendent du débat. Dans leur cas c'est éventuellement plus "comment on va m'aider pour que je puisse aller porter plainte et pour faire reconnaître que j'estime avoir eu un rapport auquel je n'est pas consenti et que je considère comme un viol quand la police ne reconnaît pas ça comme un viol parce que je me prostitue?" ou "Comment je fais pour aller porter plainte alors que je suis sans-papier et que j'ai peur?" ou "Comment je peux avoir accès aux soins quand je ne parle pas français?" ou "Comment je fais pour avoir un autre travail?" ou "Comment je fais pour me faire reconnaître et payer des impôts?", etc... Enfin, il y a plein de questions différentes à la seule "est-ce-que c'est une violence faite aux femmes que de travailler dans la rue?"

44. **Dès son début, il y a eut une opposition assez forte à la LSI. Une hypothèse qui expliquerait que la loi soit tout de même passée c'est que les différentes associations et les différents acteurs qui y étaient opposés se trouvaient dans l'incapacité de former une alliance entre eux? Qu'en penses-tu?**
45. Ce que je sais, c'est que les associations qui travaillent auprès du public ont du mal à travailler ensemble. Ça c'est clair. Une des incompatibilités entre les associations c'est l'enfermement, par certaines structures, des personnes *dans* leur activité. Chose que l'on ne fait pas à Médecins du Monde. Ici on parle de "personnes se prostituant" et, de plus en plus, de "personnes proposant des services sexuels tarifiés". Avant tout c'est *une personne* qui fait *cette activité là*, et le terme "prostitution" est très marqué par un passé d'esclavagisme et ne prends pas en compte qu'il existe pleins de formes de prostitution – c'est sûr, il y a des femmes exploitées et victimes de la traite, mais il y en a aussi qui la vivent comme une autre forme de travail.
46. En ce qui concerne la LSI: tout le monde était d'accord pour dire que ça n'allait pas protéger les personnes, malgré ce qui avait été mis en avant pour justifier la loi. Ce qui est d'ailleurs aussi ce qui est aussi dit maintenant à propos du projet de pénaliser les clients. Pour nous, à Médecin du Monde, la prochaine étape sera donc de dire à Najat Vallaud-Belkacem de venir discuter avec les personnes qu'on voit dans le bus et ailleurs pour voir que, pénaliser le client ne va pas répondre à leurs besoins. Au contraire. Elles nous ont toutes dit "je ne vais pas arrêter. Qu'est-ce-que tu veux que je fasse? Je ne peux pas arrêter. Donc, forcément, si j'ai peur et que les clients ont peur aussi, il faudra qu'on aille ailleurs, plus loins, dans des zones plus reculées." Donc, tout ce qu'on est en mesure de dire par rapport à la LSI, on peut aussi le dire de la proposition de loi visant à pénaliser les clients. C'est ce qu'on est en train de prévoir et, c'est aussi ce que l'on a déjà vu se produire parce que certaines personnes pensaient que la loi était déjà passée [ndlr: et que donc les clients seraient dorénavant pénalisés]. La police le dit aussi. C'est intéressant de voir et de montrer que la police, qui n'opèrent pas avec les mêmes objectifs que nous, pense la même chose. Les avocats aussi.
47. **Sur le site internet de l'association, il est dit que Médecins du Monde compte, parmi ses "partenaires", des associations comme AIDES, Act'Up, Les Amis du Bus des Femmes. Ce sont toutes des associations qui sont nettement plus positionnées par rapport aux politiques publiques visant la prostitution. Comment qualifiez-vous ce "partenariat"?**
48. C'est très variable. Dans le cas du Bus des Femmes et des associations comme Autre Regard (à Marseille), Grisélidis (à Toulouse), Cabiria (à Lyon), se sont des associations dont on est proches dans notre façon de concevoir des actions, puisque celle-ci donne le pouvoir aux personnes, qui respecte la parole des personnes. Ce sont des associations qui, comme nous, travaillent sur des questions de santé et, du coup, sont des associations communautaires paritaires et qui, du coup, revendiquent un peu plus le travail du sexe mais avec lesquelles on se rejoint vraiment sur des questions de santé.

49. Ce partenariat, donc, ce sera: des échange d'informations, du travail collectif (on a fait partie d'un projet européen sur l'indoor avec Autre Regard, par exemple). Dans le cas du Bus des Femmes, on s'associe parce qu'on partage le même public, comme avec d'autres associations – nous avons toutes le même public. On va donc partager sur des situations communes.
50. Par exemple, il y a un dispositif national qui existe qui s'appel Ac.Sé¹¹⁶ mais, au début, il n'y avait rien dans l'Ouest, donc on a mis en place pendant trois ou quatre ans une action qui était plus orienté sur ce dispositif là – c'est à dire qu'on était une association spécialisée faisant partie d'Ac.Sé et, du coup, on intervenant dans la prise en charge des personnes qui pouvaient être orientées sur un centre d'hébergement et d'intervention sociale. De fait ça s'est traduit comme ça. Au début, en 2003/2004, on a rencontré des difficultés avec des personnes dont on ne savait pas trop quoi faire parce qu'elles étaient en danger, parce qu'elles voulaient quitter leur réseau de proxénètes et, en fait, il n'existait pas de dispositif sur la région de l'Ouest et donc nous avons commencé à mettre en place, en partenariat avec un centre d'hébergement, un dispositif d'accueil sécurisant en lien avec la plateforme nationale. Du coup, petit à petit, finalement, il y a eut beaucoup de personnes qui ont été orientées vers Nantes parce qu'il y avait une bonne prise en charge et un CHRS¹¹⁷ très efficace. En fin de compte Nantes avait une double casquette: d'une part association spécialisée sur le sujet et un CHRS très bien pour les jeunes femmes. Finalement, on a un peu dévié de notre travail et on s'est dit qu'il n'y avait plus besoin de nous: le droit commun faisait très bien son travail. Donc on appelle Ac.Sé comme intervenant s'il y a besoin de mettre une personne en sécurité mais nous n'intervenons plus du tout de la même manière. Du coup, on a beaucoup travaillé avec le Bus des Femmes, parce que le Bus des Femmes oriente beaucoup de personnes. Donc, voilà, c'est des échanges comme ça.
51. Dans le cas d'AIDES, puisque c'est une association de réduction de risques on est proche sur le fond – au niveau national, il y a des actions qui se font en commun, notamment sur le dépistage rapide pour le VIH. Sur Nantes, on est plutôt proche intellectuellement mais on ne fait pas grand chose en commun.
52. Après on a aussi beaucoup de "partenariats" (c'est à dire qu'ils ne sont pas forcément transformés par une convention) où, par exemple, on va sortir avec le CDAJ – le Centre de Dépistage Anonyme et Gratuit, c'est donc un service de l'hôpital qui propose des dépistages anonymes et gratuits – puisqu'en fait, il y a une volonté de la part de certains services de l'hôpital de sortir de l'hôpital pour aller vers des publics qu'ils n'arriveraient pas à toucher dans le cadre de l'hôpital. Ça c'est très intéressant, c'est une vraie politique de la part des centres hospitaliers. Du coup, notre rôle est de les mettre en relation le public qui n'oserait pas forcément aller à l'hôpital. Ça dure depuis longtemps, depuis 2003. Au début c'était 4 fois par an, maintenant c'est 2 fois par an, où on fait une sortie commune, les équipes font le prélèvement sur place, dans le bus, pendant la tournée, et les résultats sont remis au Centre de Dépistage Anonyme et Gratuit – on peut accompagner physiquement la personne, s'il le faut, évidemment – mais

¹¹⁶ Ac.Sé est un dispositif national d'accueil sécurisant pour protéger les victimes de la traite des êtres humains à des fins d'exploitation sexuelle. Ce dispositif comporte un réseau de centre d'hébergement et de structures spécialisées pour accompagner et soutenir les personnes.

¹¹⁷ centre d'hébergement et de réinsertion sociale

l'idée reste de rassurer sur le lieu et de faire le lien entre les personnes et la structure, et après les personnes sont complètement autonomes et n'ont plus du tout besoin de nous puisqu'elles savent comment y aller, elles sont rassurées sur l'accueil qu'il va leur être réservé. On fait ça aussi avec le CLAT, qui est le Centre de Lutte Anti-Tuberculose, avec le centre de vaccination aussi. Voilà: on essaye de faire des tournées avec des structures hospitalières pour dédramatiser un peu l'hôpital, et créer un lien entre les structures et les personnes.

53. **Je vois mal comment le rôle de 'gatekeeper' que des associations comme la votre remplis serait remplacé par celle d'une structure de droit commun...**
54. C'est bien ça le problème, pour nous. Complètement. Quand je te disais qu'on était pas là pour prendre la place du droit commun et qu'on est dans une logique humanitaire où, si on pouvait disparaître, on en serait les premiers contents, mais c'est vrai qu'on a du mal à voir dans quelles mesures le travail que l'on fait de réduction des risques, de médiation et de création de lien entre les structures et le public, pourrait être remplacé par, par exemple, une équipe mobile. Parce que c'est vrai que c'est très important de pouvoir faire ce lien là, et nous, on le fait effectivement dans le bus, mais aussi, par exemple, au travers de notre infirmière qui va physiquement accompagner les personnes qui en ont besoin à un premier entretien, à la caisse primaire d'assurance maladie, pour leur montrer où aller, pour leur montrer comment faire pour monter un dossier d'assurance maladie, pour leur indiquer comment faire pour la renouveler, pour sensibiliser aux procédures bureaucratiques et d'informer sur les droits des personnes. Parce que, en ce moment, à Nantes, on a beaucoup eu à expliquer que la loi française dit que tu peux fournir tels et tels documents mais que si on t'en demande d'autres tu n'es pas obligé de les donner et que tu peux refuser.
55. On veille aussi sur les abus. En ce moment, par exemple, on a plein de problèmes à la Préfecture par rapport aux exigences du passport pour monter, notamment, un dossier de régularisation. Et donc nous on explique à la personne "la Préfecture te demande ton passport, elle a besoin de vérifier ton identité, la loi dit qu'elle pourrait largement se contenter d'un acte de naissance que tu lui fournis. Mais sache que si tu ne lui fournis pas ton passport, en gros, ton dossier sera retardé, on va te renvoyer un papier qui te dit que ton dossier n'est pas complet. Sache aussi que tu peux te battre, que tu peux aller voir un avocat, ou bien que tu peux le donner parce que tu veux que ton dossier avance." Du coup, c'est à la personne aussi de participer et c'est important pour nous, dans ce cas là, de lui donner l'information sur comment les choses se passent réellement à la Préfecture – qu'elles connaissent le cadre et le contexte général dans lesquels elles vont déposer leurs dossiers – du coup, donc, de responsabiliser les personnes, aussi. De ne pas faire à leur place. Ça permet de ne pas prendre de décisions pour eux. Donc, je pense que c'est une logique très compliquée à résumer dans un débat comme celui d'hier, mais qui implique tout un processus de travail avec les personnes et qui fait, je pense, que nous avons cette légitimité, que ces personnes reviennent vers nous, que, du coup, elles comprennent comment ça fonctionne, et du coup, aussi, elles ont du mal à se séparer de nous.

56. Quand on oriente vers le droit commun, c'est vrai que notre façon de travailler, qui n'est pas forcément la même que celle qu'utilise le droit commun, fait qu'elles ont du mal à faire la transition. Parce qu'en fin de compte, c'est plus facile de venir à Médecins du Monde. C'est un vrai combat qu'on a aussi en interne, que de se dire "Bon, il faut aussi qu'on soit bien clairs dès le départ: on va accompagner pendant ce temps là mais, pour ton bien, et parce que c'est normal, tu iras dans le droit commun même si ça sera un peu dur au début."
57. **Tu viens juste d'employer le terme "légitimité" – les instances locales vous reconnaissent-elles comme un partenaire légitime?**
58. Je pense que l'on est suffisamment légitime pour qu'il n'y ait pas rupture de liens, et qu'il n'y ai pas boycott, et que l'on ne soit pas mis au placard, mais ça n'empêche pas que l'on va continuer à faire des politiques sans que l'on prenne en compte la parole de Médecins du Monde. C'est exactement ce qu'il s'est passé hier soir. Nous, à Médecins du Monde, on dit juste qu'à notre avis (mais on va en reparler et retester avec le public) ça ne nous semble pas une bonne idée d'écarter la parole des personnes concernées, qui vont quand même se prendre cette affiche en pleine figure dans la ville où elles travaillent. Mais ils le font quand même. Et à un moment donné, tu te demandes ce qu'il faut faire? Aller taguer les affiches dès qu'elles vont sortir? Cette affiche là¹¹⁸, avant même son lancement, elle est déjà retravaillée par des associations qui sont pro-travail du sexe et qui disent, au contraire, que c'est l'abolition qui est une violence faites aux femmes. Mais ce n'est pas notre travail, à Médecins du Monde, on va continuer à travailler. Ça ne nous empêche pas de venir, d'intervenir, comme on l'a fait hier soir, mais on ne prend pas en compte notre avis sur cette affiche par exemple. Au final, ils [ndlr: les représentants de la DDCS en particulier] trouvent ça très bien et ils en feront la promotion, et ils seront contents parce qu'ils ont fait quelque chose.
59. Ce qui nous gêne vraiment c'est qu'ils ne prennent pas en compte la parole des personnes avec qui on travaille et qui sont concernées. C'est ce que je disais tout à l'heure: cette affiche va être placardée dans Nantes et on pense justement à peut être publier un papier avec des témoignages des personnes, sur leur ressenti par rapport à cette affiche: se reconnaissent-elles là dedans (alors qu'on parle d'elles)?
60. Je ne sais pas si tu te souviens du tracte qui est apparu à Nantes l'année dernière?
61. **Oui, je me souviens, ça faisait partie d'une mobilisation de riverains pour la réouverture des maisons closes...**
62. Oui. Du coup, c'était des riverains qui s'étaient mobilisés sur cet axe là pour dire, en gros, que les personnes devraient retravaillent dans des maisons closes – mais il n'y en a pas *une* qui a été interrogée par les riverains. Est-ce-qu'*elles* ont envie d'aller travailler dans des maisons closes? Peut-être, peut-être pas. Mais toutes ces initiatives qui ne prennent pas en compte la parole des personnes, c'est quand même incroyable.

¹¹⁸ Sur laquelle apparaît le visage d'une femme, baillonnée par la main d'un homme, et le message "La prostitution est une violence faites aux femmes"

63. En soi, Médecins du Monde, qu'on ne prennent pas en compte notre parole, ça peut être véxant et désagréable, mais qu'on ne prennent pas en compte celles des personnes concernées. Et les élus locaux soulignent l'importance des études, mais toutes les études ne sont pas méthodologiquement correctes! Si demain j'ai envie de dire qu'il y a 75% qui sont contre la phrase sur l'affiche, je peux les trouver, après, l'éthique de Médecins du Monde dicte que si on sort ce chiffre là, c'est parce qu'on a très clairement interrogé tant de personnes et qu'on sera transparents.
64. **En parlant de chiffres, les experts de Médecins du Monde ont-ils été auditionnés par la mission d'information parlementaire sur la prostitution (2010-2011)? Sont-ils souvent sollicités par les autorités publiques dans le cadre de mission d'information?**
65. On l'a été – très tardivement et très rapidement. La mission était en train d'interroger Cabiria, à Lyon, et donc ils nous ont vite demandé si on pouvait leur parler. Du coup ils ont auditionné deux personnes: un ancien président de Médecins du Monde (qui est tout à fait pertinent mais qui n'est absolument pas spécialiste de la prostitution) et une personne qui travaille au siège, à Paris. Ils n'ont pas du tout pris le temps. En revanche, le rapport de l'IGAS¹¹⁹ qui va sortir dans peu de temps, est un rapport axé sur la santé et l'action sociale, et eux ont pris beaucoup de temps d'interroger les structures et *toutes* les structures. Le problème du rapport parlementaire c'est aussi que sur les quinze personnes qui se prostituent/aient, il y en a combien qui se sont arrêtées et qui ont été rencontrées au travers du Nid? Et les personnes qu'on rencontre via le Nid, c'est majoritairement des personnes qui ont souffert de leur activité. Donc ça veut bien dire qu'il faut qu'on prenne en compte leur parole, évidemment, elles représentent bien sûr à la fois elles-mêmes et un groupe de personnes, mais ça n'empêche que les personnes qui sont à l'aise dans leur activité, bien sûr qu'il faut les prendre en compte.
66. Donc l'IGAS ils ont vraiment pris le temps, et nous aussi on a pris le temps, de travailler avec eux, pour qu'ils puissent, par exemple, rencontrer une personne qui a été reconnue comme victime de la traite *et* puis d'autres personnes qui sont plus à l'aise dans leur activité – afin de ne pas orienter, nous non plus. On ne cherche pas à orienter, on cherche à dire: "on rencontre plein de personnes différentes, de nationalités différentes, des parcours différents, qui ont des projets différents, et cette réalité est, à notre avis, la réalité des personnes qui se prostituent. Donc si vous construisez des choses, ça serait bien de prendre en compte la perspective de ces populations là."
67. **[Irène me fait découvrir des articles sur la prostitution écrits par des chercheurs francophones...]**

¹¹⁹ L'Institut Général des Affaires Sociales

68. On se retrouve souvent dans les écrits académiques des personnes qui sont souvent soit plus pro-travail du sexe soit neutres mais pas “victimo”. Beaucoup de littérature non-académique qui circule met en avant des positions fortes sans pour autant que les fondements soient justifiés – ce qui fait qu’en fin de compte, je n’ai plus envie de le lire, puisque je ne sais plus ce qui est objectif et ce qui ne l’est pas. Et je pense que dans beaucoup de cas, les acteurs politiques se permettent de faire la promotion de ces écrits car, quelque part, ils ont leurs propres idées et ces écrits les confortent dans leur position.

- FIN -

1. **M'autorisez-vous à enregistrer ?**
2. Oui
3. **Je vois que la campagne¹²⁰ continue depuis la semaine dernière.**
4. Voilà. C'est vrai que là, on continue d'avancer, même si ça reste tendu, mais on continue d'avancer
5. **Ça reste tendu, pourquoi ?**
6. Parce que les débats sont vifs, parce que le travail médiatique n'est pas satisfaisant.
7. **Justement, avant que ne commence la conférence lundi dernier, vous me parliez de effort fait par le Mouvement du Nid pour faire évoluer ce que les gens comprennent par abolitionnisme.**
8. En fait, en 2009, on a commencé par refaire une évaluation nationale des politiques publiques en matière de prostitution. Donc, le point de départ, cela a été de dire, - en fait, le point de départ, ça a été une sorte d'insatisfaction chronique dans les associations – et donc de dire que le cadre juridique et institutionnel ne permettait pas de bien accompagner et soutenir les personnes prostituées. Le point de départ c'était se rendre compte que l'objectif de l'association est mis à mal par le cadre institutionnel dans lequel on vit.
9. Je dis en 2009, c'est quelque chose qui en fait est beaucoup plus vieux que cela, mais en 2009, on a fait ressortir cet élément-là et du coup, on s'est dit: il faut faire évoluer les politiques publiques en matière de prostitution parce qu'on était, en tout cas au sein du Mouvement du Nid, - le Mouvement du Nid a toujours fait du plaidoyer, des grandes campagnes aussi pour faire évoluer la loi, mais, là, on était un petit peu dans une sorte de paralysie à se dire finalement la situation n'est pas bonne, mais ça ne changera pas.
10. **Pourquoi cette analyse?**
11. Il y avait la LSI déjà qui était apparue quelques années avant et qui empirait la situation au lieu de l'améliorer. Il y avait le mouvement encore fort, à l'époque,

¹²⁰ Campagne d'information publique lancée dans en Loire-Atlantique par les pouvoirs publics et le Mouvement du Nid visant à informer le public que la prostitution est une violence envers les femmes. cf. interviews with Irène Aboudaram, 20 November 2012, and Emmanuelle Proteau, 4 December 2012.

ou peut-être la fin du mouvement fort, de dépénalisation du proxénétisme dans plusieurs pays de l'Union européenne et donc la dynamique était plutôt à ce qu'on appelle "la mouvance libérale proxénète" avec les pays voisins qui dépénalisaient le proxénétisme. La question en France était plutôt: "Est-ce qu'il faut réouvrir la maison close?" Donc, c'était un cadre qui était plutôt défavorable et avec la conceptualisation ou le *framing* du débat mené par les propres institutions autour du consentement individuel, autour des nouveaux concepts de "travailleuse du sexe", "entrepreneur du sexe", etc. Donc, il y avait quand même une vague qui était plutôt libérale, individualiste et vers la dépénalisation du proxénétisme.

12. Dans ce contexte, on a décidé de mener cette évaluation des politiques publiques, de remettre à plat tous les pans des politiques publiques qui traitaient la question de la prostitution parce que la prostitution est appréhendée d'un point de vue social, d'un point de vue fiscal, d'un point de vue sécuritaire, d'un point de vue migratoire. Il y a toute une série de logiques qui appréhendent la prostitution et ce qu'on a montré, c'est qu'au final, il y avait beaucoup de logiques, mais il n'y avait aucune cohérence. Il y avait des logiques contradictoires et donc une même personne prostituée, par exemple, est-ce que c'est d'abord une délinquante au titre du délit de racolage? est-ce que c'est d'abord une migrante en situation irrégulière et qu'il faut expulser? est-ce que c'est d'abord une victime potentielle de proxénétisme qu'il faut protéger? est-ce que c'est d'abord une personne qu'il faut aider à retrouver une place dans la société? ou est-ce que c'est d'abord un sujet fiscal qu'il faut taxer? etc.

13. Et l'insatisfaction dont vous parlez concernait toutes les associations ?

14. A l'origine, c'était le Mouvement du Nid. C'est le Mouvement du Nid qui a relancé cette dynamique. C'était d'abord une réflexion en interne et donc on a mené six colloques en région en 2009 et chaque colloque explorait un des aspects des politiques publiques. Donc, ensuite à partir de ces évaluations, on a adopté dix recommandations et ces dix recommandations, on les a soumises à des associations et là, il y a dix-sept associations en 2010 qui ont signé ces recommandations et qui ont rejoint ce qu'on a appelé " le front de refus du système prostitueur". Et donc, dix-sept associations qui partageaient ces dix recommandations. Donc, en parallèle de cela, il y avait une volonté politique de retisser le lien entre les associations de soutien aux personnes prostituées et les associations féministes.

15. Travaillez-vous à établir de partenariats entre des associations ou et à partager la tâche de faire évoluer les mentalités?

16. Et bien, là du coup, depuis 2009, on a fait un travail qui est énorme. En fait, la base de nos avancées depuis 2009, c'est justement d'avoir fait l'état des lieux des politiques publiques, ensuite d'avoir assemblé ces dix associations et ensuite, maintenant aujourd'hui, d'en avoir cinquante, et non plus dix, qui sont rassemblées et qui rassemblent, à l'exception d'une seule association, le Planning familial, qui rassemblent en gros les principales associations féministes françaises et les associations de lutte contre les violences. Donc, le travail d'alliance, on le

fait, on le vit. On ne l'a jamais autant fait que ces dernières années. Mais, cela ne veut pas dire que tout est réglé puisqu'après, il faut coordonner les alliances, il faut optimiser leur impact et leurs efforts.

17. En tout cas, on a présenté ces dix recommandations et les conclusions de nos colloques avec dix-sept associations à l'Assemblée nationale en 2010 et donc là aussi, c'était une façon de faire le lien entre l'alliance des associations sur des recommandations claires et leur présentation devant les responsables politiques pour les interpeller.
18. Donc, là, on avait rassemblé, je crois, huit députés, à l'époque, qui ont réagi, à qui on a demandé de réagir dans une table ronde sur l'ensemble de nos recommandations: les associations se sont exprimées et les députés ont réagi, et dans ces députés, il y avait notamment Danielle Bousquet et d'autres députés d'ailleurs aussi, et Danielle Bousquet qui, à la fin de ce colloque, a dit: "Mais, de toute façon, moi, je voulais qu'on retravaille sur la question de la prostitution à l'Assemblée nationale parce que, quand on a travaillé avec Guy Geoffroy sur la loi contre les violences faites aux femmes de 2010, la prostitution a été écartée parce qu'il n'y avait pas de consensus, que le sujet était trop complexe, etc. Mais, on voulait retravailler dessus, donc, ce que vous avez fait, c'est très bien: on va relancer une dynamique à l'Assemblée."
19. C'est notamment pour cela qu'en juillet 2010, l'Assemblée nationale a relancé une mission d'information sur la prostitution en France avec Danielle Bousquet, Guy Geoffroy, et où, ensuite, ils ont fait un travail qui n'avait jamais été fait en France, à ma connaissance, historiquement, qui n'a jamais été fait ni dans l'histoire contemporaine ni plus ancienne, c'est-à-dire, de vraiment prendre la question de la prostitution en tant que telle, comme objet de politique publique, et faire une évaluation transversale à la fois des réalités et des conséquences au regard, comme ils ont dit eux-mêmes, des principes républicains: quel est l'impact en terme d'égalité? quel est l'impact en terme de protection des personnes contre les violences? quel est l'impact en terme de dignité? en terme de droits humains?
20. Et donc, ils ont commencé ce travail qu'ils ont mené pendant presque un an et puis, ils ont fait leurs deux cents auditions, leurs sept déplacements à l'étranger et ils ont rédigé leur rapport qui, en gros, va dans le même sens que ce que nos dix-sept associations, à l'époque, avaient dit et présenté, mais en approfondissant pas mal de questions et puis, par contre, avec une ambiguïté, c'est que le rapport n'exige pas explicitement l'abrogation du délit de racolage. Entre les lignes, on lit que le délit de racolage est un échec, mais dans les trente recommandations du rapport, il n'y a pas l'abrogation explicite du délit de racolage. Il y a une évaluation pour voir si c'est toujours pertinent, mais il n'a pas été abrogé.
21. **Ce n'est d'ailleurs pas la première fois que cette demande d'évaluation du délit de racolage a été faite puisque...**
22. Oui, tout à fait, parce que la loi, si je ne me trompe pas, prévoyait une évaluation, notamment après un an, et en fait, elle n'a jamais été véritablement menée. Donc, chaque année, la question a été reposée d'où on en était sur le bilan. Mais, de

toute façon, la loi est fondée sur une hypocrisie immense qui était de dire: le délit de racolage, le but, c'est d'entrer en contact avec les personnes prostituées pour pouvoir ensuite remonter les réseaux et protéger ces femmes. Sauf que, pendant les premières années d'application de la loi – après, ça a un peu changé -, c'était utilisé pour expulser les personnes, y compris celles qui étaient en situation régulière, et c'était utilisé pour déplacer le phénomène en fonction des pressions des riverains et des maires.

23. Bon, c'était aussi utilisé, en l'occurrence, par l'Office central pour la répression de la traite des êtres humains, c'est-à-dire pour lutter contre le proxénétisme, mais c'est la mise en oeuvre pragmatique et l'évolution de l'utilisation de la loi qui a fait que, au passage, ça a aussi été utilisé pour des choses intéressantes. Mais, le fondement, c'était une vision d'ordre public.
24. Par rapport aux nouvelles propositions, que ce soit de pénaliser le client ou d'abroger le délit de racolage, je crois que soit ça passe, soit ça casse, cette année. Mais, le débat est trop pesant, je pense, pour qu'il dure des années et des années. A un moment, il va falloir que les politiques tranchent et donc, on va voir s'ils auront le courage de trancher pour une politique vraiment globale et qui va dans le sens de ce qu'on recommande ou s'ils vont s'arrêter à mi-chemin.
25. On va voir. En tout cas, moi, il me semble, peut-être que je me trompe, mais, il me semble que le débat est particulièrement riche en France. Finalement, les Suédois, quand aujourd'hui, ils nous parlent de leur expérience, c'est très intéressant, mais, ils ne nous sont pas beaucoup "utiles" dans la mesure où, pour eux, maintenant, c'est une évidence et que, par ailleurs, je n'ai pas le sentiment qu'il y ait eu un vrai débat de société comme il y a en un en France, aussi déchiré, avec des logiques autant contradictoires, en Suède.
26. En Irlande, le débat est là, mais – et là je pense qu'il y a une mobilisation qui un peu similaire à travers "turn off the red light" etc. -, mais, globalement, je ne sais pas non plus s'il y a un débat aussi vif, avec des oppositions aussi philosophiques de l'ordre de la liberté individuelle. Je ne sais pas, je n'arrive pas à me rendre compte. L'avantage, par contre, c'est que si on arrive en France, je pense qu'il y aura une base très solide ensuite pour exporter aussi le modèle à l'étranger.
27. **Est-ce que le Mouvement du Nid fait un travail justement en échange avec des associations ailleurs ou bien travaillez-vous uniquement en France et en Belgique?**
28. Non. On essaie de se tenir un maximum informés et puis là, maintenant, on est en train de rentrer dans une logique vraiment européenne et internationale puisqu'on participe là à l'organisation du colloque le 4 décembre à Bruxelles où il y a 160 ONG de vingt états membres différents qui ont signé un appel qu'on a rédigé et qui est équivalent un peu à l'appel à l'abolition 2012 et donc il va y avoir aussi une réunion stratégique de ces associations pour échanger justement sur où on en est dans les différents pays et comment on peut mieux se coordonner.

- 29. Pourquoi, à votre avis l'Etat fait-il tant appel aux associations, telle que Le Mouvement du Nid, pour fournir les services de santé, des services sociaux, des services auprès de la personne?**
30. En fait, quand la France a ratifié la convention de 1949 en 1960, la France a adopté aussi ce qu'on appelle "les ordonnances de 1960", et dans les ordonnances de 1960, il était prévu qu'il y aurait un service de prévention, de réinsertion, etc. et de sensibilisation dans chaque département sur la prostitution et, en fait, il n'y en a que dix en tout, je crois, qui ont été créés. Donc, cela n'a pas été mis en oeuvre et ceux qui ont été créés ont progressivement été abandonnés pour confier aux associations la mission de faire ce travail. Le problème, c'est que, maintenant, on supprime les budgets des associations. Donc, on nous a confié la mission de service public, mais on nous retire le budget pour le faire.
- 31. Avez-vous vu une évolution sur le plan du financement qui vous est attribué de cette manière ?**
32. Une évolution défavorable, oui.
- 33. Sous quel volet: santé ou social, les subventions de l'Etat vous sont-elles attribuées?**
34. Justement, il y a un débat là-dessus - je ne suis pas un expert technicien du sujet, mais il y a un débat là-dessus: il y avait une ligne budgétaire spécifique "prostitution", mais qui, dans ce qui s'appelle la RGPP en France (la Révision Générale des Politiques Publiques en France, qui est une énorme réforme financière en fait), est de plus en plus noyée.
35. Il n'y a plus de ligne spécifique et on nous demande de nous rattacher à d'autres logiques: le logement, la santé, la lutte contre l'exclusion, etc. et donc, on supprime la spécificité des lignes "prostitution" et du coup, pour le Mouvement du Nid qui, département par département, représente des petites structures, en fait, on nous invite à nous coaliser et à rationaliser nos efforts au sein de structures qui sont plus vastes et ces structures plus globales.
36. Les pouvoirs publics veulent éviter la dispersion et donc donner plus d'argent à des structures plus grosses et moins à des plus petites. Le problème, c'est que les plus grosses, elles ne connaissent pas grand chose à la prostitution et qu'on ne nous donne pas non plus les moyens de former les autres associations puisque ça fait aussi partie de nos activités de former les acteurs sociaux ou des associations. Mais, on n'a pas assez de moyens pour le faire. Et je pense que si l'Etat aujourd'hui ne gère pas la question directement et en plus s'il désinvestit financièrement, c'est justement parce qu'il n'y a pas de ligne claire des politiques publiques.
37. Là, on a obtenu de grandes victoires en 2010: maintenant, depuis 2010, la prostitution est officiellement reconnue comme une violence faite aux femmes par l'Etat, ça c'est nouveau, c'est depuis 2010. Donc, tant que ce n'était pas le cas,

moi, c'est ce que je dis: si la prostitution n'est pas une violence, si l'Etat ne sait pas si c'est un métier comme un autre ou une atteinte à la dignité de la personne, alors, comment espérer qu'il y aura une volonté politique et des moyens de l'Etat et pour les associations pour soutenir ces personnes? Si on ne sait même pas si ça pose problème, pourquoi on imagine qu'on aurait des politiques cohérentes pour soutenir les personnes? Je pense que la raison principale, c'est celle-là. Le jour où l'Etat ou le législateur aura tranché, alors peut-être qu'on pourra discuter de moyens qui seront mis en oeuvre.

38. Est-ce que les recherches et les enquêtes que vous menez sont prises en compte par les politiques ?

39. Il y en a qui ont été prises en compte. Par exemple, il faut savoir qu'en 2003, le Mouvement du Nid avait publié la première enquête sociologique nationale sur les clients de la prostitution. Ça, je pense que, à posteriori, ça a permis justement d'amener cette question sur la scène publique et d'avancer progressivement sur la question des clients. Donc, ça, c'était une enquête sociologique qui était assez importante.

40. Là, on a fait une enquête auprès de 5000 jeunes sur leur représentation par rapport à la prostitution, etc. L'objectif, c'est aussi de l'utiliser l'année prochaine pour faire passer des messages et je pense que ce sera écouté. Donc, quand on se donne les moyens de faire vraiment des enquêtes transversales et approfondies, je pense que ça a un impact.

41. La limite, encore une fois, c'est qu'il faut des moyens financiers pour mener ces enquêtes et qu'aujourd'hui, il y a une énorme matière qui existe au Mouvement du Nid, mais qui n'est pas exploitée, par manque de moyens, pour faire des analyses quantitatives, qualitatives, etc.

42. Mais, nous, on travaille sur un meilleur recueil statistique justement, une meilleure remontée d'informations standardisée de nos 32 délégations pour pouvoir avoir des meilleurs chiffres au niveau national.

43. Pensez vous que la proximité des associations avec certains publics démarque le secteur associatif des pouvoirs publics dans ce domaine?

44. Oui et non. Je pourrais dire oui, ce serait facile, pour mettre en valeur l'association, oui parce qu'effectivement, la première valeur ajoutée du Mouvement du Nid, c'est qu'il y a des villes en France où on est présent depuis 30 ou 40 ans. Toutes les semaines, il y a quelqu'un, il y a deux personnes, donc forcément, on est connus, les gens nous font confiance –cela met plusieurs années avant d'avoir la confiance des gens, qu'ils se déplacent, qu'ils viennent dans vos locaux, qu'ils viennent expliquer leurs problèmes, qu'ils rencontrent des personnes qui s'en sont déjà sorties : ça, c'est une richesse qui est incroyable. Mais, je crois aussi que si aujourd'hui les personnes prostituées ne peuvent pas faire confiance à l'Etat, ou pas assez, ou à des services institutionnels, c'est, encore une fois, parce qu'ils ne sont pas positionnés. Le jour où ils seront positionnés, voilà, les rapports avec la police pourront beaucoup évoluer, les

rapports avec les travailleurs sociaux évolueront aussi, etc. De toute façon, les travailleurs sociaux sont comme plein de Français: ils pensent: “Oui, mais enfin, bon, c’est de l’argent facile. Elles gagnent plus que moi.” C’est des choses qu’on entend et qui sont délirantes, mais de gens qui ne sont pas formés ou informés.

45. Je pense qu’il faut reconnaître la valeur du travail des associations, mais, il ne faut pas s’en satisfaire et s’arrêter là. Il faut exiger aussi de l’Etat qu’il fasse sa partie du travail et que, pour cela, il agisse de manière cohérente... Qu’il y ait un socle de droits communs ou d’accès aux droits communs pour les individus qui se prostituent, et qu’il y ait une même compréhension, un accord, un consensus social sur ce dont on parle et sur, du coup, le fait, que oui, ce sont des personnes à soutenir et à accompagner et non pas des personnes qui ne feraient pas l’objet d’un soutien social parce que finalement, elles gagnent beaucoup d’argent ou parce que c’est un métier comme un autre, etc.
46. Mais, pour répondre, quand on parlait tout à l’heure, pour répondre sur l’abolition: on a fait un travail sur les termes. D’abord, on a reparlé de “système prostitueur”, c’est quelque chose qui n’était pas complètement nouveau, mais c’est le Mouvement du Nid qui a, on va dire, à un moment, systématisé l’usage du terme, et avec succès, puisque même maintenant, on retrouve cela de temps en temps, et même assez souvent, dans les médias, etc. “Système prostitueur”... l’idée, en fait, c’est qu’on s’est rendu compte que, à chaque fois qu’on disait “prostitution”, les gens entendent uniquement “personne prostituée”. Ils n’entendent pas “client”. Ils n’entendent pas “proxénète” et d’ailleurs, la définition dans les dictionnaires, ou même dans les décisions de justice, est : la prostitution, c’est le fait de “se livrer” à un rapport sexuel contre une rémunération. Donc, c’est la démarche individuelle d’un agent qu’on peut présumer rationnellement économique. Donc, c’est vraiment un focus sur la personne prostituée toute seule.”
47. Or, la réalité, évidemment, est beaucoup plus complexe et, du coup, quand, le Mouvement disait: “on soutient les personnes prostituées, mais on lutte contre la prostitution”, les gens ne comprenaient pas parce que la prostitution, dans la tête des gens, ça ne peut être que les personnes prostituées. Et, donc, c’est là où on a dit: “c’est quand même incroyable! On nous accuse d’être anti-prostitué(e), alors qu’on est la plus grosse association de soutien aux personnes prostituées et à toutes les personnes prostituées.” Chez Mireille Dumas, il y avait un avocat complètement pervers qui me dit: “Mais, le Mouvement du Nid n’aime que les personnes qui ont quitté la prostitution et vous ne travaillez qu’avec celles qui ont quitté la prostitution.” Et, je lui disais: “Par définition, les 6000 personnes qu’on rencontre chaque année dans la prostitution, n’ont pas quitté la prostitution. Elles sont dans la prostitution et il y a énormément de personnes qu’on va accompagner pendant des années et qui ne quitteront jamais la prostitution parce qu’elles ne peuvent pas, parce qu’elles ne veulent pas, etc.”
48. Donc, pour ne pas être coincés par cela, on s’est dit qu’il faut vraiment dire quand on veut parler de ce contre quoi on lutte: on ne dira plus “la prostitution”, on dira “le système prostitueur” et donc, on a défini le système prostitueur comme couvrant à la fois la logique proxénète et la logique des clients prostitueurs et après, on a reparlé aussi à ce moment-là “des clients prostitueurs” au lieu de dire “des clients de la prostitution”.

49. Ça, c'est une première étape et ensuite, on a réaffirmé qu'on voulait l'abolition du système prostitueur et là, les gens nous ont dit: "Mais, l'abolition! C'est impossible, c'est utopique, ça n'arrivera jamais." Et, donc, en fait, le travail de pédagogie qu'on fait – et ça ne nous gêne pas que les gens ne nous comprennent pas parce qu'en fait les gens qui ne comprennent pas, c'est des gens qui réfléchissent, alors que les gens qui ne sont pas interpellés par les mots, en fait, ils restent avec leurs idées. Ce qu'on a expliqué, c'est que l'abolition, ce n'est pas synonyme de l'éradication, que quand on a aboli l'esclavage, 150 ans après, l'esclavage existe encore, mais que l'abolition, c'est la construction d'un consensus social qui qualifie où est le problème, quel est le problème, qui, ensuite, définit les responsabilités, et donc, dans notre cas c'est-à-dire la responsabilité pénale qui ne peut pas peser sur les personnes prostituées, mais qui, par contre, doit peser sur les clients et les proxénètes et ensuite, l'abolition, c'est, une fois qu'on a défini ce consensus, cet objectif, adopter une série de mesures légales, pénales, mais aussi de politiques publiques, budgétaires qui sont cohérentes avec l'objectif qu'on s'est fixé.
50. **Est-ce que le vote du 6 décembre dernier¹²¹ va un peu dans cette direction-là?**
51. Oui, tout à fait.
52. Pour nous, c'est une victoire importante parce que, justement, la réaffirmation de la position abolitionniste de la France n'avait pas eu lieu depuis 1960 et alors que tout le monde disait que c'était un truc très ringard –même ceux qui sont d'accord avec nous-, il y a eu des discussions internes: savoir s'il fallait encore parler d'abolition. À l'étranger, il n'y a pas beaucoup de gens qui parlent de l'abolition. En Suède, en Irlande, etc., ils ne parlent pas de l'abolition, ce n'est pas le sujet: ils parlent de mesures politiques spécifiques (la pénalisation des clients, etc...).
53. Nous, on est vraiment en train de remettre le projet de société global abolitionniste et qui, à terme, est un projet aussi universel, c'est-à-dire c'est réussir en France, mais ensuite pour réinvestir le champ européen et onusien avec peut-être, à terme, proposer une nouvelle convention internationale abolitionniste et donc, il y a un glissement aussi par rapport au terme abolition. Alors, certains nous accusent de cela, c'est une réalité, je ne sais pas si on doit être accusés de cela, mais c'est une réalité, c'est que le terme "abolition", dans la bouche des abolitionnistes de la fin du XIX^{ème} siècle et jusqu'à la convention de 1949, en tout cas le consensus institutionnel, c'était l'abolition, non pas de la prostitution, mais des réglementations qui encadraient l'exercice de la prostitution, c'était l'abolition du système réglementariste, en fait, qui s'appelait d'ailleurs, à l'époque, "le système français". Mais, donc, c'était abolir le proxénétisme d'Etat et l'exploitation tolérée par l'Etat et contrôlée par l'Etat de la prostitution.
54. Et c'est vrai que nous maintenant, on est une étape plus loin dans abolir le système prostitueur en tant que tel pour poser les bases d'une société où il n'y aura plus de prostitution.

¹²¹ Le vote unanime de l'Assemblée Nationale pour réaffirmer la position abolitionniste de la France, le 6 Décembre 2011.

55. **À l'époque, le Mouvement du Nid était venu en aide aux prostituées de Lyon pendant leur manifestation en 1975.**
56. Tout à fait.
57. **Maintenant, le Mouvement du Nid ne s'associe plus forcément aux manifestations des prostituées, par exemple, qu'il y a souvent devant le Sénat ou l'Assemblée nationale. Pourquoi?**
58. Déjà, ce qu'on appelle aujourd'hui le mouvement ou la mobilisation des prostituées n'est, selon nous, absolument pas représentatif, ni de la réalité de ce qui est vécu dans la prostitution, ni même des personnes qui vivent dans la prostitution.
59. Le syndicat: le STRASS, qui est né du collectif "les Putes", a été entièrement pensé, théorisé et coaché, notamment au début, par des hommes qui étaient toutes les maîtresses: Maîtresse Gilda, Maîtresse Zetzeta, Maîtresse Nikita, etc. qui sont des hommes qui travaillent dans le sado-maso. Bon, moi, c'est très bien, ils font ce qu'ils veulent, ça ne m'empêche pas de dormir, sauf que ce que je n'accepte pas, c'est que ces gens-là prétendent qu'ils représentent les prostituées. Ils ne représentent évidemment pas les prostituées et évidemment pour eux, la prostitution, ce n'est pas une violence faite aux femmes, ce n'est pas une exploitation, etc. puisqu'eux, ils sont payés pour être des dominants.
60. Or, la prostitution, ce n'est pas ça. Ce qui est plus grave, c'est qu'ensuite ils ont théorisé publiquement une idéologie qui consistait à dire aux personnes prostituées, notamment femmes, qu'il fallait qu'elles taisent ce qu'elles avaient vécu comme violences dans la prostitution ou avant la prostitution pour ne se concentrer que sur la "vraie" violence et la "vraie" violence, c'est celle des abolitionnistes. Autrement dit, il n'y a pas de violence dans la prostitution en tant que telle, il y a une violence parce qu'à cause des abolitionnistes, la prostitution est mal considérée. Et donc, si la prostitution était bien considérée, alors, les personnes se souffriraient plus de la prostitution. Donc, ce sont nous, le Mouvement du Nid, qui sommes responsables des violences de la prostitution, de la mort des prostituées, du fait que les gens contractent le sida, etc.
61. C'est ça le discours du STRASS et, sociologiquement ou anthropologiquement, c'est une manipulation d'hommes qui, ensuite, se font soutenir ou "épauler", entre guillemets, mais en fait surtout instrumentalisent des femmes qui vivent dans la prostitution et qui la revendiquent parce que, tant qu'on est dans la prostitution, c'est absolument normal et même, je pense, nécessaire de justifier ce que l'on vit. On ne peut pas vivre une violence terrible et en même temps l'assumer ou alors ça veut dire qu'on en est sorti.
62. Donc, voilà, le STRASS, quand on dit: "Oui, vous ne vous associez pas avec les prostituées." Oui, mais c'est pas les prostituées. Il faut regarder les images, les photos des manifestations, encore au 25 novembre. La manif "des Putes", - c'est eux qui utilisent ce terme - le 25 novembre, il y avait qui? Il y avait cinq femmes et le reste, c'était Act Up, c'est-à-dire l'organisation LGBT surtout trustée par des

hommes aussi puisque au sein du mouvement LGBT, il y a une vraie scission en France entre les gays et les lesbiennes notamment sur cette question puisque la coordination lesbienne de France est abolitionniste et les mouvements radicaux gays sont à fond pro-prostitution.

63. Donc, pour moi, la question n'est pas de savoir si on est avec ou contre les personnes prostituées. Moi, je prétends que nous, nous sommes avec les personnes prostituées.
64. Ce à quoi on travaille maintenant, c'est voir comment on peut faciliter la prise de parole de ces personnes prostituées ou des survivantes de la prostitution pour dénoncer ce qu'elles vivent. Mais, le problème, c'est qu'on nous dit: "Vous parlez à la place des personnes prostituées." Evidemment, ce n'est pas qu'on parle "à la place", c'est qu'on reflète tout ce qu'on entend. Si on faisait l'inverse, on nous accuserait, et à juste titre, d'instrumentaliser la parole des personnes prostituées.
65. Donc, oui effectivement, le Mouvement du Nid n'a jamais dit que ses militants étaient des personnes prostituées: on est des gens qui travaillons toute l'année auprès des personnes prostituées, qui les soutiennent, qui ont un message à faire passer et c'est pas qu'on parle à leur place, c'est que nous ne sommes pas elles. Nous n'avons jamais dit que nous sommes des personnes prostituées. On n'empêche personne de parler, de faire ce qu'il veut dans sa vie. On réfléchit du coup pour savoir si on va faciliter la création de groupes qui peuvent s'exprimer. Mais, si on fait ça, de toute façon, on va être accusés d'instrumentaliser leur parole, ce ne sera pas mieux.
66. C'est pas parce que je ne suis pas noir que je n'ai pas le droit de dénoncer un acte raciste si j'en vois un dans mon entourage, ce n'est pas parce que je ne suis pas une femme que je n'ai pas le droit de participer à la lutte pour l'égalité entre les femmes et les hommes. Ça, c'est un débat français très fort aussi où il y a des tensions entre les universalistes et les relativistes communautaires. Et les relativistes communautaires, en général, globalement, accusent les universalistes d'être racistes, putophobes, etc. Mais, la réalité, c'est que les vrais universalistes, ce qu'ils pensent, c'est: "non nous ne parlons pas à la place des autres, mais, nous partageons nos intuitions et nos convictions et nous sommes convaincus que tout le monde a droit aux mêmes choses et aspirent profondément aux mêmes choses."
67. Les relativistes et les communautaristes disent l'inverse: "Les gens sont fondamentalement différents, ils appartiennent à des catégories différentes et il n'y a qu'eux qui sont capables d'évaluer ce qui est bon pour eux." Mais, en faisant cela, sur les sujets fondamentaux, sur le droit commun, ce qu'ils disent en fait c'est qu'il y a des classes différentes dans la société ou dans le monde, les prostituées, c'est pas comme les autres gens, c'est des prostituées, donc elles vont avoir une pensée différente. Moi, je ne crois absolument pas: une personne prostituée, c'est une femme ou un homme, et oui, il y a une personne qui va connaître la prostitution, il y a une autre personne qui va connaître la maladie, il y a une personne qui va connaître le viol, mais, ça reste des personnes.
68. Donc, c'est un débat aussi un peu transversal et qui est très fort, qui est très présent en France parce que c'est la même question sur le voile, par exemple, ou

la burka. Les universalistes disent: “On est légitimes pour dire que symboliquement, c’est un symbole de l’oppression des hommes sur les femmes, c’est un symbole d’un conservatisme religieux, c’est une régression sociale.” Bon, voilà, cela ne veut pas dire qu’il n’y a pas des personnes qui sont libres de porter la burka. Effectivement, il y en a qui porte la burka ou qui porte le voile. On ne juge pas de savoir si elles sont contentes ou pas contentes. On dit juste: “Voilà, au niveau de la société, voilà ce que ça révèle.” Et les relativistes disent: “Ben, non, tant qu’on ne porte pas un voile ou une burka, on se tait parce qu’on n’a pas le droit de parler à la place des personnes.” Et donc, finalement, ça fracture la société. Ça veut dire pour les musulmans, les femmes sont fondamentalement différentes et elles pensent pas comme nous...

69. Et, c’est une logique qui m’interpelle beaucoup parce qu’en fait, c’est le résultat aussi de quoi? c’est le résultat de 30 ans de libéralisme politique et économique. On a tout basé sur l’individu et son consentement. Mais, on n’a plus le droit de dénoncer les forces transversales d’oppression qui en fait attaquent ce consentement. On peut s’arrêter au consentement individuel de chaque personne dans une situation, mais si ça nous empêche de dénoncer les forces d’oppression transversales, alors, on n’est plus que dans de l’aliénation.
70. La prostitution, c’est ça, le port du voile, c’est la même chose. Les gens qui travaillent pour moins que le salaire minimal, il y en a beaucoup, ils ne sont pas forcés de le faire. Le sujet, ce n’est pas de savoir s’ils sont forcés ou pas forcés, le sujet, ce n’est pas de savoir s’ils sont d’accord eux-mêmes ou pas d’accord, le sujet, c’est juste de dire: un employeur n’a pas le droit de payer quelqu’un moins que le smic, pas parce que les gens ne vont pas être d’accord, juste parce que la société a décidé arbitrairement, oui arbitrairement, mais pour un projet progressiste, que, en-dessous de tel salaire, ce n’était plus acceptable. Le fond du débat français, c’est celui-là en fait.
71. **C’est une vision profondément ancrée dans des conceptions universalistes républicaines...**
72. Oui. C’est ça qui a été attaqué en fait en France aussi. C’est pour cela qu’il y a un choc en France, parce qu’on est à la croisée des chemins entre un idéal universaliste et puis une réalité communautaire qui ne répond pas justement aux exigences d’égalité des chances pour tout le monde et du coup, c’est sur ce terrain-là que surfent les extrémismes religieux, les extrémismes politiques qui en fait progressent sur tout le champ de la différenciation,- les gens sont différents-, et les progressistes universalistes sont menacés par cela, notamment parce que dans les anciens progressistes, il y a aussi après 1968 toute une série de gauchistes, mais libertaires, qui ont oublié que la liberté de chacun, si elle n’existe pas dans un cadre qui est toujours plus progressiste, plus égalitaire, et bien cette égalité, finalement, c’est celle d’avoir les mêmes armes dans la loi de la jungle. C’est soit la loi de la jungle, soit le contrat social, et là on aime beaucoup avancer vers la loi de la jungle: chacun est libre, on ne doit pas dire aux gens ce qu’ils doivent faire, ce qu’ils peuvent faire. Mais, chacun est libre, sauf que libre, mais inégaux.

73. Je suis convaincu que j'avais raison en plus et, sur ça, on était d'accord avec Marie-Victoire Louis, mais que ce sont vraiment les Pays-Bas et l'Allemagne qui ont redéfini, enfin qui ont négocié pour avoir une nouvelle définition de la traite des êtres humains: protocole de Palerme, convention de Varsovie, décision de Cannes de 2002 de l'Union européenne. En fait, ils ont ramené ce débat sur la table de la lutte contre la traite des êtres humains pour pouvoir le distinguer de l'exploitation de la prostitution libre, avec tout le travail conceptuel: libre/forcé, travailleuses du sexe, entrepreneurs, etc. pour permettre la dépénalisation du proxénétisme dans leurs pays. Alors que la convention de 1949 et l'Union européenne, même si elle n'en parlait pas beaucoup jusqu'à la fin des années 90, n'offraient pas un cadre qui permettait de rouvrir les maisons closes et de dépénaliser le proxénétisme. Maintenant, la nouvelle politique européenne le permet.
74. Donc, j'ai dénoncé cela il y a un mois devant tout le gratin européen parce que la nouvelle coordinatrice européenne de lutte contre la traite est plus favorable à nos idées qu'avant et ça leur a fait un petit peu bizarre parce que je leur ai dit que dix ans de politique n'avait servi à rien, et c'est vrai, la lutte contre la traite des êtres humains au niveau européen, c'est un échec, il ne se passe rien.
75. Ce qui est sûr en tout cas, c'est que si on atteint nos objectifs, et ce n'est pas le seul facteur, il y a des facteurs concordants, mais les associations comme le Mouvement du Nid auront joué un rôle incontournable dans d'abord le fait de redonner à la prostitution un statut d'objet de politique publique parce qu'en fait, à partir du moment où ça devient un vrai objet de politique publique dans le cadre français, moi, mon intuition, c'est qu'ensuite on avance de plus en plus vers l'abolition parce qu'il n'y a pas d'autres options politiques, pour moi. Il y en a des pragmatiques. Il y a des options gestionnaires, mais si la prostitution devient un vrai sujet politique dans un cadre français, moi, je ne vois pas comment on peut aller vers autre chose que l'abolitionnisme.
76. Aujourd'hui, le STRASS ou nos opposants ne sont pas en train de définir un contre-modèle qu'ils voudraient voir appliquer, ils ne sont pas en train de proposer d'autres recommandations ou une autre vision. Ils disent juste: "Non, il ne faut pas pénaliser..." Ils disent: "Il faut abroger le délit de racollage." Là, tout le monde est d'accord. Mais, ils disent juste: "Non. Il ne faut pas pénaliser les clients." Mais, ils ne vont pas très loin dans: Comment on traite la réalité des dizaines de milliers de personnes prostituées en France aujourd'hui? Ils disent: "Bon. On va faire des solutions autogérées, des maisons closes autogérées entre personnes prostituées." Bon, moi, j'ai aucun problème, même avec ça, pourquoi pas ? Je ne suis pas contre, pragmatiquement, mais ça ne répondra absolument pas à la réalité des dizaines de milliers de personnes prostituées en France.
77. Donc, je crois qu'il y a quelque chose qui est un peu inéluctable à partir du moment où on arrive à en faire un objet politique, dans une société progressiste, on va vers l'abolitionnisme. Peut-être que je me trompe, c'est peut-être que je suis trop militant! Mais il y a un phénomène de ringardisation qui est quand même très fort où je pense qu'on a gagné une bataille du symbole de la modernité et de l'ambition politique du projet c'est-à-dire un vrai projet de société politique ambitieux, peut-être trop ambitieux, peut-être utopique, peut-être, mais qu'en

gros, on a gagné cette bataille-là et que, en face, on a des gens qui sont présentés comme des modernistes, libertaires, etc. mais qui finalement ne font que se recroqueviller sur un schéma qui est le schéma des années 80 et qui est le schéma de la liberté individuelle à tout prix alors que les sociétés sont inégalitaires.

78. Et je pense qu'il y a une question de génération, aussi, qui va être de plus en plus marquée. On voit déjà tous les gens qui s'expriment, des clients, le chanteur Antoine, l'écrivain Dominique Noguez, le comédien Philippe Caubère, etc., c'est tous des gens qui ont presque 70 ans et qui ont fait mai 68. C'est ce qui est intéressant. Elisabeth Badinter, c'est pareil.
79. **Je vous remercie beaucoup pour votre temps.**

- FIN -

1. **M'autorisez-vous à enregistrer l'entretien?**
2. Oui.
3. **La campagne, avec l'affiche que vous avez dévoilée lors de la conférence du 19 novembre¹²², est bel et bien commencée. Maintenant quoi?**
4. Maintenant, on va voir si on peut mettre quelque chose en place avec nos partenaires de la campagne – alors, peut-être pas avec la ville de Nantes, parce que ça a été très compliqué, finalement, de les associer au projet. C'est devenu très compliqué le jour où le maire de Nantes, qui s'appelle Jean-Marc Ayrault, est devenu Premier Ministre. Mais tout suit son cours.
5. **Avant de vous rencontrer, je n'avais jamais vraiment rencontré ou entendu parler de la DDCS. Si j'ai bien compris, la DDCS est issue de la réforme générale des politiques publiques (RGPP), donc c'est assez nouveau. Quelle(s) structures la DDCS a-t-elle remplacées?**
6. En fait ça n'a rien remplacé du tout. La DDCS, ça a été une création de toutes pièces – c'est une compilation de plusieurs services. Tous les services qui dépendent de la Préfecture (le Préfet, c'est le plus haut fonctionnaire de l'État à l'échelle de la région ou du département).
7. La Loire-Atlantique étant chef-lieu de région, on a un préfet qui est à la fois préfet de la région Pays de la Loire et préfet de la Loire-Atlantique. Tous les services de l'État qui existent au niveau national, tous les ministères, si vous voulez, existent également au niveau départemental, placés sous l'autorité du préfet.
8. Avec la RGPP, pour faire des économies d'échelle et rationaliser le travail de l'État – fournir des prestations de meilleure qualité aux usagers –, il a été décidé de casser tous les services qui existaient précédemment – alors je vais en citer quelques uns: DASS¹²³, DRASS,¹²⁴ DRTEFP¹²⁵, DDTEFP¹²⁶ (pour l'emploi), la DDE¹²⁷ (pour l'équipement) – tous ces services là ont été cassés, et on a recréé ce que l'on appelle des Directions Départementales Interministérielles. En Loire-Atlantique, on a: une Direction Départementale de la Cohésion Sociale (DDCS), une Direction Départementale des Territoires et de la Mer, et une Direction Départementale de la Protection des Populations. Ce sont, en fait, des structures –

¹²² Colloque organisé par la région Loire-Atlantique en partenariat avec le Mouvement du Nid afin de lancer une campagne de publicité pour l'abolition de la prostitution. cf. Interview with Irène Aboudaram, 20 November 2012.

¹²³ Direction des Affaires Sanitaires et Sociales

¹²⁴ Direction Régionale des Affaires Sanitaires et Sociales

¹²⁵ Direction Régionale du Travail, de l'Emploi et de la Formation

¹²⁶ Direction Départementale du Travail, de l'Emploi et de la Formation

¹²⁷ Direction Départementale de l'Équipement

des coquilles – qui sont remplies d’agents qui appartenait aux services précédents.

9. Je vais parler de la Cohésion Sociale – le service auquel j’appartiens. En Direction Départementale de la Cohésion Sociale, on a mis les anciens services de la DASS qui s’occupaient de tout ce qui avait trait aux politiques sociales, donc: lutte contre les discriminations, inclusion sociale, tout ce qui est hébergement d’urgence, tout ce qui est demande d’asile, lutte contre la maltraitance,... Tous ces anciens services de la DASS ont intégré la DDCS. Tous les services qui s’occupaient davantage de ce qui relève de la santé (les hôpitaux, le soin, etc...), sont partis dans une Agence Régionale de Santé (ARS). La DASS a été scindée en deux de cette façon-là.
10. Après, de la même façon, les anciens services de la DDE qui s’occupaient du logement social, et bien, tout ce qui avait à faire au logement social, du logement pour les plus défavorisés, a quitté la DDE pour intégrer la DDCS, parce que nous, on est supposé faire de la cohésion sociale, de l’inclusion sociale, de s’occuper des publics “vulnérables”.
11. De la même façon, tous les services de la jeunesse et du sport – qui s’occupent de ce que l’on appelle les “accueils collectifs de mineurs” (c’est-à-dire de tout ce qui est colonies de vacances, centres aérés) – ont aussi intégré la cohésion sociale puisque les activités sportives, ça crée de la cohésion et de l’inclusion sociales.
12. Il y a aussi toute la partie des services qui relevaient exclusivement de la préfecture avant et que l’on appelle les services de la “politique de la ville” – donc, tous ceux qui géraient les fonds pour les quartiers prioritaires, c’est à dire les quartiers où il y a beaucoup de HLM, où il y a une population un peu défavorisée et vulnérable. Donc, les services “politique de la ville”, qui s’occupaient de ces fonds-là et de cette gestion-là, sont venus intégrer la DDCS.
13. Et puis, donc, il y a les chargés de mission départementale aux droits des femmes qui, jusqu’à présent, étaient rattachés aux cabinets de préfets. On porte une politique interministérielle qui relève de plein de ministères, puisque l’égalité, si on veut qu’elle soit réelle, qu’elle s’applique, il faut impérativement que tous les ministères existants déclinent, ou appliquent, dans leurs propres politiques, mettent en oeuvre dans leur propres dispositifs, la politique de l’égalité entre les hommes et les femmes – il faut toujours qu’ils aient cette grille de lecture un peu particulière (ce qui était difficile à avoir avant, je ne vous le cache pas).
14. Comme on est *une* par département, mais que l’on représente, malgré tout, *un* service de l’État, et que l’on porte *une* politique interministérielle à nous toutes seules (on a notre propre politique), on ne savait pas quoi faire des chargés de mission aux droits des femmes, alors, on les a mis au cabinet du préfet, c’est à dire auprès de celui qui est le plus interministériel de tous, à savoir: le Préfet. C’était logique. Et puis, quand les Directions Départementales de la Cohésion Sociale se sont créées, on s’est dit que ce ne serait pas illogique, finalement, de nous faire quitter les cabinets pour nous mettre en DDCS, puisque nous aussi on fait de la cohésion sociale, de façon à ce que l’on puisse travailler de manière *encore plus* interministérielle qu’avant.

15. L'avantage d'être en préfecture, c'était que l'on était près de Saint Pierre, finalement – c'est toujours très pratique d'être à côté de Saint Pierre parce que quand le Préfet soutenait notre politique, effectivement, ça lui donnait du poids. L'inconvénient, c'était que l'on pouvait être éloignés des autres services pour travailler en interministérialité au sein des services de l'État.
16. Donc, on travaillait avec nos réseaux extérieurs (les associations, les acteurs économiques et sociaux, etc.), mais ce n'était pas aussi simple que ça, finalement, de travailler avec les autres services de l'État. Nous mettre en DDCS, ça nous met directement avec les autres services. Donc: on reste un service à part entière. Alors, on est deux à travailler dans le service en Loire-Atlantique – j'ai de la chance. Alors, c'est un petit service – une ou deux par département, ça ne fait pas lourd. Mais il n'empêche que, d'être positionné en DDCS, ça nous permet de travailler de façon plus interministérielle. Donc, quand on parle de logement et de femmes victimes de violences conjugales, par exemple, et bien, je suis tout près de l'ancienne DASS pour parler de l'hébergement en urgence des femmes, tout près des services sociaux et du logement, pour parler du logement, du contingent préfectoral et puis du logement en HLM des femmes victimes de violences conjugales. Je suis tout près de "jeunesse et sports" pour plein de mesures qui existent et qui ne se résument pas à promouvoir le sport auprès des femmes, il y a plein de dispositifs portés par ces services-là sur lesquels on peut aussi décliner notre politique d'égalité hommes-femmes. Et puis, il y a la "politique de la ville" avec laquelle il est important pour moi de travailler pour favoriser l'accès des associations qui travaillent dans le champ des droits des femmes aux fonds qui y sont liés quand celles-ci interviennent dans les quartiers.
17. Ce rôle d'interface entre tous les services de l'État – cette interministérialité – qui est le nôtre se trouve renforcé par ce positionnement au sein de la Direction Départementale de la Cohésion Sociale. L'inconvénient, c'est que l'on perd en proximité hiérarchique avec le Préfet puisque, maintenant, entre nous et le Préfet, il y a un autre supérieur hiérarchique: le Directeur de la Cohésion Sociale.
18. La RGPP a été un mouvement de fond mis en place le 1er janvier 2010 (qui a été initié en 2009). Ça a été extrêmement rapide. La rapidité avec laquelle il a fallu détricoter tout ce qui existait pour rebâtir des choses nouvelles a surpris tout le monde. Il y avait une logique à fonctionner de cette façon-là. Mais encore fallait-il que la mayonnaise prenne entre des gens de cultures administratives très différentes : "jeunesse et sports", ça n'a rien à voir avec l'ancienne DASS, c'est le jour et la nuit.
19. Donc, on essayait de faire travailler, dans une même structure, des gens qui avaient des cultures différentes, des modes de travail différents, qui portaient chacun des politiques qu'ils maîtrisaient très bien mais qui n'étaient jamais en lien les uns entre les autres. Tout d'un coup, on nous met tous ensemble et on nous dit: "Maintenant, il faut que vous travailliez ensemble." Le premier réflexe des gens, vous savez, quand on les bouscule et que l'on change leurs habitudes, c'est le refus, le repli stratégique sur ce qu'ils connaissent et "Non! On veut pas de la nouveauté." Donc on freine un petit peu des quatre fers, on a un peu du mal à aller vers les autres, à s'intéresser à ce qu'ils font, etc.

20. Donc, tout le travail qui a été fait au démarrage des Directions Départementales interministérielles (parce que ça vaut pour toutes les Directions Départementales qui ont été créées), ça a été, justement, de nous faire découvrir ce que faisaient les autres à travers des séminaires, à travers de comités de direction – il fallait que l’on apprenne à travailler ensemble, et il fallait ensuite que l’on se recrée un cadre de travail commun parce que, même nos règlements intérieurs – les tarifs que l’on paye à la cantine pour manger, les jours de vacances auxquels on a droit – selon le ministère duquel on dépendait, n’étaient pas les mêmes. Allez faire travailler ensemble des gens qui n’ont pas droit au même prix, pas droit aux mêmes jours de congé, qui ne payent pas les mêmes tarifs à la cantine, etc. Ça complique terriblement les choses, finalement. Pour les gens, c’est compliqué, de voir leurs amis avoir trois jours de vacances de plus qu’eux... On est tous dans la même structure, on nous fait déménager, on nous change nos locaux – enfin, c’était un très gros bouleversement. La France n’a pas connu un bouleversement de l’ampleur qu’a été la RGPP depuis Napoléon. C’était vraiment un mouvement de fond.
21. Il était question que la RGPP de 2010 soit une première vague de changements, et qu’il y en ait une autre qui soit initiée dans les années qui viennent. Un petit coup de frein a tout de même été mis, puisque l’on s’est rendu compte que l’on est allé très vite en besogne – on avait un peu mis la charrue avant les boeufs, c’est-à-dire que l’on ne savait initialement même pas où l’on allait loger les gens pour les faire travailler une fois les structures mises en place. Donc, ça a été compliqué.
22. Dans notre cas, en Loire-Atlantique, la DDCS a travaillé sur des sites éclatés pendant plusieurs mois. On n’était pas dans les mêmes locaux, mais on était supposé travailler ensemble. En fin de compte, il a été décidé, au national, que tout ça avait été très déstabilisant pour les agents, et qu’il fallait maintenir un minimum de cohérence et de communication vis à vis des usagers – pour leur expliquer ce qui se passait, puisque les usagers, ils connaissaient la DASS, la DDE; la DDCS ou la DDTM, ils ne connaissaient pas.
23. Il a donc fallu que tout le monde se réapproprie ce vocabulaire ainsi que toutes les compétences nouvelles qu’avaient ces structures. Il a donc été décidé qu’un petit coup de frein allait être mis à cette révision générale des politiques publiques parce qu’il fallait quand même stabiliser les choses pour les usagers et pour les services de l’État qui devaient se mettre en ordre de marche et être prêts à assumer une deuxième vague de modifications.
24. Ceci d’autant qu’en parallèle, les collectivités territoriales bougent elles aussi, et changent leurs champs de compétences. Par exemple, les Conseils Généraux, à l’échelle des départements, vont revoir complètement leur fonctionnement – à terme, normalement un jour, ils devraient presque même disparaître. L’État bouge, a bougé. De leur côté, les collectivités territoriales vont avancer, changent – tout ça, ça fait beaucoup. Il faut qu’il y ait une continuité des services publics qui soit assurée pendant ce temps-là. Donc, il faut qu’il y ait quand même un minimum de stabilité pour que la machine fonctionne. On a cette chance, que pour nous, au moins, en DDCS de Loire-Atlantique, la mayonnaise ait pris – on arrive à travailler ensemble et, effectivement, on arrive à travailler de façon

interministérielle. Ce n'est pas encore la panacée, on peut toujours mieux faire, mais on y arrive.

25. On y arrive d'autant mieux que, maintenant, nous avons un ministère de plein exercice: le Ministère des Droits des Femmes (celui de Najat Vallaud-Belkacem). Un Ministère des Droits des femmes, on n'en avait plus eu depuis 1981, donc autant vous dire qu'on est contentes. On n'avait jamais cessé d'exister, mais on n'avait plus eu de ministère de plein exercice. Et, parmi les premières mesures qu'elle a prises, Najat Vallaud-Belkacem a imposé une formation à l'égalité hommes-femmes à tous les Ministres, a exigé que tout dispositif, toute loi, toute mesure prise par un ministère se fasse avec le critère, en tête, que ça doit aussi être profitable à l'égalité hommes-femmes. Elle a imposé ce critère à tous les ministères; elle a forcé un petit peu l'interministérialité de notre politique; elle force, au sommet de l'État, les autres à prendre en compte la politique de l'égalité entre les hommes et les femmes et les force à en faire une réalité dans leur propre politique. Forcément, nous, ça nous aide quand on descend la chaîne parce que, localement, les institutions et services de l'État qui représentent ces autres ministères reçoivent des consignes et des mesures – et nous, c'est notre cœur de métier, l'égalité hommes-femmes – donc, de fait, on va rentrer dans la boucle.
26. Jusqu'à présent, c'est nous, au "bas de l'échelle" pour ainsi dire, qui *portions* la politique d'égalité entre les hommes et les femmes et qui essayions de la faire remonter. On s'appuyait sur nos partenaires locaux – sur ceux qui voulaient bien travailler avec nous, sur ceux qui étaient aussi convaincus que nous de l'intérêt de la chose – et on essayait de porter, et de faire remonter, remonter... et puis d'essayer d'étendre toute cette politique et ses bienfaits auprès des acteurs civils et des associations. Mais, on s'épuise, quand on part du bas pour faire remonter quelque chose.
27. Là, la tendance s'est inversée, à partir du moment où ça part du Ministère, et que ça part du haut, avec un Premier Ministre qui prend des circulaires affirmant l'interministérialité de la politique, faisant en sorte que tout le monde en prenne compte, qui appelle à la mise en place de mesures qui doivent prendre cette politique en considération...
28. Comme exemple de mesure (au delà de la formation à l'égalité des ministres et de leurs cabinets), il y a le fait que tout texte venant du gouvernement – proposition, projet de loi, toute circulaire, tout décret – tout texte qui vient du gouvernement, doit impérativement faire objet d'une étude d'impact en terme d'égalité entre les hommes et les femmes. Donc: tous les textes qui proviennent du gouvernement sont passés au filtre de l'égalité homme-femme pour voir s'ils renforcent les inégalités ou si, à l'inverse, ils jouent en faveur de l'égalité. Évidemment, si ça renforce les inégalités, il faut modifier le texte. Voilà, donc, on installe ces filtres-là. On forme les ministres et les cabinets. On essaie vraiment de diffuser l'égalité entre les hommes et les femmes. Elle infuse un petit peu. Donc, si elle infuse en haut, on peut espérer, qu'à plus ou moins long terme, elle infuse en bas – que ça va descendre par "capillarité", que ça va redescendre jusqu'au niveau du département où on est, et ensuite, bien à charge pour nous de labourer le terrain, de continuer à avancer sur ce sujet-là.

29. Honnêtement, quand j'ai découvert, le lendemain des élections (peu importe la couleur politique, il ne s'agit pas là de faire de politique), que l'on avait un ministère de tutelle, je me suis dit que j'étais la reine du pétrole! Parce que j'avais enfin une existence qui dépassait l'existence simple d'un *service* de l'État, noyé dans un secrétariat d'État: j'avais un ministère qui portait la politique que je portais. Et ça, ça crée un pacte. Et, honnêtement, je l'ai vu dans la façon dont mes partenaires locaux nous regardent maintenant et regardent notre politique et notre travail: on est beaucoup plus facilement associé à de nombreuses actions... On ne l'était pas forcément avant. D'un seul coup, ce ministère a fait de notre politique une politique à l'égal des autres. On se rappelle que nous avons un budget – nous avons toujours eu un budget propre, c'est ce qui nous a sauvés (d'avoir une vraie ligne budgétaire dans la loi de finances), mais ce n'était pas suffisant pour nous rendre visibles. Le fait d'avoir un ministère, ça nous rend visibles. Ainsi que le fait, effectivement, d'avoir une ministre qui bouge beaucoup et qui impulse beaucoup de choses.
30. Ça ne sera pas en un an, ça ne sera sans doute pas non plus en 5 ans (durée d'un mandat présidentiel)... Il faut espérer que le pli soit suffisamment pris pour que, quels que soient les gouvernements ultérieurs, on nous maintienne un ministère de tutelle, pour ne pas perdre – comme ça a été le cas par le passé – pour ne pas perdre dix ans, dans les carreaux, à ramer et vider l'océan à la petite cuillère comme ça a pu être le cas parce qu'on était beaucoup moins visibles.
31. Ce qui nous a sauvés dès le début, très sincèrement, c'est d'avoir notre budget à nous. C'est le plus petit budget de l'État, mais il existe depuis toujours. De ce fait, ça oblige à négocier le budget et donc à prouver que l'on a besoin de cet argent pour faire telle et telle chose – c'est important, aux yeux des parlementaires qui votent les lois, la loi de finances, en l'occurrence – et puis surtout, on est obligés de rendre compte de l'utilisation de notre budget, à tous les niveaux: au niveau du département, comme au niveau national. Ça aussi, ça rend visible notre politique. Mais c'était très ponctuel, finalement, donc insuffisant.
32. **Compte tenu de la position de la DDCS, comment gère-t-on des objectifs nationaux (d'abolition de la prostitution dans ce cas) et les demandes ponctuelles, spécifiques, et géographiquement différenciées des résidents au niveau local?**
33. On peut même le généraliser au-delà de la prostitution. On est un tout petit service – on est 200 personnes en tout et pour tout, dans toute la France (service central, donc tout ce qui est à Paris, et puis tout ce qui est réseau déconcentré, donc tous les gens qui sont dans les départements). Mais, justement, parce qu'on est un petit service, on se connaît tous. C'est facile de nous réunir. On a accès assez facile à notre ministre, ou à notre chef de service, ou à la personne qui donne les ordres à Paris, parce que on n'est pas nombreuses, et parce que 200 personnes dans un amphithéâtre à Paris, c'est facile à réunir plusieurs fois par an pour avoir les consignes, pour avoir les ordres. On peut communiquer les unes avec les autres facilement, en réseau. Et puis, on peut échanger facilement avec notre service – on se connaît tous.

34. Deuxième chose qui fait notre particularité: à 80%, nous ne sommes pas des fonctionnaires au départ. Nous sommes des gens issus de la société civile, recrutés au vu de nos diplômes et au vu de nos compétences professionnelles et de nos expériences antérieures. C'est nous qui faisons la démarche de postuler pour travailler au service aux droits des femmes. Alors: ça nous enferme. En ce sens que, moi, j'ai été recrutée comme ça, comme 80% de mes collègues, je n'ai pas passé de concours pour passer dans l'administration, je ne suis pas issue de l'administration, j'ai été recrutée en contrat à durée déterminée qui est devenu, ensuite, un contrat à durée indéterminée: je ne suis pas une fonctionnaire titulaire – on est en CDI ou en CDD. Ça fait de nous, forcément, des filles vraiment très motivées – parce que, si on y va, c'est que l'on est féministe, qu'on y croît, que l'on ne compte pas nos heures, que l'on ne compte pas notre temps, et que l'on croît franchement à ce que l'on est en train de faire – sinon on n'y irait pas. Ce d'autant que l'on est enfermées dans nos postes: comme on n'est pas des "vraies fonctionnaires" (même si on est soumis aux obligations des fonctionnaires), on a les mêmes obligations que tout le monde, mais on n'a pas les avantages. Si moi, demain, je veux quitter le service des droits des femmes pour travailler dans un autre service de la Cohésion Sociale, par exemple, pour aller chez "jeunesse et sports" ou pour travailler sur les politiques sociales et les luttes contre les discriminations – pourquoi pas? Je peux aussi avoir envie, dans ma carrière, d'évoluer – je suis bloquée.
35. Dans l'état actuel des choses, je suis un petit peu "coincée" de par le fait que je ne sois pas une fonctionnaire titulaire, et 80% de mes collègues sont comme moi. C'est-à-dire que l'on est recruté pour un poste, qui est le poste de chargé de mission départementale. Donc, on le porte un peu comme un sacerdoce – j'ai des collègues qui font ça depuis trente ans, depuis l'existence du service, et qui n'ont jamais rien fait d'autre. C'est un peu la difficulté du poste. Et c'est aussi pourquoi on nous a, parfois, regardées un peu comme des accessoires "politiquement corrects": on était des "fonctionnaires" un petit peu atypiques, avec des missions un peu atypiques - parce que, même en 2012, il y a des gens qui se demandent pourquoi il y a un service et une politique pour l'égalité hommes-femmes...puisque, on le sait bien, l'égalité, elle a été faite... à la limite, pour les femmes victimes de violences, il y a le droit commun qui pourrait les prendre en charge, alors pourquoi il y a un service aux droits des femmes?-.
36. Donc, on a parfois été considérées comme un accessoire politiquement correct – quelque chose d'un peu à part – des espèces d'électrons libres. Et puis, on a des façons de travailler très différentes des autres, puisque nous travaillons en *réseau*, on s'appuie forcément sur le terrain, sur les associations, sur les acteurs économiques et sociaux, pour avancer sur nos politiques et justement pour faire le diagnostic des besoins sur notre territoire départemental – bassin pas bassin – et, en fonction de ça, s'appuyer sur les ressources locales (du civil, ou de l'État), pour mettre en place les dispositifs qui vont venir répondre aux besoins que l'on a identifiés.
37. D'un département à un autre, nos partenaires et les politiques que l'on met en place diffèrent légèrement. Elles diffèrent légèrement en ce sens que l'on reçoit tous, clairement, des injonctions de Paris – on a des axes de travail qui sont définies maintenant par notre Ministre, qui étaient définies, avant, par notre

service. On n'a jamais été lâchées – “Faites ce que vous voulez, Mesdames” – on a toujours eu des consignes. Il fallait que l'on travaille sur tel et tel axe, avec des choses qui étaient plus ou moins priorisées, plus ou moins obligatoires. Mais, à charge pour nous de faire, localement, avec les partenaires que l'on avait. Ça, d'un département à un autre, forcément, ça varie. Et, maintenant que l'on est en DDCS, d'un directeur à un autre, ça varie aussi. Chacun de nos directeurs ne s'approprie pas notre politique comme un autre.

38. En Loire-Atlantique nous avons la chance que, pour notre directeur actuel et son prédécesseur, l'égalité hommes-femmes, ça a toujours été une politique comme les autres, parmi les autres, avec des méthodes de travail un petit peu différentes, étonnantes, mais que l'on nous envie parce qu'elles portent leurs fruits – c'est grâce à cette liberté d'action que l'on a. C'est ce que je vous disais tout à l'heure: comme nous avons été regroupées à plein de services différents avec des cultures administratives très différentes, en fin de compte, et bien, nous aussi, nous avons une culture différente et une façon propre de travailler (qui peut surprendre un petit peu) et on se rend bien compte que l'on est tout seul. Donc, il faut que l'on fasse avec ce que l'on a et faire que ça marche. À partir du moment où on a des résultats, que l'on remplit nos objectifs tels qu'ils sont fixés au sein de la Direction Départementale de la Cohésion Sociale, et que l'on remplit nos objectifs au niveau national, il n'y a pas de raisons que l'on nous embête.
39. Par contre, je ne vous cache pas que hiérarchiquement, parfois, on a des soucis, en ce sens que l'on a des injonctions qui nous tombent en direct de Paris, au niveau de notre service, et puis il y a ce que l'on peut nous dire ici, à l'échelle de notre département, avec d'autres autorités que sont notre directeur de la cohésion sociale ou notre Préfet, par exemple. Ces injonctions, sans être contradictoires, elles sont parfois un peu différenciées. C'est des fois très compliqué pour nous de répondre aux attentes de Paris. Parce que l'on a une ligne directe avec eux, ce qui n'est pas la règle dans l'administration en France – normalement les consignes sont hiérarchiquement décentrées. Nous, on a eu l'habitude, surtout à l'époque où nous n'avions pas de ministre, que les consignes ne descendent pas hiérarchiquement – c'était directement de notre service et nos commandes arrivaient directement sur nos ordinateurs, et donc, à nous d'y répondre. Donc, Paris, passait à côté, quelque part, des autorités départementales dont on dépendait – ce qui pouvait nous mettre terriblement en porte-à-faux.
40. Donc, c'était parfois un peu compliqué parce que, comme je vous dis, les injonctions, sans être totalement contradictoires, pouvaient des fois comporter des petites incompatibilités, ou des aspects qui méritaient d'être un peu mieux huilés. Là encore, le simple fait d'avoir un ministère de tutelle, ça nous sécurise parce qu'il y a plein de choses que l'on nous envoyait en direct, à nous, avant, et nous, il fallait que l'on aille le présenter à notre directeur, qu'on les fasse valider, etc. Maintenant ça arrive via les Préfets. Pour le coup, ça suit le cursus hiérarchique habituel: ça part de Paris, ça redescend au représentant de l'État dans le département (le Préfet), le Préfet redistribue au service : à la DDCS, la DDCS me le donne, si c'est moi que ça concerne. Voilà. Là encore, il y a une plus grande cohérence pour nous, grâce à l'existence d'un ministère.

41. **Je pense à votre utilisation du terme “diffusion” et j’ai une question en deux parties: la prostitution a-t-elle toujours été appréhendée par vos services comme une violence faite aux femmes, et avez-vous eu à faire un travail auprès d’autres acteurs pour introduire ou renforcer cette conception-là?**
42. Pour ce qui est du service aux droits des femmes, qui existe depuis 1974, la prostitution a toujours été une violence faite aux femmes. Elle a toujours fait partie des violences. Mais on y travaillait si on pouvait – on sait bien que c’est un peu tabou, la prostitution, donc on y travaillait comme on pouvait et si on en avait envie. C’est vrai qu’à l’époque – il faut se remettre dans l’esprit des années 1980, 1990 – on était face à des problématiques de violences conjugales et de viols qui étaient très importantes parce que pas prises en charge du tout. De plus, la prostitution était moins visible à cette époque-là. Ce qui a fait que la position abolitionniste de la France était *affichée* – puisque la position abolitionniste de la France n’est pas récente, elle est très ancienne. Donc, on savait, nous, que quand on travaillait sur la prostitution c’était au titre des violences faites aux femmes, mais que ce n’était pas forcément une priorité de travail, que ce n’était pas un axe de travail prioritaire pour nous, on se concentrait sur d’autres champs de la violence.
43. Et puis, petit à petit, on a eu des plans interministériels de lutte contre les violences faites aux femmes qui se sont mis en place – les premiers datent de 2005 – avec tout un arsenal juridique de textes très importants sur l’éviction du conjoint violent, sur les circonstances aggravantes de faits commis entre époux, etc. qui ont renforcé, en fait, le travail à faire sur les violences conjugales spécifiquement. On a vraiment beaucoup axé là-dessus, avec soutien aux associations, avec dispositifs locaux, formation des policiers, des gendarmes, association des parquets pour qu’ils prennent et traitent les plaintes, etc. Enfin, voyez, nous avons eu tout ce travail-là de fait. Là encore, la prostitution, elle, était en fond, mais on y travaillait pas forcément. Ce d’autant que d’autres services de l’État, et notamment les services de la DASS, finançaient les associations qui prenaient en charge les prostituées sur un budget qui était le leur. Nous, on travaille avec un BOP¹²⁸ qui est le 137, et la DASS, sur cette ligne-là, travaillait avec un BOP qui était le 177. Donc, en fait, c’était quelqu’un d’autre que nous qui finançait ces structures-là. Donc, nous, on pouvait travailler en lien avec elles, mais on ne les finançait pas directement.
44. Quand mes collègues de la DASS travaillaient sur la prostitution, c’était plus sur un axe “prévention/accès aux soins” des femmes prostituées – prévention des comportements dangereux et accès aux soins pour les femmes. Nous, on était toujours sur notre ligne que c’est une violence. Mais on n’y travaillait pas forcément. Puis, en 2011, le troisième plan interministériel est tombé (pour la période 2011/2013) qui a noté noir sur blanc, que la prostitution est une violence faite aux femmes. C’était la première fois depuis l’existence des plans, qui sont des cadres de travail extrêmement importants pour nous puisque l’on s’appuie dessus pour faire valoir des choses, localement, auprès de nos partenaires. Donc, c’était important pour nous que la prostitution, en 2011, réintègre nos axes de travail. C’est redevenu, noir sur blanc, une des violences faites aux femmes, à côté

¹²⁸ Budget opérationnel

du harcèlement sexuel, du viol, des violences conjugales, des mutilations sexuelles, des mariages forcés, de la polygamie, etc... On a pu, très officiellement, se resaisir de cette question-là.

45. Et pour répondre à la deuxième partie de votre question: oui, localement, ça a été compliqué de faire valoir que l'axe de travail qui allait être le nôtre, c'était que la prostitution est une violence faite aux femmes. Ce que veulent la majorité des partenaires avec lesquels nous avons pu travailler, c'est une réponse à la problématique: "il y a un problème de prostitution visible, dans la rue, il faut nous débarrasser de ce problème." Quelque part, nous sommes obligés de leur expliquer que c'est le travail de la police – localement – de faire en sorte de démanteler les réseaux, et c'est en démantelant les réseaux que l'on fera disparaître les prostituées de rue. Quand je parle de "disparaître", la solution, ce n'est pas de prendre ces filles-là et de les reconduire à la frontière. C'est le travail de la police, ce travail de fond de démantèlement des réseaux.
46. Moi, je ne peux pas travailler sur ça, je ne suis pas légitime du tout pour travailler dans ce champ-là. Je ne suis pas la police. Je ne peux pas démanteler un réseau – je n'ai pas les moyens, je n'ai pas les compétences, je n'ai rien du tout. Moi, ce que je peux faire, c'est juste travailler sur une autre approche qui est que la prostitution est une violence faite aux femmes. Donc, ça sous-entend: sensibiliser le public, sensibiliser les personnes qui accompagnent les personnes prostituées au sein des institutions (les policiers, les gendarmes, les travailleurs de rue, les travailleurs sociaux, etc.).
47. Finalement, tout le monde voit les prostituées. Interrogez les gens, c'est effrayant! Ils savent tous où sont les prostituées à Nantes. Ça ne choque plus personne. Ça ne choque personne de voir des gamines en situation étrangère, très souvent mineures, sans papiers, exploitées,... L'argument c'est "Ah, oui, c'est des prostituées. Et, bien? Il en faut." Il faut dire aux acteurs différents que l'image d'Epinal qu'ils ont des prostituées ne correspond absolument pas à la réalité. Alors, après, les riverains peuvent grogner parce que ça fait des préservatifs partout, ça fait des voitures qui s'arrêtent – "quelle image pour les enfants!" C'est plus ça qui va les déranger dans le fait d'avoir des prostituées sous des abris-bus que de se dire "Mais! C'est des femmes! Des êtres humains! Ce ne sont pas des marchandises! Et elles ne sont pas là de leur plein gré. Pas celles là." Il y a de la prostitution choisie, mais pas celle-là, pas dans la prostitution de rue. Pas celle-là. J'aimerais savoir s'ils ont conscience de la violence que l'on leur fait subir quotidiennement – du moment où on leur a fait quitter leur village natal, jusqu'au moment où on les a amenées ici pour vivre ce qu'elles vivent au quotidien. Est-ce qu'ils ont conscience de ce que ça représente pour elles, de faire 10, 20, 30 passes par jour? Pour des fois €10 parce qu'il faut faire vite, parce que les clients négocient, parce qu'elles n'ont pas fait leur chiffre.
48. Il faut renforcer ces notions-là, dont je peux vous assurer qu'elles ne sont pas présentes dans la tête des gens. Du tout. Ils les voient, et ça les embête. Mais, majoritairement, ils ne se rendent pas compte de leur situation à elles. Ce ne sont pas *elles* qu'ils voient. Ils ne font pas du tout attention à la réalité de ce qu'est la prostitution. Parce que, gavés d'images d'Epinal: "c'est le plus vieux métier du monde", "il y en a toujours eu", "elles n'ont qu'à être caissières", "elles n'ont

qu'à faire autre chose", "et bien il ne fallait pas qu'elles viennent de leur pays", "il faut croire qu'elles aiment ça", etc. Ces idées sont encore véhiculées dans l'opinion publique. Terriblement. Donc, le premier travail que je pouvais faire, sur cet axe-là, c'était casser ces images-là, dans la tête des gens, d'essayer de repositionner, de rappeler ce qu'est *la réalité de la prostitution de rue, en France, en 2012*. Voilà.

49. **Justement, d'après le site de la préfecture, une campagne d'affichage visant à sensibiliser le public et responsabiliser les clients avait été prévue depuis 2011. C'est bien celle que vous avez lancée le 19 novembre? Pouvez-vous me parler du processus par lequel se monte une telle campagne?**
50. Oui. C'est bien la nôtre. Elle a mis très longtemps à sortir. Alors, par rapport au processus, je ne peux que parler pour moi. En fait, quand j'ai commencé à m'intéresser à la problématique, le premier travail que j'ai fait, c'est de mettre autour d'une table tous les acteurs qui interviennent autour de la problématique. Donc, on fait venir les associations (Médecins du Monde et le Mouvement du Nid sont les associations que j'avais, localement). On fait venir la police. On fait venir d'autres associations de lutte contre les violences faites aux femmes. On se met autour d'une table et on se dit: "Voilà. Quel est notre postulat de départ? Sur quoi sommes-nous d'accord pour parler de prostitution? Qu'est-ce qu'on en pense les uns, les autres?"
51. Très vite, Médecins du Monde nous a dit: "Oui, il y a un problème prostitutionnel, mais, nous, on est sur la prévention et le soin – point barre". On ne dira jamais officiellement que la prostitution est une forme de violence, parce que ce n'est pas notre ligne à l'échelle nationale, parce que nous on travaille sur la prévention et le soin, on est des soignants et des médecins. On ne veut pas savoir le reste. On n'est pas là pour juger de leur activité – dire "c'est bien" ou "c'est mal". Au contraire, si on les prive de leurs activités, elles n'auront plus de quoi gagner leur vie, que deviendront-elles ? Le droit commun n'est pas en mesure de répondre à leurs besoins (elles sont en situation irrégulière, pas de papier, etc. Donc elles n'ont droit à rien). C'est compliqué de les aider, donc "laissez les se prostituer – au moins elles gagnent de l'argent de cette façon-là et elles peuvent survivre."
52. Après, les autres associations et les autres partenaires, qui étaient sur une conception un peu différente des choses, disaient : "Mais, ce n'est même pas tolérable d'imaginer que l'on puisse tolérer la prostitution, que l'on puisse tolérer que des femmes se prostituent dans la rue dans ces conditions là. C'est une violence." Et nous, c'est cet angle-là qui nous intéresse. D'abord, il faut dénoncer cette violence, partir de ce postulat de départ – que c'est une violence – pour voir ce que l'on peut faire pour arranger les choses. L'objectif, ce n'est pas évidemment de sortir toutes les femmes de la prostitution et les réinsérer – on n'est pas naïfs à ce point-là. On sait bien que l'on est sur un public extrêmement volatile, qui change beaucoup, sur des femmes qui sont étrangères, qui sont en situation irrégulière, qui ne parlent pas français, qui ont des dettes à payer à leurs proxénètes, dont la famille peut subir des menaces à l'étranger – ce qui ne les rend pas libres de quitter la prostitution – etc. On sait bien, on n'est pas naïfs au point

de croire qu'il suffit de les prendre par la main pour les sortir de la prostitution. Mais il n'empêche que l'on ne veut pas rien faire.

53. Donc on a cherché, on a cherché, et on s'est dit que la première chose à faire – et ça répond aux axes de travail qui sont dans le troisième plan interministériel de lutte contre les violences faites aux femmes (je n'ai pas inventé la poudre !) – c'est informer et sensibiliser, obligatoirement, l'opinion publique, et il faut former et sensibiliser les personnes qui vont être en contact avec les prostituées. Leur rappeler que ce ne sont pas des objets. Leur rappeler la réalité de ce qu'elles vivent. Premier temps. Deuxième temps: quand on a réussi à les replacer, comme ça, en être humains victimes de violences, c'est exactement comme le processus pour les violences conjugales. Ce que l'on entendait, c'était: "il n'y a pas de fumée sans feu", "elles le veulent bien", "faut croire qu'elles aiment ça sinon elles resteraient pas avec leurs maris", etc. On l'a entendu des milliers de fois. Et on l'entend encore. Sinon, il n'y aurait plus de femmes qui parleraient, qui ne supporteraient pas pendant 10, 20 ans d'être victimes de violences conjugales, qui, dans leurs têtes, à elles, prendraient plus vite conscience qu'elles sont victimes de quelque chose qui doit cesser. Et c'est tout le poids de cet inconscient collectif, c'est tout le poids historique, culturel, de la société dans laquelle on vit, qui fait que ça a été très long, le cheminement pour que, dans l'opinion publique, on commence à se dire: "Ah, oui, ce n'est pas normal les violences conjugales. Et puis, ce n'est pas aussi simple que ça en a l'air. Ce n'est pas *que* parce qu'elles aiment ça. Ce n'est pas *que* parce qu'ils sont tous alcoolisés dans la famille. Ce n'est pas *que* parce qu'elle n'a pas le pouvoir de partir et qu'elle est faible, etc." Ça a pris des années pour avancer sur cette thématique-là. La prostitution, ça va être pareil. Il ne faut pas espérer révolutionner le tout en une seule fois.
54. Mais, là encore, à partir du moment où moi, au niveau national, j'ai un cadre juridique clair – le troisième plan *interministériel* – que tout le monde connaît, qui est mon cadre de travail que tout le monde doit respecter et, à partir du moment où je suis sur mes axes de travail, tels qu'ils sont notifiés dans le plan, on ne peut rien me dire. Donc, moi je me suis mise dans les axes de travail du plan, et je suis le cheminement, c'est à dire que, d'abord, je sensibilise, j'informe, ensuite, je forme les gens à la problématique. Puis, dans un troisième temps, effectivement, on va reprendre les groupes de travail, là, à la rentrée, en 2013, avec les formations réelles, pour voir comment on peut accompagner les personnes prostituées et faciliter leur accès à leurs droits – leurs droits juridiques (qu'elles n'hésitent plus à porter plainte si elles sont victimes de viol ou quand elles sont maltraitées physiquement), leurs droits sociaux (qu'elles puissent avoir accès, effectivement, aux aides auxquelles elles pourraient avoir droit bien qu'étant personnes étrangères), qu'elles puissent avoir accès aux droits sanitaires.
55. Voilà, donc, dans un premier temps, c'est ça – c'est les réhabiliter comme êtres humains et faciliter leur accès au droit commun. Parce que l'on ne peut pas, forcément, mettre de dispositifs spécifiques pour elles – ça, ça serait merveilleux. Alors, ça peut se faire dans une hypothèse très précise: vous savez, la loi les protège quand elles dénoncent leur réseau/leurs proxénètes. Donc, c'est des hypothèses vraiment très précises, et puis il y a très peu de femmes qui sont prêtes à ça. Dans ce cadre-là, on peut partir sur des dispositifs spécifiques qui ont été mis

en place via l'Ac.Sé.¹²⁹ pour les protéger, les mettre à l'abri, leur donner un titre de séjour, etc. C'est très peu de personnes par an. Nous, ce qui nous intéresse davantage, c'est comment on peut faire localement pour qu'il y ait une dynamique qui se crée qui favorise leur accompagnement vers plus de droit. C'est très ambitieux, ça touchera sans doute très peu de personnes – là encore, on n'est pas idiots, on est sur un public qui est très volatile, on va avoir du mal à y arriver, et puis surtout, ça reste un sujet qui n'est pas facile à aborder. Donc, si nous, on a réussi, en Loire-Atlantique – parce que c'est l'État qui porte ça dès le départ – c'est uniquement parce que, au sein du Conseil Général de la Loire-Atlantique, et au sein de la ville de Nantes, il y avait des élues – femmes, féministes – qui étaient prêtes à porter cette politique aussi.

56. Les résultats que l'on obtiendra ne seront pas mirobolants. Comme je vous le dis, nous sommes assez pragmatiques au sujet de tout ça, c'est juste que l'on ne peut pas lâcher le sujet. Ce n'est pas normal qu'il y ait des femmes qui soient contraintes de se prostituer. Et c'est contre ça, en fait, que l'on va continuer à lutter. C'est un long, long parcours, comme ça a été un long, long parcours de faire comprendre qu'une femme victime de violences conjugales, ce n'était pas normal. Il faut qu'il y ait des actes forts. C'est comme ça que c'est avancé, dans le cas des violences conjugales. Des textes ont renforcé les peines contre les auteurs. C'est quand, dans les cas où c'était les maris, il y a eu l'éviction du conjoint; c'est quand on a eu la loi de 2010 relative, spécifiquement, aux violences faites aux femmes – c'est quand il y a des moments *forts*, comme ça, avec des textes qui *marquent* et obligation pour tout le monde de s'en saisir: pour la police d'appliquer, pour la justice de condamner.
57. **Il me semble que, par rapport au territoire national, la Loire-Atlantique, et la ville de Nantes en particulier, ressort comme une région dynamique et en amont sur la problématique de la prostitution. Je pense, par exemple, à la réunion des maires de France en 2003, je pense au travail de Marie-Françoise Clergeau, et à d'autres acteurs de la région qui ont eu beaucoup d'interventions importantes...**
58. On a effectivement cette chance, nous, d'avoir des élues impliquées, convaincues et féministes. Et on a profité aussi, je ne vous le cache pas. Je ne vous cache pas non plus que, contrairement à ce que l'on pourrait imaginer, il y a des jeux politiques aussi. Parce que, pendant très longtemps, l'État a été un État avec un gouvernement de droite alors que, localement, on avait l'essentiel (si ce n'est l'intégralité) des collectivités qui étaient plutôt à gauche. Ça ne nous empêchait pas de travailler avec les élus - enfin, moi, ça ne m'empêchait pas de travailler avec les élus, ce n'était pas un souci, parce que j'avais une ministre, qui était ma ministre de rattachement à l'époque du lancement du troisième plan, qui a donc remis la prostitution dans nos axes de travail, c'était une ministre de droite, c'était Roselyne Bachelot, mais elle était féministe et convaincue que ce message là devait être porté aussi, qu'il fallait réaffirmer la position abolitionniste de la France, qu'il fallait agir sur cette thématique-là, qui commençait, elle aussi, à réfléchir sur la pénalisation du client, etc.

¹²⁹ Accueil Sécurisé

59. Le gouvernement a changé, on est passé à un gouvernement socialiste, donc il y a eu une espèce “d’accord parfait”, on va dire, entre les services gouvernementaux, les collectivités territoriales locales dans notre département. Je me suis dit que, finalement, ça allait faciliter mon travail. Et bien, finalement, pas tant que ça quand même. Parce que, effectivement, à partir du moment où on est à la fois une élue et une élue nationale – parce que c’est une députée et une sénatrice, Madame Clergeau – ce n’est pas aussi simple. À partir du moment où le Premier Ministre de la France, c’est l’ancien maire de la ville de Nantes, c’est compliqué de parler de prostitution sans stigmatiser la ville de Nantes. Sans dire: “Il y a manifestement un problème de prostitution à Nantes parce que c’est là-bas que l’on se saisit du problème.” Donc, après, il fallait devenir très prudent sur la façon dont on allait aborder les choses pour ne pas qu’il y ait d’amalgame trop rapide. Quand on parle prostitution, on est sur un sujet qui fâche encore en ce sens que 1) c’est très racoleur pour la presse (donc, il faut se “méfier” de la presse – faire attention à la façon dont ils abordent les choses –, notre objectif étant justement de ne pas être trop racoleur), et 2) il faut aussi se méfier politiquement de la façon dont les choses peuvent être interprétées ou réinterprétées au détriment de la politique que l’on conduit localement.
60. Donc, d’un seul coup, il a fallu que l’on soit beaucoup plus prudents et beaucoup plus vigilants à ce que l’on était en train de faire. Étonnamment. Ça a surpris, et moi la première! Mais, c’est tout à fait logique: il ne fallait pas que le débat soit pollué par des considérations de “politique politicienne”. On va dire, ce n’est pas le rôle de l’État, d’être impliqué dans des histoires comme ça, et il ne fallait pas non plus que la presse prenne ce sujet-là sous un angle trop racoleur.
61. Un exemple: tous les journalistes que j’ai eus au téléphone quand on a lancé la campagne m’ont demandé “Vous ferez témoigner des personnes prostituées? Est-ce-qu’il y aura des témoignages?” et, à chaque fois, je leur expliquais: “Je viens de vous dire que les femmes qui se prostituent *dans la rue* à Nantes sont étrangères, elles ne parlent pas français, elles sont à Nantes aujourd’hui, demain, elles seront dans un autre grand centre urbain, que ce soit Strasbourg, Rennes ou Bordeaux, comment voulez-vous que je leur demande de venir devant vos micros dénoncer leur réseau ou témoigner de leur parcours? Ça n’a pas de sens. Elles ne sont pas là pour être exhibées. On essaie de les réhabiliter, (enfin, “réhabiliter” ce n’est pas le bon terme) de les *repositionner* comme êtres humains victimes d’une violence, et vous me demandez de les exhiber. Ce n’est pas possible. Ce n’est pas le bon public.”
62. C’est pour ça que, quand on interroge ou quand on entend des personnes prostituées dans la presse, les seules qui témoignent – à la radio, à la télé, dans la presse écrite – c’est des femmes qui ont choisi la prostitution et qui le crient haut et fort. Parce que c’est les seules qui peuvent le faire. Qui peuvent parler. Voilà, donc: on n’entend que les femmes qui ont choisi de se prostituer au détriment de toutes celles qui subissent la prostitution et, donc, ça renforce aussi dans l’opinion publique l’idée que, finalement, c’est un métier comme un autre et qu’elles “le veulent bien” – la preuve! – et qu’est-ce que l’on a, nous, censeurs, casses-pieds, moralisateurs, à “victimiser” les prostituées? À dire qu’elles sont victimes de “violences”? Ou alors à les traiter en délinquantes horribles? Etc. Et donc on tombe

dans le travers en “les victimisant, en les traitant de victimes ou de délinquantes, à stigmatiser les prostituées...”, alors que tout notre travail, c’est l’inverse. C’est l’inverse! Vous voyez? On doit toujours faire attention à la façon dont la presse se saisit de ces problématiques-là. Et on sait que les seules personnes qui en ont témoigné, et les seules personnes que j’ai entendu témoigner de la prostitution, c’est des femmes prostituées qui – à de rares exceptions près – le choisissent... Comme ça a été le cas le 19 novembre pendant le débat.¹³⁰ Cette jeune femme-là est aussi venue à un débat ultérieur et disait les mêmes choses, et on n’entend jamais les autres. Forcément! On ne *peut pas* les entendre, les autres.

63. Donc, c’est facile, après, pour nos détracteurs, de dire: “de quoi se mêle-t-on? Et si on les laissait gagner leur vie de cette façon-là?” Et bien, ce n’est pas la position de l’État français. Et, localement, les élues féministes engagées s’alignent avec cette conduite-là aussi. Toute la réussite de la campagne, de ce qui se fait ici, est exclusivement liée au soutien que l’on peut avoir au niveau des collectivités locales. Si je n’avais pas ce soutien-là... L’État aurait pu porter sa campagne, bien évidemment. Ça nous aurait coûté beaucoup plus cher, parce que là, chacun [ndlr: référence aux différents acteurs participant à la campagne lancée le 19 novembre] a participé financièrement. Donc, ça aurait coûté beaucoup plus cher – je ne sais pas si j’aurais pu, avec mon budget à moi, lancer une campagne, une conférence, faire les cycles de formation, etc... Je ne suis pas sûre que l’on aurait pu faire tout ça, bien évidemment. Mais, en admettant que l’on ait pu le faire, l’État l’aurait fait, puisque, quand j’ai eu à présenter le dossier au Préfet (puisque c’est quand même lui qui décide, à la fin, si oui ou non on va le faire), il m’a dit qu’effectivement, c’était nos axes de travail, que l’État pouvait aussi être fer de lance sur des sujets un peu difficiles parfois et que, voilà, à partir du moment où on était sur nos axes de travail, il n’y avait aucune raison qu’on n’aille pas dans ce sens.... On n’allait pas se cacher de travailler sur un sujet qui relevait de nos compétences, des compétences de l’Etat. C’est pour ça qu’on y est allé.

64. Donc, sans eux, sans les collectivités, j’y serais allée aussi, avec les associations par contre. Je n’y serais pas allée toute seule. Ça n’a pas de sens de ne pas s’associer avec les gens de terrain. J’aurais pu y aller sans eux, sauf que cela a un autre impact. Sur le court terme et sur le moyen terme, cela a un autre impact si les collectivités sont impliquées avec moi, avec l’Etat, si on met en place des dispositifs d’accompagnement ou facilitant l’accès au droit.

65. La DDSCS participe-t-elle au financement des associations ?

66. Moi, j’y participe sur mon budget direct, le fameux BOP 137. Je participe au fonctionnement des associations et puis, à côté de cela, ponctuellement, je peux financer des actions. Pour l’action qu’on a faite là, la campagne, la conférence-débat, en fait, j’ai financé et donné de l’argent à une association (Le Mouvement du Nid) pour qu’elle monte le dossier. J’y ai travaillé, moi, très concrètement, mais j’avais besoin d’un porteur. C’est tout le temps comme ça qu’on fonctionne au sein des services de l’Etat.

¹³⁰ Référence à l’intervention de Sophie, *escort*, accompagnant la représentante de Médecins du Monde dans l’audience lors de la conférence. See also: Aboudaram 20/11/12.

67. **Vous avez parlé un peu du fait que la DASS soit scindée en deux et du fait qu'il y a L'ARS qui est en charge de la santé tandis que la DDCS s'occupe plus du social. C'est pour ça que les structures associatives sont financées soit par l'une ou par l'autre selon qu'elles sont axées plus sur la santé ou sur le social? Par exemple, Médecins du Monde est-il plus financé par le côté santé (donc l'ARS) et le Mouvement du Nid par le côté social (donc par vous)?**
68. Oui, parce que Le Nid n'avait pas d'autre revenu de la part des services de l'État. Ils ne rentraient pas dans les critères qui permettent justement à l'ARS de financer.
69. **Justement, quels sont les critères pour que vous financiez une association?**
70. En DDCS, comme on est plein de services et de ministères différents, on a plein de budgets différents. On a je ne sais combien de budgets opérationnels, de lignes budgétaires différentes, à gérer – chaque service est arrivé avec ses financements. Donc, une même association peut effectivement toucher des subventions du service des droits des femmes et toucher, à côté, des subventions d'un autre service de l'État qui appartient à la DDCS – on fait des fois des co-financements en interne. Donc, l'intérêt d'être ensemble, c'est que l'on peut discuter des financements, on peut cumuler, coupler, moi je peux avoir des crédits leviers qui vont permettre d'emporter un petit peu de crédit chez un de mes collègues, et puis on peut discuter ensemble du montage du dossier. Il y a plein de choses qui peuvent se faire de cette façon-là. Donc, un même dossier peut être financé par plusieurs services de la DDCS, ce qui a été très déstabilisant pour les associations au départ – elles ne savaient plus à qui demander quoi.
71. Nous, sur le programme 137, on reste un peu à part en ce sens que la Direction Départementale de la Cohésion Sociale va gérer, en propre, soit directement, soit au niveau régional (parce que le niveau régional va dédier des enveloppes au niveau départemental) un certain nombre de BOPs. Nous, sur le BOP 137, c'est notre niveau *régional* qui le gère. Donc, moi, je reste avec des crédits un peu indépendants de ce qui se fait en DDCS. La DDCS ne peut pas prendre mes crédits et ce n'est pas elle qui les gère. Après, moi, parce que je fais partie intégrante de la structure, je rends des comptes sur les sommes que l'on m'a allouées et sur l'usage que j'en fais, bien évidemment. Vous voyez, j'ai une certaine liberté d'action grâce à ça aussi. C'est-à-dire que je ne dépends pas des financements des autres pour pouvoir travailler. Je fais valider mes choix – c'est logique, il faut que j'explique pourquoi j'ai choisi de financer ceci ou cela – mais je n'ai pas à aller quémander des fonds pour monter un dossier. Je peux, par contre, aller demander des fonds complémentaires aux autres. Ça, c'est fondamental: à une époque où, justement, on était moins visible, je vous l'ai dit, d'avoir un budget propre, ça nous sauvait. On ne dépendait pas des autres – et les autres auraient pu ne jamais vouloir nous donner quoi que ce soit. Donc, au service des droits des femmes, on a un budget-contrat. C'est vrai, il y a des restrictions budgétaires importantes, que ce soit au sein des collectivités ou des services au sein de l'État, on se serre tous la ceinture et le service des droits des femmes, c'est la cinquième roue du carrosse, alors, d'avoir un budget propre, ça a

toujours permis de pouvoir continuer à travailler sans avoir besoin de l'aide des autres, et puis ça permet de lever des fonds en disant "Eh bien, moi, j'y vais et m'étends! Et vous?" et, donc, d'emmener les autres avec nous, puisque si on commence à financer, les autres ont moins de difficultés à suivre.

72. Alors maintenant vous allez commencer à travailler sur la deuxième partie du projet – la formation?

73. Oui – il faut que je recontacte une structure qui est à Nice, qui est financée par des fonds européens, et qui, grâce à ces fonds européens là, peut venir former les professionnels à la problématique de la traite des êtres humains mais sous l'angle prostitutionnel – et ils le font gratuitement. J'ai juste à mettre à disposition une salle, à faire les courriers d'invitation, à lancer les invitations, à gérer tout ce qui relève de l'organisation, mais eux viennent gratuitement. Quand je vous dis que l'on est très débrouillards au service aux droits des femmes, c'est ça. C'est-à-dire que l'on trouve toujours des moyens pour faire les choses à moindre coût puisque l'on a un petit budget. Donc, mon premier travail va être de négocier pour ça pour voir quand ils pourront venir pour former les professionnels dans la région et puis de relancer des groupes de travail un peu élargis – parce qu'il va falloir mettre plus de personnes dans la boucle – pour avancer sur les thèmes de l'accès aux droits.

74. La discussion autour de la pénalisation du client, ça change des choses pour vous? Et si ça devient réalité, pensez-vous que ça changera des choses pour vous?

75. La pénalisation du client, c'est *une* piste de travail. C'est celle qui avait été formulée à l'issue de tout le travail qu'avaient fait l'Assemblée Nationale et la mission d'information sur la prostitution. Là, se remet en place, au sein de l'Assemblée Nationale, un groupe de travail spécifique sur la prostitution. Le parlement (pas *juste* l'Assemblée Nationale) avait voté à l'unanimité, à l'issue du travail de la mission, une résolution disant qu'il fallait pénaliser le client et travailler sur cette thématique. Là, c'est plus ou moins remis en cause – il y a d'autres débats qui sont apparus depuis. Mais, il y a un nouveau groupe de travail qui se met en place au sein de l'Assemblée Nationale qui reprend ce chantier-là en main. Alors, on espère que ça aboutira puisque, normalement, si on lit bien le troisième plan interministériel, en novembre 2013, c'est une campagne sur la prostitution qui sera lancée à l'échelle nationale – l'accent va être mis, en novembre 2013 pour 2014, sur la prostitution. Dans ce cas-là, j'imagine qu'il y a des textes de loi qui vont se préparer.

76. Forcément, il y a des choses qui sont dans les tuyaux actuellement. On pense à la pénalisation – ça a des bons côtés, la pénalisation. Ça serait une très bonne chose que l'on puisse pénaliser les clients. Une autre chose qui est envisageable, et qui faisait partie du programme de campagne de François Hollande (le président actuel), c'était d'abolir et de faire disparaître les lois de sécurité intérieure de 2003 sur le racolage passif qui ont eu, pour effet d'éloigner les prostituées, de les rendre moins accessibles. Alors, elles ne sont pas complètement inaccessibles, on les

retrouve, justement, dans les rues. Mais, c'est comme ce qu'a dit mon collègue de la brigade des mœurs, l'autre soir, qui a expliqué qu'il ne se saisit pas de la loi de 2003 sur le racolage passif pour obligatoirement trainer les filles devant les tribunaux ou les reconduire à la frontière. Il s'en saisit pour pouvoir les arrêter, les interpellier, et les *connaître*... les connaître, les repérer, les questionner, essayer de trouver leurs identités, et remonter leurs réseaux. Il s'en sert comme d'un outil pour travailler sur le réseau. Après, vous avez entendu ce qu'a dit Anne Bouillon, l'avocate: de toute façon, toutes les femmes qui sont arrêtées pour racolage passif et qui passent devant le tribunal (parce qu'il y a forcément une procédure et une plainte, etc.) sont relaxées en première instance. Le souci, c'est, effectivement, si le parquet fait systématiquement appel¹³¹ - ça devient plus compliqué. Mais, bon, à priori, elles ne sont pas condamnées davantage en appel. Ils font appel, mais elles ne sont pas condamnées davantage.

77. Donc, il faut du travail, là encore, est c'est tout l'intérêt de ce ministère. On sait, si l'on travaille sur la prostitution, que c'est le Ministère des Affaires Étrangères qui doit être impliqué parce qu'il faut travailler avec les pays d'origine de ces femmes-là, si on veut travailler sur les réseaux, si on veut travailler sur la prévention, si on veut éviter que ces filles-là soient sorties de leurs pays. Il faut travailler avec le Ministère de l'Intérieur et la police, obligatoirement, sur comment les prendre en charge, comment on les repère, comment travailler sur les réseaux – il faut qu'ils aient les moyens (parce que ce n'est pas un service si gros que ça, la brigade des mœurs). Il faut, effectivement, travailler avec la justice, pour qu'ils entendent des choses, aussi, sur la façon dont les lois doivent être appliquées, sur la façon dont il faut regarder ces personnes-là: comme des victimes de traite des êtres humains et pas comme des délinquantes ayant commis un acte répréhensible.
78. Il faut travailler, donc, avec plein de services, plein de ministères impliqués sur ce sujet-là. C'est pareil, ça ne peut que se faire si, tout là-haut, tout le monde est sur la même longueur d'onde et tout le monde est d'accord pour travailler dans le même sens. Et c'est tout l'intérêt d'avoir un pilote dans l'avion, donc: une ministre, qui est suivie par son premier ministre et qui impulse des choses. Si c'est quelque chose avec lequel est d'accord le Premier Ministre, qui est le chef du gouvernement, il n'y a pas de souci, ça va redescendre en cascade après.

79. **Merci beaucoup pour votre temps. Au revoir.**

- FIN -

¹³¹ Comme l'a dit Anne Bouillon pendant la conférence.

1. **M'autorisez-vous à enregistrer cet entretien ?**
2. Oui.
3. **Comment définissez-vous la prostitution et cette conception a-t-elle évolué au fur et à mesure de votre travail sur ce thème ?**
4. Alors, la prostitution, pour nous, et ça se retrouve dans l'ensemble de nos travaux, n'est pas, comme certains voudraient le prétendre, une forme, la plus aboutie, de la liberté de l'utilisation, y compris par la commercialisation, de son propre corps, mais est, au contraire, une véritable aliénation et je dis souvent quand j'évoque ces sujets que l'étymologie du mot prostitution, c'est avilissement et ce n'est pas un hasard si la source de ce mot et de cette activité est liée à une profonde aliénation, à un avilissement, et non pas à un épanouissement.
5. Donc, c'est l'idée que nous avons toujours eue, et non pas par principe et par dogmatisme, mais parce que nous savions, et nos travaux nous l'ont confirmé, que la prostitution n'est jamais, ou alors dans des exceptions extrêmement rares, le fait d'un choix positif et totalement libéré de toutes contraintes. Les personnes qui sont en situation de prostitution sont toutes à un degré ou à un autre, entrées en prostitution du fait de contraintes extérieures, même si elles sont internes à leur propre vie, qui ont fait que aucune véritable liberté n'a présidé à ce qui n'est pas un choix, mais à ce qui est une entrée dans le système prostitutionnel à défaut d'un vrai choix, d'un vrai projet de vie qui peut être celui d'une personne s'engageant dans un parcours personnel et professionnel et, donc, pour nous, la prostitution n'est certainement pas un métier, n'est certainement pas une activité professionnelle permettant à une personne de gagner sa vie et de s'épanouir au travers de son activité professionnelle, et ça n'est certainement pas ce prétendu "plus vieux métier du monde" qui serait consubstantiel à l'existence de toute société et qui même permettrait à toute société de réguler un certain nombre de ses travers, de ses instincts les plus vils. On a, en particulier, à vérifier que certains arguments, comme la prostitution permet d'éviter le viol et des tas d'arguments totalement fallacieux, puisque démonstration est faite que le risque de situation de viol est dix fois plus élevé dans le cadre de la prostitution qu'en dehors du cadre de la prostitution.
6. Donc, nos principes, à partir desquels nous sommes partis, sont des principes fondés sur l'égalité homme-femme. A ce titre, la lutte qui doit être menée contre toute violence liée au genre, liée au sexe, donc, en particulier, venant des hommes vers les femmes, et les nouveaux prolongements de la prostitution au travers, pour plus de neuf cas sur dix, de la traite des êtres humains, vont tout à fait dans ce sens.

7. Nous partions avec ces idées, non pas fondées sur une morale quelconque, mais fondées sur des principes et sur une éthique républicaine, et notre travail n'a fait que confirmer tout cela.
8. **Justement, compte tenu de la position abolitionniste de la France et, au regard de ces principes républicains, on pourrait penser qu'il y a en fait une impossibilité à priori à sérieusement réfléchir à un retour à la régulation. Est-il donc réellement possible de dire que la mission a été de considérer toutes les options en matière de politique publique visant la prostitution de manière égale, incluses les options de régulation?**
9. Les options de régulation, c'est-à-dire de légalisation sont par définition contraires à la position abolitionniste de la France qui n'est pas nouvelle. La France a ratifié en 1959 - cela fait quand même maintenant plus de 50 ans- la convention de l'ONU qui elle-même date de 1949 et qui, quand on en regarde simplement l'intitulé, est très moderne puisque, déjà en 1949, les Nations-Unies voulaient traiter la question de la traite des êtres humains au travers d'une de ses manifestations les plus caractérisées qui est la prostitution justement.
10. Donc, il est clair que notre pays étant depuis plus de cinquante ans un pays abolitionniste, on ne pouvait pas avoir comme objectif de faire autre chose que d'analyser notre capacité à renforcer notre position abolitionniste par une évolution des pratiques parce que la position abolitionniste fixe un objectif de principe qui s'appuie sur le refus de la légalisation. Mais, cette position de principe doit être mise en oeuvre par tout moyen dans la mesure où l'abolitionnisme ne veut pas dire la prohibition et nous sommes dans une situation d'un pays où la prostitution n'est pas légale, mais licite et où, en tant que telle, elle n'est pas condamnable au pénal.
11. Donc, il ne s'agit pas pour nous, et on en reparlera pour le client, d'aller au-delà de l'abolition qui est une volonté de la société dans son ensemble d'éradiquer en son sein la prostitution et surtout pas d'un retour en arrière qui d'ailleurs est contraire aux engagements internationaux de notre pays et donc à la convention de l'ONU de 1949.
12. **Comment qualifieriez-vous la place de la France sur la scène internationale au tout début du travail de la mission et peut-être maintenant vingt mois après ? Est-ce que ça a changé ?**
13. Au début, c'est-à-dire dans les premiers contacts que l'on a eus, on a bien senti que nos interlocuteurs, que ce soit dans des pays règlementaristes (Belgique, Pays-Bas, par exemple) ou dans des pays abolitionnistes qui sont allés au-delà (la Suède, pour ne pas la citer) que, de tous côtés, on était extrêmement intéressé au fait que les élus français souhaitent avancer sur le sujet, approfondir les conditions dans lesquelles la stratégie abolitionniste pourrait produire les effets attendus.

14. Nous avons été pris comme des interlocuteurs de tout premier plan, capables de faire bouger les choses sur la problématique partout en Europe et ce sentiment que nous avons ressenti est ressorti de notre mission encore amplifié parce qu'on s'est bien aperçu que, en Suède, on était très demandeur d'un développement de la stratégie de responsabilisation du client partout en Europe et le fait que la France, un des plus grands pays d'Europe à tous égards, s'y intéresse et marque une volonté de creuser le sujet sous cet aspect-là n'a pas laissé indifférents nos homologues suédois.
15. Mais, également, que ce soit en Espagne, que ce soit en Belgique, que ce soit aux Pays-Bas, comme ces nations règlementaristes ou légalistes, légalisantes donc, se posent de vraies questions sur la cohérence de leur politique, on a bien compris que la position que nous prendrions et les mesures éventuellement législatives que nous prendrions pour mettre en oeuvre cette position ne manqueraient pas de produire des effets. Je prends l'exemple de l'Espagne. L'Espagne à la fois règlemente, mais dans des conditions qui sont un peu différentes d'un secteur à l'autre, mais ne cache pas sa gêne devant l'hypocrisie que représente pour eux le fait de vouloir lutter contre la traite des êtres humains par tout moyen d'un côté et de laisser devant l'opinion le constat que la quasi totalité des personnes prostituées sont des personnes de nationalité étrangère et pour la très grande majorité d'entre elles venues dans des conditions irrégulières sur le territoire de l'Espagne et nos homologues, dans toutes les conversations off que nous avons pu avoir avec eux nous ont bien avoué que l'heure approchait où les responsables politiques de l'Espagne allaient devoir se positionner clairement par rapport à tout cela.
16. Aux Pays-Bas où la réglementation s'est encore plus précisée en 2011 au moment d'ailleurs où nous les rencontrons, nos interlocuteurs ne nous ont pas caché la difficulté qu'ils avaient à traiter ce qu'ils appellent "les zones grises", c'est-à-dire toutes les zones qu'aucune réglementation même de plus en plus précise ne pourrait gommer, étant entendu que pour eux il y a une évidence qui est que les réseaux et les personnes entre les mains des réseaux n'accepteront bien sûr pas tous de rentrer dans un système réglementé avec des licences, avec des registres, avec des contrôles et quand on entend les Pays-Bas nous dire à la question: "que ferez-vous pour les situations où les personnes prostituées ne voudront pas rentrer dans le système réglementé que vous voulez mettre en place?" La réponse, c'est: "nous pénaliserons les clients." Et quand on leur dit: "Mais, comment allez-vous pouvoir affirmer qu'un client savait et avait la volonté d'aller vers une personne prostituée hors d'un réseau et pour quelle raison?". Là, c'est le joker: "Bien sûr, on ne sait pas répondre."
17. On sent bien que, du côté de ceux qui ont pris les devants: la Suède suivie par la Norvège, et bientôt par l'Irlande, et du côté de ceux qui vont vers une sorte de fuite en avant règlementariste, on comprend que le rôle de la France dans une réflexion à l'échelle européenne sera déterminant si nous franchissons certaines étapes. Je reviens en particulier sur la question de la traite des êtres humains, Moi, j'ai dit à tous mes interlocuteurs, et personne

ne le conteste, qu'on ne peut pas affirmer dans la même seconde que le combat contre la traite des êtres humains est une priorité absolue, qu'il en va des grands principes européens de respect de la dignité de la personne humaine etc. etc. et, dans cette même seconde, dire que la prostitution fait partie de la vie, qu'elle est nécessaire, qu'elle rend des services, qu'elle répond aux besoins présumés irrépressibles des hommes alors que l'on ne peut pas nier que la prostitution aujourd'hui, c'est dans plus de neuf cas sur dix, le fruit de la traite des êtres humains.

18. Il est sûr que notre conviction que la France était importante dans la réflexion et dans les débats sur la prostitution à l'échelle de l'Europe tout entière n'a fait que s'accroître.
19. **En quoi le travail de cette mission particulière est-il différent du travail effectué par d'autres groupes de travail parlementaires dans les vingt dernières années (ex: rapports Zimmermann ou Lazerges), qui, n'ont pas eu d'impact fort sur le dispositif d'action publique. Pourquoi celui-ci serait-il différent ?**
20. Notre rapport, à mon avis, a une plus grande portée. D'abord parce qu'il s'inscrit dans la continuité immédiate de toute l'action que nous avons menée au Parlement depuis dix ans sur la lutte contre les violences faites aux femmes et on a vraiment inscrit ce travail dans cette optique: respect de la dignité de la personne humaine, refus des violences faites à l'autre, dans l'altérité homme/femme et dans l'altérité tout court puisqu'il y a également des personnes prostituées de sexe masculin ou transgenre, comme on dit, qui sont victimes de la même problématique.
21. Donc, cela, c'est clair que, comme on a rebondi instantanément sur la grande loi du 9 juillet 2010 dont nous sommes très fiers de l'avoir fait voter à l'unanimité par le Parlement et, comme notre travail s'est inscrit dans une très claire identité d'approche entre la droite et la gauche dans notre pays, avec la droite au pouvoir hier et avec la gauche au pouvoir aujourd'hui, sans que les considérations d'ordre de politique intérieure ne viennent perturber cette véritable affirmation d'une identité de vue totale sur le sujet, disons que le volume politique qui accompagne le travail de cette mission et ce que nous avons fait par la suite donne plus de capacité à faire la différence que tous les travaux antérieurs qui avaient eu le grand mérite d'exister, mais qui ne s'étaient pas inscrits dans la même continuité législative que celle que nous avons engagée avec la loi de 2005, avec la loi de 2010, dont j'ai été dans les deux cas à la fois le porteur et le rapporteur et qui, dans les deux cas, ont vraiment considérablement modifié le cours des choses dans le traitement juridique, judiciaire et en particulier pénal des violences faites aux femmes.
22. **Cela m'avait beaucoup intéressée : le lendemain du vote du 6 décembre, dans un interview avec LCP, je crois, vous parliez un peu des trois mouvements. En fait, dans les medias, on résume souvent le**

travail de la mission à cette recommandation de la pénalisation du client. Mais, vous étiez très clair que le travail de la mission ne peut se résumer à la production d'un rapport, ne peut se résumer aux recommandations. Est-ce que vous pouvez me faire part des objectifs plus larges et de ce que vous vouliez dire par ces trois mouvements.

23. Vous savez, on ne peut pas en vouloir à la presse d'aller à ce qu'elle considère le plus juteux en terme de buzz et donc d'attractivité vers le public, mais résumer à une des trente propositions le travail que nous avons effectué est intellectuellement très maladroit, si je ne veux pas dire plus, et au fond totalement inacceptable.
24. D'autant plus que la proposition concernant le client est une proposition visant à responsabiliser le client, si nécessaire le jour venu par voie de sanction de nature pénale, mais ce n'est pas, comme on a voulu le décrire - certains milieux que ceci dérangeait et qui voulaient nous classer du côté des moralistes poussiéreux et rétrogrades -, l'objectif, ce n'est pas : il nous faut un coupable, on en a enfin trouvé un chez le client et on va s'abattre sur tous ces messieurs, qui sont tous ces messieurs tout le monde qui vont vers le monde de la prostitution.
25. L'objectif, c'est la responsabilité, la responsabilité des hommes puisque ce sont pour l'essentiel eux les clients de la prostitution et c'est vrai qu'engager une responsabilité par la voie pénale est quelquefois nécessaire quand les autres moyens de responsabilisation n'ont pas fonctionné.
26. Mais, il y a tout le reste et tout le reste, c'est justement les trois leviers sur lesquels on est absolument obligé d'appuyer si on veut avancer: le premier levier, c'est la lutte acharnée contre toute forme d'exploitation, que ce soit la traite des êtres humains ou que ce soit le proxénétisme traditionnel, lequel a été beaucoup combattu en France et qui a beaucoup disparu parce que l'action pénale menée contre les proxénètes a produit de bons effets dans les deux décennies 80 et 90, donc lutte acharnée par tous moyens et, si nécessaire, et ça l'est de plus en plus à l'échelle européenne, contre les réseaux de traite.
27. Le deuxième levier, c'est l'accompagnement des personnes en situation de prostitution qui sont victimes de la prostitution et qui doivent être protégées lorsqu'elles se livrent à cette activité, c'est le travail de tout le monde associatif qui est exemplaire en la matière, que ce monde associatif soit un monde abolitionniste ou soit un monde réglementariste puisqu'on a des associations dans les deux versants de la problématique.
28. Donc, il y a à accroître le travail partenarial et le soutien mené sur le terrain auprès des personnes prostituées avec toute la phase préventive: trouver le moyen, c'est la question de la prostitution des jeunes et des étudiants, en particulier, trouver le moyen de prévenir la prostitution, trouver le moyen de protéger les personnes qui sont en situation de prostitution par rapport à tous les dangers qu'elles courent et ensuite essayer de faire sortir de la prostitution, comme le font les grandes

associations, si on n'a pas réussi à les empêcher d'y rentrer. Donc, cela, c'est le deuxième levier. Il est au coeur de l'évolution que l'on doit proposer.

29. Et puis, le troisième levier, c'est la responsabilisation du client. Ce n'est qu'un des trois leviers, il est important. A notre avis, il peut être déterminant pour continuer à faire bouger les choses.
30. Mais, je confirme tout à fait qu'il est réducteur et un peu spécieux de résumer tout notre travail à la pénalisation du client comme cela en soi. Si vous pénalisez les clients, mais que vous n'avez pas fait le travail consistant à lutter contre les réseaux, que vous n'avez pas mis en place plus et mieux de moyens pour accompagner les personnes en situation de prostitution, ça ne servira à rien.
31. **Pouvez- vous m'expliquer comment vous en êtes venu à recommander qu'une résolution parlementaire et affirmant la position abolitionniste de la France soit prise ?**
32. Pour nous, la résolution est une étape entre notre rapport et ce qui pourrait en découler au plan législatif, sachant que les mesures que nous avons proposées et déclinées dans notre rapport ne sont pas toutes de nature législative. Ça, c'est un peu de la cuisine franco-française: la répartition entre ce qui relève du domaine législatif, ce qui relève du domaine réglementaire et de ce qui relève des politiques publiques et qui, donc, par définition, ne passe pas obligatoirement par une loi ou par un décret.
33. Chez nous, c'est très important d'avoir bien conscience de cela et de ne pas rater l'étape entre le rapport d'une mission avec des préconisations adoptées à l'unanimité par le Parlement et ensuite une éventuelle loi qui, dans certains secteurs concernés par nos propositions, doit venir installer justement des dispositions que seule la loi peut installer.
34. La résolution, pour nous, a été un moment d'affirmation politique fort. D'abord, elle a été présentée: les signataires de cette résolution sont tous les présidents de groupes politiques à l'Assemblée nationale et même au sein du groupe un peu hétérogène de la gauche de la gauche toutes les composantes de ce groupe, plus, bien évidemment, la présidente de la mission et les rapporteurs, Danielle Bousquet et moi-même. Donc, déjà, la liste des signataires montre que c'est le Parlement tout entier dans ses composantes thématiques: ceux qui ont travaillé sur le sujet, dans ses composantes politiques : l'ensemble des groupes, qui veulent affirmer qu'une étape doit maintenant être franchie à partir de la réaffirmation et de la réexplication de ce qu'est la position abolitionniste de notre pays parce qu'on a bien senti que, pour beaucoup, il était très confortable de dire abolition = prohibition, ce qui n'est pas, vous le savez, du tout le cas.
35. La prohibition, c'est facile à décider, mais c'est impossible à mettre en oeuvre. On a bien vu la prohibition aux Etats Unis au début du vingtième

siècle. L'abolition, c'est vraiment pas facile parce que c'est un travail de la société sur elle-même. Ça ne se décrète pas, ça s'affirme, ça s'approfondit, ça s'explique et ça se traduit dans des actes politiques qui peuvent être des actes législatifs, mais qui peuvent également être des actes de politique concrète menée sur le terrain et, pour nous, on avait là un moment d'unité nationale de la représentation des Français au sein du Parlement qui nous semblait être extrêmement important. Ce moment avait une valeur symbolique forte.

- 36. Le vote réaffirmant la position abolitionniste de la France était unanime. Cependant, les députés sont divisés par rapport à certaines mesures contenues dans votre rapport, et notamment la recommandation d'abroger le délit de racolage. Cependant, les désaccords sur ce sujet n'ont pas réellement fait surface, ou n'ont réellement fait surface que bien après la publication du rapport (par exemple pendant la campagne présidentielle). Pourquoi ces tensions sur les sujets qui font désaccord ne sont-elles pas plus apparues lors de la publication du rapport ?**
37. D'abord parce qu'il n'y a pas véritablement de tension. Il y a un jeu politique et moi, je me suis efforcé, et j'y suis parvenu, de bien montrer que chacun était dans son rôle entre droite et gauche dans ce jeu politique, mais qu'il n'avait pas véritablement de sens sauf à diluer la volonté qui était la nôtre et à prendre le problème par un tout petit bout de la lorgnette.
38. Moi, j'ai rappelé que la loi de 2003 ne fait qu'élargir le délit de racolage parce qu'on ne peut pas reprocher à la loi d'être allée jusqu'au bout de la logique du délit de racolage en incluant la forme réputée passive du racolage sans s'interroger sur le fait que personne n'a rien dit depuis des dizaines d'années sur l'existence d'un délit de racolage réputé actif sachant que, entre la notion de racolage actif et la notion de racolage passif, les difficultés d'interprétation sont telles qu'il fallait mettre en cohérence la notion de racolage si on voulait répondre à deux sujets : l'ordre public, parce que si le délit de racolage existe, c'est parce que le fait de racoler dans la rue, pas seulement pour la prostitution, mais le fait de racoler y compris pour la prostitution, porte un trouble à la tranquillité publique que de nombreux élus et de nombreux habitants veulent voir cesser et puis le fait que ce délit de racolage rendu intégralement à sa mission grâce à la LSI avait comme objectif principal –moi, j'ai eu l'occasion d'en parler avec Nicolas Sarkozy lorsqu'il était ministre de l'intérieur-, la volonté, ce n'était pas : on va punir les prostitué(e)s. Chic! On a des coupables, on va pouvoir les punir et les vouer à la vindicte populaire, mais c'était bien d'essayer de trouver le moyen, à partir de ce délit de racolage, d'inviter en les protégeant les personnes prostituées à pouvoir nous indiquer quelles étaient les filières dont elles dépendaient et les réseaux dont elles étaient victimes.
39. D'ailleurs, ça a marché au début, puis ensuite, ça s'est atténué parce qu'on s'est aperçu que ça ne suffirait pas pour remonter toutes les filières et moi,

j'ai bien rappelé que si on voulait se bagarrer là-dessus, on perdrait l'essentiel de l'unanimité qui était la nôtre dans l'esprit dans lequel il fallait mener nos réflexions et que ça serait vraiment dommage. D'autant plus, et c'est cela qui a fait la différence, et quand vous lisez la proposition correspondante dans le rapport de la mission, vous bouclez la boucle, que la directive européenne sur la traite des êtres humains dit noir sur blanc que les victimes de la traite des êtres humains ne peuvent pas faire l'objet de poursuites pénales. Ce qui veut dire que, dans l'application à la prostitution de la traite des êtres humains, vous avez déjà plus de 90% des personnes prostituées qui, étant victimes de la traite des êtres humains, ne pourront du fait de la directive pas faire l'objet de poursuites pénales.

40. C'est bien pour cela qu'on a mis dans le rapport, s'agissant de ce délit, qu'un an après le vote de la loi que nous prendrions éventuellement pour pénaliser le client que nous voudrions responsabiliser, nous reviendrons sur les dispositions concernant le racollage, y compris celles de 2003, pour voir si oui ou non il y a matière à ne rien changer ou au contraire à considérer que ce délit n'a plus sa place dans notre dispositif pénal dans la mesure où nous avons trouvé des moyens meilleurs de réguler la prostitution pour la voir diminuer et donc voir s'inscrire beaucoup plus dans les faits notre volonté abolitionniste. C'est cela la démarche. C'est ce à quoi, moi, je me suis employé: dépassionner cette question parce que c'était un sujet politique. C'était fallacieux de dire que le délit de racollage, c'était Sarkozy et la LSI de 2003.
41. C'était un complément apporté pour que la notion juridique soit plus facilement, si on en avait besoin, utilisée par la police et par la justice parce que le délit de racollage actif était aussi difficile à vraiment bien apprécier, au point qu'on n'avait jamais réussi à lui faire donner toute sa portée. Donc, moi, j'ai mis en valeur relative cette affaire. D'ailleurs, Madame Bousquet l'a totalement admis, les élus de gauche l'ont totalement admis aussi. Ils ont bien compris que ça ne pouvait pas être un enjeu.
42. Ensuite, campagne électorale: on remet sur le tapis des grandes idées qu'on a toujours eues et qui sont, comme on dit, des marqueurs de son positionnement. Mais, j'ai récemment, lors d'une réunion de la commission, de la Délégation aux droits des femmes à l'Assemblée nationale eu l'occasion de revenir sur le sujet et d'inviter les collègues à ne pas faire de bataille politique de mauvais augure sur ce sujet, d'autant plus que la directive européenne allait s'imposer à nous et que nous avions, dans le cadre des conclusions de la mission, dit ce qu'il fallait faire de manière sage, réfléchie et cohérente sur ce sujet.
43. **J'ai deux questions un peu plus techniques. Je me demandais quelles étaient les difficultés les plus importantes que vous avez rencontrées pendant votre travail. Votre avis sur ce qui a été le plus difficile.**

44. Je n'ai pas ressenti de difficultés. Je n'ai pas ressenti du tout de difficultés parce que nous nous sommes efforcés d'entendre le maximum de personnes qui nous semblaient avoir des choses à dire ou qui souhaitent nous dire des choses. Donc, nous n'avons fermé notre porte à personne et nous avons ouvert un champ assez vaste et même si certaines auditions étaient un peu plus délicates que d'autres, elles ont toutes eu le mérite de permettre une expression et un échange. Quant à nos déplacements, ils se sont déroulés dans des conditions de très bonne préparation par nos collaborateurs et par nos postes diplomatiques qui ont permis que nous approfondissions comme nous le souhaitions le sujet dans ses aspects comparatifs au niveau européen et nous n'avons pas fait le constat de choses de choses que nous aurions souhaité approfondir, entendre, dire ou faire et que nous n'avons pas réussi à approfondir, entendre, dire ou faire.
45. **Par rapport à cela, je pense notamment à l'aspect de voyage, à l'aspect comparatif, il me semble, par rapport aux différentes instances, aux différents outils dont dispose le Parlement en France qu'il y a peut-être des avantages stratégiques à travailler en mission d'information par rapport à d'autres groupes de travail. Est-ce que vous pouvez penser à des avantages ou des désavantages à travailler dans ce type d'instance.**
46. Je ne vois pas d'inconvénient. Je ne vois que des avantages, surtout lorsqu' il s'agit d'une mission d'information qui n'est pas créée au sein d'une commission, parce que vous savez qu'il y a deux types de mission d'information: celle que nous créons au sein d'une commission et qui se résume, ce qui est déjà beaucoup, à un groupe d'élus, mais qui, de par leur appartenance à leur commission ont une approche qui est celle de la thématique de la commission et les missions d'information qui sont décidées par le Bureau de l'Assemblée nationale et dans lesquelles peuvent s'inscrire, donc, tous les députés, quelle que soit la commission à laquelle ils appartiennent par ailleurs. Et cette mission avait le grand mérite d'avoir en son sein des élus de la commission des lois, mais également, des élus de la commission des affaires sociales, donc des élus dont l'angle d'entrée dans la problématique était par nature différent et tous les angles d'attaque étant parfaitement complémentaires.
47. Je pense que la mission d'information décidée par le Bureau de l'Assemblée nationale et qui peut donc concerner tous les députés est très riche de par la diversité qu'elle autorise dans la représentation, non seulement des forces politiques de l'Assemblée, mais également des sensibilités et des approches de chacun de ses membres. La mission a été un outil utile pour mieux appréhender un sujet complexe.
48. **Y avait-il une préférence à priori pour pousser la réflexion sur le rôle du client et sur comment procéder parce que je viens de repenser aux efforts précédents de Danièle Bousquet et d'autres acteurs de son parti dans cette lignée ?**

49. Ce qui est vrai, c'est que Danielle Bousquet, au moment où elle m'a demandé si on pouvait envisager tous les deux de lancer cette initiative, a souhaité avoir mon opinion sur l'hypothèse à laquelle nous pourrions éventuellement parvenir d'envisager la pénalisation du client. Ma réponse a été que, comme la question de l'approfondissement du concept d'abolitionnisme m'intéressait particulièrement dans le prolongement de tous nos travaux contre les violences faites aux femmes, je n'excluais aucune hypothèse et que celle-ci ne me semblait pas devoir être rejetée a priori. C'est comme cela que les choses se sont passées. Mais, cela confirme que moi, je n'avais aucun à priori et que Mme Bousquet sans avoir elle d'à priori sur le sujet avait à l'esprit que le champ des possibles passait également par cette hypothèse.
50. **Donc, la prostitution est un phénomène genré (il n'a pas que les femmes, pas exemple, qui se prostituent). Comment fait-on, donc, pour équilibrer des lois ancrées dans des principes universels (comme la non-patrimonialité du corps) avec politique de lutte inscrite dans un cadre plus large de lutte contre les violences faites spécifiquement aux femmes ?**
51. En fait, quand on parle de la lutte contre les violences faites aux femmes, on fait un raccourci pour bien faire comprendre l'importance du sujet. Mais, moi, j'ai toujours dit que les violences au sein du couple sont dans 9 cas sur 10, les violences exercées par l'homme contre la femme, mais dans 1 cas sur 10, c'est l'inverse et je rappelle toujours, parce que j'ai eu beaucoup d'interlocuteurs masculins qui se sont inquiétés de savoir si les dispositions que l'on prenait étaient dans un seul sens - l'homme violent vis à vis de la femme -, et ne concernait pas l'inverse et j'ai toujours affirmé que la loi ne parle pas des violences exercées par un homme sur une femme, mais la loi parle des violences exercées par un membre du couple, ce qui veut bien dire que cela s'applique aux violences exercées éventuellement par une femme sur son compagnon, sur son conjoint et que cela concerne également les violences exercées par un membre du couple sur l'autre, dans le cas où ce couple soit un couple de même sexe.
52. On parle d'ailleurs de violences intra-familiales, qui est la meilleure définition de l'objectif que nous nous sommes fixé. Mais, il est vrai que cette lutte contre les violences intra-familiales, donc la violence exercée par l'un sur l'autre a une origine très claire qui est: les violences exercées pour toute une série de raisons tirées de l'histoire, tirées de la culture, tirées de toutes les évolutions de la société dans la très grande majorité des cas par les hommes en direction des femmes et quand on parle de la prostitution, on est dans le transfert de cette analyse-là : la majorité des personnes prostituées sont des femmes et la très grande majorité, si ce n'est la totalité, des clients sont des hommes. Mais, on ne peut pas ignorer qu'un certain nombre de personnes prostituées sont des hommes ou sont des personnes dont la détermination du genre est leur problématique ce qui d'ailleurs se traduit de l'autre côté par la problématique de leurs clients, à

ceux-là. Donc, il n'y a pas du tout d'incohérence, il y a une continuité dans l'analyse et dans l'application des principes républicains que vous avez rappelés et il y a une profonde cohérence: on est à chaque fois dans l'idée qu'au motif de l'intimité de la vie de couple, on prétendrait exercer une violence de l'un sur l'autre et au motif qu'il y aurait une place naturelle pour la prostitution dans tout type de société, il y aurait une violence qui s'exercerait de la part du client et du système prostitutionnel en direction de la personne prostituée réputée libre de son choix, mais qui, en fait, ne l'est pas et qui est la véritable victime de la prostitution.

53. Moi, j'ai toujours dit que si, de manière un peu provocante, on voulait considérer que la prostitution était nécessaire à l'équilibre d'une société, il fallait en faire un service public, qu'il fallait donc, comme tous les services publics, qu'il y ait une tarification qui, probablement, amènerait curieusement à ce qu'il y ait beaucoup moins d'intérêt à faire pratiquer la prostitution que lorsque les tarifs peuvent amener vers des dépenses importantes. Mettait une prostitution légalisée, tarifée service public, pourquoi pas remboursé par la Sécurité sociale à 15 ou 20 euros la passe, j'ai l'impression que ça n'intéressera pas trop les réseaux et qu'on aura beaucoup moins de personnes se livrant à cette activité parce que, par définition, pourquoi la prostitution? parce que c'est extrêmement rentable financièrement, avec tout ce qui tourne autour de l'appât du gain pour les traiteurs, l'appât du gain et la facilité – je repense à la prostitution étudiante- pour la personne prostituée et puis le peu de cas que fait le client de la dépense que ça lui entraîne parce que le sujet n'est pas là.
54. Donc, on est dans la même philosophie: quand on parle des violences intra-familiales et quand on parle dans le prolongement de la lutte contre les violences intra-familiales des violences intra-sociétales exercées toujours par l'un sur l'autre au mépris de la dignité de la personne humaine qu'est l'autre.
55. **Je pense que cette année 2013 s'annonce très riche en mouvements sur ce sujet. Pouvez-vous me faire part très rapidement de votre réflexion sur le futur du dossier dans l'année à venir?**
56. Nous nous sommes donné comme objectif au sein de la Délégation aux droits des femmes de l'Assemblée de reprendre pour se le réapproprier par la nouvelle Assemblée nationale puisque nous avons eu un nouveau mandat depuis juin dernier tout le sujet, mais sans refaire tout le travail que nous avons fait. Moi, j'ai bien dit que le plus mauvais signal que nous pourrions envoyer à l'opinion et à toutes les personnes qui attendent de nous que nous continuions le travail qu'on a engagé il y a maintenant plus d'un an, ce serait de prétendre tout refaire. Ça n'aurait pas de sens. Tout le monde en est d'accord.
57. Donc, on approfondit en invitant nos nouveaux collègues à s'approprier le sujet la problématique, dans les premiers mois de l'année 2013. On a créé au sein de la Délégation aux droits des femmes un groupe de travail qui a

commencé à se réunir et à auditionner pour vraiment compléter, en l'actualisant, si nécessaire, l'ensemble du travail que nous avons effectué, l'objectif étant de présenter une loi qui s'appuierait sur la proposition que nous avons déposée avec Mme Bousquet, justement, le 6 décembre 2011 au soir, dans l'objectif d'aller vers la responsabilisation du client comme nous l'avons indiqué, comme étant la démarche naturelle et l'étape suivante et d'ailleurs, je vois, début janvier, une nouvelle fois, la Ministre du Droit des femmes, Mme Vallaud-Belcassem, parce qu'on a convenu la semaine dernière de se rencontrer à nouveau pour faire le point sur l'approche globale, sur la sensibilité de chaque composante du paysage politique française, sur le calendrier, sur les nouvelles formes que nous devons donner à ce travail en commun pour que l'initiative reste au Parlement puisque c'est nous qui avons eu l'initiative, mais qu'on soit à chaque étape totalement en phase avec le gouvernement et la Ministre, en toute transparence à mon égard et réciproquement, tient absolument à ce que je continue avec son concours et, d'une certaine manière, à ses côtés à mener tout cela pour que 2013 soit l'année au cours de laquelle nous aurons franchi cette étape législative qui nous semble essentielle pour que la France assume son devoir de cohérence sur le sujet et commence à faire peut-être basculer la réflexion et l'action (en France et en Europe) du côté de l'abolitionnisme en l'action et non pas l'abolitionnisme seulement en réflexion.

58. Vous savez, dans les politiques publiques, il n'y a pas que des présupposés, il y a des traces philosophiques, éthiques, politiques qui conduisent les réflexions et qui s'appuient sur tout ce qui fondent nos démocraties, et pour la France, notre République.

59. **Merci beaucoup pour votre temps.**

- FIN -

1. M'autorisez vous à enregistrer l'entretien?

2. Oui

3. **Comment la mission d'information commune sur les diverses forces de l'esclavage moderne¹³² situait-elle son travail, qui ne se cantonne pas à étudier la question de l'exploitation sexuelle, par rapport à l'effort plus global de l'Etat français à combattre la prostitution sur son territoire?**

4. Je vais vous expliquer comment est née la mission – c'est aussi un peu le fruit du hasard. Vous savez, à l'Assemblée Nationale, quand on se lance dans une mission d'information, c'est souvent parce que votre attention a été attirée sur le sujet par quelqu'un d'extérieur. Là, à l'époque, j'étais première vice-présidente de l'Assemblée et c'est vraiment le fruit du hasard car le directeur du comité contre l'esclavage moderne de l'époque voulait rencontrer le président de l'Assemblée Nationale pour lui parler de son association et, en particulier, pour lui parler de l'esclavage domestique et susciter, en lui, un intérêt sur ce volet-là. Uniquement sur l'esclavage domestique. Et le président de l'Assemblée Nationale de l'époque répartit les rendez-vous entre lui, le premier vice-président, d'autres vice-présidents... Et, sachant que j'étais professeur de droit pénal, il m'a renvoyé ce rendez-vous. J'ai donc eu ce directeur dans mon bureau. J'avais dû prévoir une demi-heure de rendez-vous, je l'ai gardé une grosse heure. Il y avait aussi mon assistant parlementaire de l'époque et nous avons *tout de suite* pensé que l'Assemblée n'avait jamais fait de travaux sur toutes les formes d'esclavage. Lui venait de me parler que de l'esclavage domestique mais, comme moi j'avais plutôt en tête l'esclavage sexuel, tout de suite j'avais en tête deux formes d'esclavage: l'esclavage domestique que je connaissais mal, que je croyais très marginal; l'esclavage sexuel, comme professeur de droit pénal, je connaissais mieux et je subodorais l'esclavage économique (en particulier d'individus chinois dans certains quartiers).

5. Donc, avec ce désir, je suis allée voir le président de la commission des lois (qui était ma commission) et je lui ai dit que la commission des lois devait faire un travail là-dessus. La France a fait des choses parcellaires, mais n'avait pas encore essayé de prendre le problème dans sa globalité – dans ce cas: l'esclavage aujourd'hui, qui n'a pas disparu. Sans prétention, voyons ce qui en est, *en France*, sans toujours parler du Gabon, du Mali, de je-ne-sais lequel pays lointain, où les enfants seraient esclaves, etc... Voyons un peu chez nous. Immédiatement, dans ma discussion avec la

¹³² Mission parlementaire présidée par M. Alain Vidalies et dont Mme. Lazerges en était rapporteur. Le rapport de la mission est accessible en ligne à l'adresse suivante: <http://www.assemblee-nationale.fr/11/rapports/r3552.asp>

présidente de la commission des lois (qui était Catherine Tasca, à l'époque), nous nous sommes dit qu'il fallait joindre la commission des affaires étrangères – parce qu'il faudra quand même aller voir un peu à l'étranger ce qu'il s'y passe, et puis il faut voir un peu comment la France respecte les conventions internationales qu'elle a ratifiées – et puis sans doute aussi la commission des affaires sociales puisque ceci a, évidemment, des incidences en matière de protection sociale énormes.

6. Donc, ce rendez-vous est devenu ce que l'on appelle "une mission d'information commune" à trois commissions de l'Assemblée Nationale. Le rapporteur, Alain Vidalies, qui est aujourd'hui Ministre des Relations avec le parlement, était aussi de la commission des lois, comme moi. Alors, tous les deux, on a dirigé ça. On a travaillé six mois, c'était passionnant. C'était à la veille de l'alternance, que nous n'avions pas pensé être une alternance, si je puis dire. Nous avons rendu notre rapport en décembre 2001 et, dès janvier 2002, j'ai soutenu, à l'Assemblée Nationale, une proposition de loi.¹³³ Nous avons adopté le texte en première lecture et – surprise! – on perd les élections après. Mais, c'est intéressant de voir qu'un an plus tard, Nicolas Sarkozy, dans sa loi pour la sécurité intérieure, a repris ce qu'il pouvait reprendre de notre proposition de loi sans aller du tout aussi loin. Il se trouve que je connaissais bien sa directrice de cabinet, Emmanuelle Mignon, qui avait participé à une autre mission dont j'étais présidente, sur la réponse à la délinquance des mineurs. Donc, quand ils ont débattu de la traite et introduit le texte sur la traite dans le cadre de la loi pour la sécurité intérieure, ils ont, *marginale*ment, introduit des réponses à certaines formes d'esclavage économique – mais *vraiment* *marginale*ment. Ils ont repris ce qu'ils pouvaient reprendre de notre proposition de loi sans aller du tout aussi loin puisque, par exemple, nous, nous considérions qu'un esclave (domestique, sexuel, ou autre) étranger, qui a le désir de s'en sortir, dès lors qu'est reconnu son désir de s'en sortir, dispose d'une régularisation de sa situation. Donc, il était écrit, dans notre proposition de loi "le procureur de la République *doit* [ndlr: régulariser l'individu]" et dans le texte de mars 2003, il est écrit "le procureur de la République *peut*" – c'est radicalement différent!
7. **Justement, j'avais cru voir certaines des recommandations et des idées que l'on trouve dans votre rapport dans plusieurs des mesures développées dans la loi pour la sécurité intérieure...**
8. Oui. Alors: j'ai bataillé pour! Bien que ce ne soit pas mes amis politiques. J'ai bataillé pour que le texte sur la traite – qui a été peu modifié par rapport à notre proposition de loi (comparé aux autres textes qui ont été très modifiés).

¹³³ Proposition de loi N°3522 renforçant la lutte contre les différentes formes de l'esclavage aujourd'hui, enregistrée à l'Assemblée Nationale le 8 janvier 2002. Madame Lazerges en était à l'initiative, avec Monsieur Alain Vidalies, et en était rapporteur.

9. **La position de la mission d'information et de ses membres me semble avoir été contre les proposition du Ministre de l'Intérieur visant à pénaliser le racolage passif...**
10. Archi contre. Absolument. Le racollage passif est une aberration au regard du principe de la légalité des délits et des peines. Mais, là, vous avez vu, il y a eu plusieurs propositions. En particulier, Esther Benbassa a porté une proposition de loi sur le racollage passif, pour le supprimer. Je devais être auditionnée en tant que présidente de la CNCDH, mais je vois que l'audition vient d'être différée. Je suppose que le calendrier de cette proposition de loi traîne.
11. **Certains éléments du rapport ont été repris dans la loi du 18 mars, mais d'autres, par exemple, le racollage passif, contre lequel vous vous positionniez, sont quand même passés...**
12. Bien sûr, puisque c'est après l'alternance. Ce n'est plus le même gouvernement et, en plus, en opposition *frontale* sur les questions de sécurité et de justice. C'est grâce à des rapports amicaux, personnels avec la Directrice de cabinet de Nicolas Sarkozy que certains éléments sont entrés dans le texte de 2003.
13. **Que pensez-vous de la rhétorique qui avait été utilisée pour justifier les mesures, par exemple, sur le racollage passif, qui était une rhétorique de protection des victimes?**
14. Ce n'était pas du tout l'esprit de la chose. L'esprit de la chose, c'était de vider les beaux quartiers des prostituées, c'était la première raison. Je fais cours sur ce sujet. Dans un de mes cours sur les fonctions de la loi pénale, j'ai tout un chapitre sur la fonction *déclarative*, c'est-à-dire la fonction de la loi qui se résume à relayer le discours politique. La loi pénale n'est plus faite alors pour poursuivre ou condamner des comportements que l'on a incriminés, mais elle est faite pour relayer un discours, elle est purement déclarative.
15. Dans le même ordre d'idées, il y a les lois *émotives*, le lendemain d'un fait divers, peu importe ce qu'il adviendra. Mais, sur le racollage passif, il s'agissait de relayer le discours du gouvernement sur la tranquillité publique, que ce gouvernement-là allait rétablir la tranquillité publique. Un des volets de la tranquillité publique, c'est que, quand on sort de son immeuble, on n'ait pas une prostituée devant soi, que, donc, on allait les éloigner et forcément, on les éloigne quand on incrimine le racollage passif puisqu'elles vont se prostituer dans des endroits où circule moins la police. Voilà.
16. Et on ne les protège pas le moins du monde, on rend plus difficile le travail du Bus des femmes ou autre. La prostitution devient un peu plus cachée et s'éloigne.

17. **Alors, pourquoi ce discours justement de protection? Puisqu'il y avait eu alternance, puisqu'il y avait une demande du public pour ce genre de loi...**
18. Parce qu'il fallait le justifier. Bien sûr. C'est toujours facile d'avancer un discours de protection. D'ailleurs, cela se voit dans les débats parlementaires, je n'invente pas ce que je vous dis.
19. Le député Estrosi rapportait. Il dit dans les échanges sur ce sujet que le gouvernement, le parlement se doit de ramener la tranquillité publique pour les citoyens.
20. Il y avait une deuxième raison: le gouvernement se doit de reconduire à la frontière les étrangers qui ne sont pas en situation régulière et faire du racollage passif un délit permet la garde à vue. Donc, le deuxième objectif, concurrent d'ailleurs, c'était de pouvoir garder à vue des prostituées étrangères et les reconduire à la frontière. Il s'agissait donc d'émigration, de contrôle de flux migratoires.
21. Ensuite, ce qui s'est passé quand même très vite en France à ce moment-là, c'est que les prostituées des beaux quartiers, si je puis dire, ont changé de look, se sont habillées comme vous et moi et donc... Elles sont ou éloignées ou adaptées. Donc, cela devenait impossible... une jolie petite blonde russe, il suffit qu'elle se mette un jean et un pull à col roulé noir et qui va dire qu'elle est... Comment allez-vous définir le racollage passif ?
22. Il y a eu des interpellations à des arrêts d'étudiants d'autobus... Mais, là, c'est l'infraction pénale que je critique, c'est comme le harcèlement sexuel dans la version antérieure. S'il n'y a pas de fait, une infraction pénale ne peut pas naître de rien. Le racollage passif, c'est juste *rien*, sauf une apparence. C'est une subjectivité totale. Donc, à l'époque, si la question prioritaire de constitutionnalité avait existé, le conseil constitutionnel abroge *immanquablement* l'article sur la racollage passif.
23. La version du racolage passif qui existait dans le code pénal antérieur était contraventionnel. Ce n'était donc pas la même chose: on ne peut pas garder à vue pour une contravention. C'était une toute petite contravention, de troisième classe, je crois, une petite contravention. En réalité, ce que l'on a fait – le gouvernement l'a beaucoup dit: “Mais, non, ce n'est pas nouveau, ça existait déjà.” Mais, le basculement, c'est qu'on est passé de la contravention au délit, d'où la possibilité de garde à vue et ça, ça change tout.
24. **Le rapport de votre mission d'information fait la distinction entre le phénomène d'immigration clandestine et celui de traite parce que, même si tous les deux peuvent être organisés en réseaux, le dernier**

comporte une exploitation qui perdure dans le temps. Avez-vous eu l'occasion d'entendre des témoignages d'individus étrangers se prostituant en France évoquant une immigration volontaire et/ou une connaissance ou un consentement a-priori de participer ou est-ce que toute la prostitution concernant des individus étrangers est issue de la traite? Comment est-ce que l'on fait la part des choses?

25. Je vais vous dire, on a fait de petites ballades à l'étranger pour essayer de rencontrer des familles de jeunes prostituées. Le drame, c'est que, en effet, beaucoup d'entre elles ont envie de partir en Europe. Donc, *initialement*, il y a une volonté et dès lors que cette volonté s'exprime, très vite l'esclavage commence, c'est-à-dire qu'on leur promet un séjour en France de six mois, en général de pouvoir travailler dans un restaurant, ou divers travaux de ce type-là. Elles ne sont évidemment pas volontaires pour se prostituer, elles sont *volontaires* pour aller travailler en France et envoyer de l'argent à leur famille.
26. C'est donc une volonté initiale qui est totalement abusée et, très vite après, il y a une étape où on les prépare à la prostitution et là, elles sont enfermées, les choses deviennent dramatiques. Les réseaux les font venir en France en plusieurs étapes, si je puis dire, et elles passent par des lieux d'enfermement qui sont des lieux de préparation à la prostitution avec tout ce que cela peut avoir de sordide. Il y a de petits réseaux et de gros réseaux. Ce n'est pas forcément une criminalité internationale avec d'immenses réseaux, pas mal surtout venant de l'Est. D'ailleurs, quand on a été en Moldavie, on voyait quelques très riches maisons émergées de quartiers très pauvres: "Voyez : proxénète, proxénète, proxénète."
27. Et, quelquefois, ça, ce sont les cas plus rares, elles arrivent en effet, en toute liberté encore en France, et ce que j'appelle "la préparation à la prostitution" se fait sur notre territoire. Après huit jours dans un restaurant pas clair, ça bascule à ce moment-là... On leur propose autre chose, ou on les force. Les prostituées de l'Est sont le plus souvent esclaves dès le voyage. Les prostituées qui arrivent d'Afrique, dit-on – je me méfie de ces généralités -, arrivent peut-être moins esclaves et le deviennent après.
28. Vous savez cela psychologiquement, d'abord il leur est toujours très dur de ne plus envoyer d'argent à leur famille, de toute façon, tout d'un coup de dire qu'elles sont devenues pauvres en France. Ça, c'est un frein, un vrai frein, à sortir de la prostitution. Deuxièmement, elles ont une telle dégradation de leur image et honte d'elles-mêmes qu'elles sont prêtes à aller jusqu'au bout, presque de faire subir...c'est l'enfant battu qui bat ses propres enfants. C'est le même processus psychologique. L'enfant martyr devient un père martyrisant.
29. Une autre raison encore, c'est qu'elles ont, si elles sont sur le point de pouvoir éventuellement s'en sortir, une peur bleue qu'il y ait des mesures de rétorsion contre leurs proches dans leur pays d'origine, une peur panique parce que naturellement il y a un chantage à cela. Donc, il faut être très solide, très courageuse, avoir sans doute eu des contacts en France

avec des gens qui vous ont repérée, qui vous ont aidée à vous en sortir. Toute seule, c'est impossible.

30. **Le rapport émettait le souhait de voir la législation s'harmoniser entre pays voisins. Quels aspects en particulier auriez-vous voulu voir harmoniser, et comment pourrait-on espérer une harmonisation entre pays qui ont des dispositifs nationaux visant la prostitution si différents.**
31. Moi, je crois que, au nom, d'abord, de la Convention internationale des Droits de l'enfant, en Europe, il ne devrait pas y avoir un seul pays qui ne criminalise pas le client d'un mineur. Alors, ça, nous avons réussi à le faire passer, avant l'alternance, dans la loi sur la famille dans ce que l'on appelle "un cavalier" en droit: une disposition qui n'avait aucun lien direct avec le coeur de la loi sur l'autorité parentale. On en a fait un appendice de la loi sur l'autorité parentale et donc, on l'avait fait passer avant l'alternance, et ça, je m'en félicite. Alors, pour cet exemple-là, je trouve qu'il n'y a aucune raison pour que, dans un seul pays d'Europe, on ne criminalise pas le client d'un mineur. Compte tenu du consensus qu'il y a, quand même, en Europe, sur la protection des mineurs, je ne peux pas comprendre qu'un pays qui a ratifié la convention internationale du Droit de l'enfant ne criminalise pas le client d'un mineur.
32. Alors, on a maintenant, en France, modifié les textes sur la compétence française lorsqu'une infraction est commise, dans un pays étranger, une infraction *délictuelle*, et qu'elle n'est pas incriminée dans ce pays. Vous savez que, quand un Français commet *un crime* à l'étranger, si c'est un crime en France, la France est compétente pour le juger. Quand un Français commet *un délit* à l'étranger, la France n'est compétente pour le juger, quand il revient et si on l'interpelle, que si les faits qu'il a commis à l'étranger sont aussi délictuels à l'étranger. Et pour l'exploitation des mineurs, la France a voté, il y a maintenant dix ans, quand on était au pouvoir, une exception pour ce qui est de l'exploitation sexuelle d'enfants commise à l'étranger par un Français, par exemple en Thaïlande où tout cela est parfaitement permis, la France est compétente. Le malheur, c'est qu'il y a extrêmement peu de poursuites et de condamnations parce qu'on n'a aucun élément de preuve.
33. Le poids que nos autorités ont sur cette affaire-là, c'est d'informer les agences de voyage. On informe de mieux en mieux les Français qui partent pour le tourisme sexuel – et il y en a beaucoup –, ils sont de plus en plus informés qu'il peuvent être jugés en France dès leur retour. Il y a encore quelques années, ils ignoraient, ils pensaient qu'ils pouvaient agir en toute impunité. Les voyagistes sont tenus d'informer que le tourisme sexuel, même s'il est autorisé dans le pays où on le pratique, peut conduire à poursuites et condamnation en France. C'est le cas dans des hypothèses où on a pu rassembler des éléments de preuve. Malheureusement, c'est une bonne disposition du législateur français, mais, ça donne lieu à très peu de poursuites.

34. Par contre, le client d'un mineur, ça oui, ça donne lieu à des poursuites et à des condamnations. Je ne sais pas si vous avez entendu parler de cette affaire. Mais, le directeur de communication de Raffarin, lorsqu'il était premier ministre, s'est fait prendre à 4h du matin sur un des grands boulevards de Paris avec une mineure prostituée dans sa voiture, - un contrôle de police routinier - et il a dû démissionner, vite fait bien fait, sauf qu'il a prétendu l'erreur de fait: "Elle m'avait l'air d'avoir 20 ans". Mais, l'enquête et l'instruction ont prouvé qu'il la connaissait depuis longtemps et il a été condamné. Il a démissionné et il a été condamné pénalement.
35. **Est-ce que tout ce qui est pénalisation des clients de mineurs, ça a un rôle dissuasif justement puisque cela devrait faire réfléchir à deux fois, le client?**
36. Cela commence à se savoir en France, ça, quand même. Oui, évidemment, il n'y a que peu de ces clients qui sont poursuivis. Il y a là un chiffre noir de la criminalité considérable. Je crois qu'ils le savent, les clients, qu'ils ne peuvent plus plaider l'ignorance de la loi sur ce sujet. Alors, ils arguent tous de ce que la prostituée n'a jamais l'air d'une mineure. Mais, ils n'ont qu'à se renseigner.
37. **Par rapport à cet amalgame entre la prostitution et la traite, est-ce que vous, vous avez vu une évolution tendant vers plus ou peut-être moins d'amalgame entre la prostitution et la traite ?**
38. Oui, il y a forcément moins d'amalgame puisqu'il y a quand même un lobby en France important des prostituées dites "libres", des travailleurs du sexe. D'ailleurs, moi, je ne suis pas du tout d'accord avec tout ce qui est dit dans ce rapport, mais l'auteur dans ce rapport considère qu'après tout, on peut vendre son sexe. On ne peut pas vendre son sang, mais on peut vendre son sexe. Moi, là, il y a un truc qui m'étonne. Si on ne peut pas vendre son sang, je ne vois pas pourquoi on pourrait vendre son sexe.
39. Mais, il y a en France, c'est un groupe très minoritaire, archi minoritaire, c'est trois fois rien, la prostitution libre. Mais, elles sont bien organisées. Quand on rendait notre rapport, elles étaient sur tous les plateaux de télé pour dire qu'on ne connaissait pas ce dont on parlait et qu'elles étaient plus libres que libres. A Marseille, par exemple, il y a une prostitution de mères de famille, si je puis dire, de 40 à 60 ans. C'est en général le mari qui est proxénète ou même pas. Mais, c'est tellement marginal, statistiquement.
40. Il y a, par contre, ce qui nouveau en France, c'est de la prostitution, quasi-prostitution, ponctuelle d'étudiantes, et d'étudiants en prostitution homosexuelle, pour vivre. Alors, ce n'est pas la même prostitution, mais c'est vendre son corps pour vivre. On en parlait très peu, ce n'est pas dans

notre rapport, c'est un phénomène plus nouveau que, moi, je lie à la paupérisation des étudiants. Dans *le Monde*, l'autre jour, il y avait une double page sur les étudiants français, on disait que plus de la moitié d'entre eux travaille, - je pense que c'est beaucoup plus de la moitié d'entre eux, parce qu'il y a tout le travail au noir.

41. Donc cette prostitution étudiante c'est aussi une forme de prostitution contrainte. La précarité peut avoir effet de coercition. Comment est-ce que je vais payer mon inscription? Et bien, je vais coucher avec ce copain, je n'en ai rien à battre, et s'il me donne 100 euros... C'est très triste, cela interpelle sur une société. Le chômage des jeunes, même sans parler des étudiants, le chômage grandissant des jeunes conduit à trouver des procédés de survie. On manque absolument d'études sur ce point, vraiment, donc, moi, je livre là des impressions. Je trouve que c'est un sujet qui doit être travaillé absolument. Et j'ignore complètement si ces jeunes femmes en sortent facilement. Je pense que oui. A dire vrai, je n'en sais rien. Souvent, elles ont été violées. Mais, violées par des copains, un copain qui est venu prendre un café et ça a tourné au viol. Ce n'est pas violée dans la rue par quelqu'un qu'on ne connaît pas.
42. Il me semble qu'on a deux prostitutions nationales : le petit lobby des travailleuses du sexe, ça, c'est une chose. Il ne faut pas que ce petit lobby des travailleuses du sexe nous empêche de lutter à fond contre la traite. Et puis, je vais vous dire, ce petit lobby des travailleuses du sexe ne s'adresse pas au même public. Nos jeunes filles victimes de la traite sont de belles, charmantes jeunes filles, toute jeunes. Le petit lobby, ça va jusqu'à des femmes de 70 ans, de 75 ans qui se prostituent pour compléter leur retraite ou parce qu'elles l'ont toujours fait et qu'elles le font encore.
43. Il y a cela, ce petit lobby, qui n'est pas de la traite, et puis il y a cette prostitution économique, ponctuelle, -j'imagine que c'est ponctuel-, et je trouve que si on connaît assez bien le lobbying, - je dis "lobbying" parce qu'elles sont très fortes pour faire parler d'elles, les travailleuses du sexe - je crois qu'il y en a de moins en moins-, d'abord parce que le marché est occupé par des victimes de la traite.
44. Cela crée une concurrence, cela a créé des tensions presque racistes entre elles sur le trottoir... tensions racistes entre les petites prostituées nigérianes, par exemple, et la marseillaise qui est là. Et le phénomène qu'on connaît aujourd'hui le moins, c'est la prostitution liée à la pauvreté et des jeunes, Françaises ou étudiantes étrangères en France. J'ai deux tiers de mes étudiants, j'ai *certainement* deux tiers de mes étudiants qui galèrent financièrement. Alors, ça veut dire quoi? Ça veut dire qu'on n'achète plus jamais un livre, que l'idée même de se constituer une bibliothèque paraît absolument d'un autre temps, qu'on rate des cours parce que l'on a des petits boulots, qu'on travaille sur la nuit et que les cours tôt le matin, on n'y arrive pas, etc. Etc.
45. Je pense que les choses vont peut-être bouger pendant l'année 2013. D'abord, il y a l'alternance et il y a plusieurs ministres, il y a deux

ministres: Mme Bertinotti de la Famille et Mme Najat Vallaud-Belkacem qui sont très “branchées” dans ces questions. Et c’est là n’importe quel ministre homme ne ferait pas l’affaire. Ceci dit, n’oubliez pas la prostitution masculine qui se développe. Elle se développe en France, beaucoup.

46. À votre avis, quelles seront les conséquences de ce développement par rapport à l’articulation d’un discours abolitionniste définissant la prostitution comme une violence envers les femmes?

47. Justement, je pense qu’en ce qui concerne le discours de violence envers les femmes, il faut maintenant mettre un bémol et ne pas oublier violence envers les hommes parce que la prostitution des hommes se développe pour les femmes, pas seulement dans l’homosexualité. Principalement, en homosexualité, mais je crois un tout petit peu en hétérosexualité aussi.

48. Est-ce qu’il faudrait alors partir dans une direction “dignité humaine”, quelque chose qui est neutre de genre?

49. Oui. Statistiquement, ce sont les femmes qui sont encore concernées, mais c’est quelque chose qui est sans doute destiné à bouger un peu.

50. Merci beaucoup.

- FIN -

1. **M'autorisez-vous à enregistrer l'entretien?**
2. Oui.
3. **Pouvez-vous me décrire l'approche de l'association par rapport à la prostitution?**
4. Il y a un certain temps l'association ne savait plus très bien quels étaient les moyens pour accomplir au mieux ses objectifs, elle était critiquée par les financeurs qui lui demandaient: "Qu'est-ce que vous faites? Est-ce que vous vous occupez réellement de personnes prostituées, ou est-ce que vous faites un peu autre chose? Par exemple, vous vous occupez des jeunes qui ne sont pas en situation de prostitution..." Donc, c'est toute la difficulté, si vous voulez, de la question de la communication sur la prévention de la prostitution, puisqu'à priori on est prostitué(e) ou on ne l'est pas. Donc, quand on dit: "On fait de la prévention." on nous a demandé: "Oui, de la prévention de quoi, précisément?" Donc, on a été un peu pris dans ce questionnement là.
5. **Donc, en essayant d'élaborer une approche sur le risque prostitutionnel, cela permettait de faire le lien entre les structures de prévention?**
6. Oui. Et le psychosociologue a qui nous avons confié l'évaluation de l'approche de l'association a montré qu'effectivement, le travail social pouvait être efficace, mais, avant que la conduite addictive ne s'installe. Il fallait que l'on puisse répondre à la question, puisqu'on était payés par les pouvoirs publics. Donc, il fallait quand même que l'on comprenne mieux à quoi peuvent servir les interventions par le travail social. Surtout que l'on nous demande pas seulement de travailler sur la prévention. Comme vous vous souvenez, à un moment donné, on avait beaucoup de personnes prostituées, mais qui ne souhaitaient pas quitter la prostitution, on était payés pour faire de l'hébergement, pas plus.
7. Je suis arrivé le 1er janvier 2000, - auparavant, je ne travaillais pas dans ce secteur-là, je travaillais dans le secteur du logement social. À ce moment là, j'ai eu la direction de cet établissement qu'était le service "Insertion Jeunes", et, à l'époque, on était encore sous la double tutelle du Ministère du Droit des femmes et de la DASS¹³⁴ (cela ne s'appelle plus la DASS, maintenant).¹³⁵ C'était avant la réforme générale des politiques publiques (RGPP).¹³⁶ Cela n'a pas duré très longtemps, à mon avis, de 2000-2001.

¹³⁴ Direction des Affaires Sanitaires et Sociales

¹³⁵ Les missions et responsabilités des Directions départementales des affaires sanitaires et sociales (DDASS) ont été transmises au Direction de la cohésion sociale et de la protection des populations en 2010.

¹³⁶ La Révision Générale des Politiques Publiques commencée en 2007, une analyse compréhensive des missions et actions de l'État afin d'en évaluer l'efficacité et d'en dégager des

8. À cette période là, le Ministère du Droit des femmes ayant une mission un peu plus ‘politique’, si vous voulez, distribuait en fait les financements au gré des expérimentations qui se faisaient. Ceci à fait qu’effectivement, on n’opérait plus dans la logique précédente qui consistait à avoir une mission reconnue, pérenne, identique, on va dire, tous les ans, avec une logique de reconduction de nos financements. Donc, ça a été là, une période un peu difficile et un peu trouble pour nous, mais pas que pour nous d’ailleurs puisque, avec l’ensemble des associations parisiennes (toutes celles qui étaient financées sur ce que l’on appelait “la ligne prostitution”), on a été rencontrer le directeur de la Direction de l’action social pour dire: “Écoutez, ça ne va pas. On ne sait pas sur quel pied danser. Nous, on a des contrats de droit du travail, est-ce qu’il faut qu’on licencie notre personnel? Qu’est-ce que vous souhaitez que l’on fasse? Où est-ce qu’on va?”.
9. Donc, à ce moment-là, parce que le sujet de la prostitution n’était plus d’actualité, le Ministère du Droits des femmes n’était plus partie prenante aux décisions des financements, et on a, en quelque sorte, changé de ligne. On est passé sur une ligne qu’on appelait, - qui s’appelle, je crois, toujours-, la ligne “Urgences”. Ceci à eu pour conséquence d’ailleurs, de modifier notre public, en quelque sorte, puisque l’appellation de la ligne budgétaire sous-entendait un public ciblé. Donc, on était plutôt sur l’urgence d’une prévention et risques *dont* le risque prostitutionnel. Cela signifiant en fait que, nous, ayant, un projet de *prévention* du risque prostitutionnel, on accueillait, bien évidemment des jeunes qui n’étaient pas dans la prostitution, qui ne l’avaient pas encore rencontrée; ainsi que certains jeunes qui commençaient à rencontrer la prostitution, qui évoquaient le fait que, pour eux, ils ne se prostituaient pas, mais ils se “débrouillaient”, c’est-à-dire que c’était un peu flou, cela faisait partie d’un ensemble de conduites à risques dont la petite délinquance, le chapardage, le vol et la “débrouille”, c’est-à-dire le fait que, en échange d’une relation sexuelle, une jeune femme pouvait en retirer un bénéfice (hébergement,...).Vous voyez, la frontière est un peu floue en ce qui concerne la prostitution et, donc, la prévention. Mais, nous, évidemment, on considérait que ce gendre de conduite à risque était l’entrée dans quelque chose qui pouvait devenir, hélas, une activité pérenne, structurée.
10. Notre publique et notre mission ne concernait pas, ou que de façon très exceptionnelle, très occasionnelle, les personnes qui étaient victimes de traffics, puisque ça regarde davantage les services de police. Parce que, sur la question de la traite, on rentre dans des systèmes très mafieux, d’abord parce que les jeunes femmes sont victimes d’une maltraitance systématique et organisée, qui fait d’elles des “polytraumatisées”, et qui va faire qu’elles vont se retrouver enfermées dans une prostitution avec une surveillance totalement mafieuse qui consiste à retirer le plus d’argent possible. Donc, la loi de sécurité intérieure, d’ailleurs, avait fait le pari que l’on pouvait peut-être intervenir sur les réseaux mafieux en supprimant la différence qui existait dans la loi sur le racolage entre racolage passif et racolage actif. Je ne sais pas bien ce que ça a donné comme effet parce qu’il y a eu changement de gouvernement.

pistes de réformes structurelles permettant d’épargner, de moderniser et de consolider l’action publique.

11. Il faut aussi mettre au bon moment l'apparition du sida et des craintes que ça a fait naître dans la société française (et ailleurs en Europe aussi, he suppose) qui a été de dire: "Attention, il y a des risques de pandémie. Alerte! (en quelque sorte). Alerte!". Donc, on oriente les financements vers la prévention du sida, ce qui, effectivement, pour moi, a été quelque chose d'un peu compliqué parce qu'a priori, les "traditionnelles" se protégeaient. Quand on a cette activité, quand on fait ce "métier" (je mets métier entre guillemets parce que, pour moi, ce n'est pas un métier), si on veut tenir longtemps, on sait qu'il y a des risques de maladies de toutes sortes dont, un moment donné, le VIH. Donc, effectivement, il y a un certain nombre d'associations, on va dire "militantes pro-reconnaissance de la prostitution" qui se sont engouffrées dans la manne de la distribution de financements dont le but était était prophylactique.
12. Donc, là, tout était un peu mélangé à cette époque là: prévention de l'entrée dans la prostitution, prévention des conduites à risque, et prévention des risques pour les personnes qui exerçaient déjà cette activité. C'était les effets pervers de cette décision politique et sanitaire, qui était de dire: "Bon, attention, il faut que l'on distribue des préservatifs au Bois de Boulogne, par exemple." Mais, nous, si vous voulez, à partir du moment où les pouvoirs publics et les associations ont développé la question de la prévention de la prostitution en dehors de la conduite addictive, ça concernait une population ne nous était pas accessible et dont on ne savait pas trop quoi faire. Je me souvient, par exemple, qu'une on a eu, une jeune femme qui pensait pouvoir se protéger contre les pressions que l'on exerçait contre elle, mais qui, d'abord, était majeure (plus de 25 ans, dans ce cas), donc, plus difficilement prise en charge par nos services. Et, ensuite prise en charge comment? C'est à dire un hébergement, un accompagnement? D'accord, mais jusque quand? Jusqu'où? On n'était pas équipé pour traiter ce type de situation et ce n'était pas notre mission.
13. Il faut faire attention, puisque, suivant les personnes à qui vous vous adressez le terme "prévention" n'a pas la même définition. Il y a prévention des risques sanitaires, donc, la prévention du sida, de risques majeurs et, dans ce cas, il faut expliquer comment on attrape ce virus. Nous, on était bien sur la prévention de la conduite prostitutionnelle. Donc, deux choses très différentes puisque nous sommes dans la prévention du risque prostitutionnel: c'est-à-dire que l'on essaye de se donner suffisamment d'indicateurs en amont pour pouvoir identifier les jeunes qui présentent tous les risques d'entrée dans la prostitution." En ce qui concerne les risques sanitaires, il sont en quelque sorte parallèles, connexes -je ne sais pas comment dire-, cela fait partie des risques du "métier", j'ai envie de dire. Nous, on s'intéresse au "métier", donc on s'intéresse à tous les risques qu'il comporte.
14. L'association avait été créée en 61. Alors, 1961, c'est le milieu des trentes glorieuses, les pouvoirs publics sont riches, selon ce que les anciens administrateurs m'ont raconté, l'ANRS devait servir de modèle à une structure qui devait se mettre en place dans chaque département français. Derrière cette idée-là, on faisait l'hypothèse que l'on pouvait, sinon éradiquer, en tout cas, faire diminuer la prostitution en tant que telle. Derrière ça, il y avait en fait l'idée qu'on pouvait faire disparaître la prostitution. Les pays occidentaux étaient dans une embellie économique exceptionnelle, donc, en France, en tout cas, le taux de

chômage était au plus bas. N'étaient pas employables, ceux qui, pour diverses raisons ne pouvaient pas l'être, mais, l'emploi était là.

15. À cette époque-là, je travaillais dans une association qui était financée par l'Etat qui suivait familles avec enfants, et, s'il le fallait, je prenais mon téléphone, et je téléphonais à l'inspecteurs du département (qui était à l'époque celui à qui on demandait des allocations mensuelles). Je pouvais obtenir des allocations mensuelles, par enfant, pour des périodes de six mois, Cela se passait uniquement par téléphone, on me disait: "Oui, je vous connais Monsieur Cousin, je vous fais confiance. Faites-moi quand même un écrit." C'était, par enfant, des sommes qui correspondent aujourd'hui, on va dire à environ 300 euros par enfant et par mois sur des périodes de six mois, facilement, et encore à minima. Quand vous aviez cinq enfants, vous voyez ce que cela pouvait faire. Les allocations mensuelles étaient vraiment généreusement distribuées. L'État était riche.
16. Donc, je pense que, derrière ça, on a eu envie de s'interroger, à un moment donné, sur la question de la prostitution, problématique qui semblait à la fois irréductible, et dont on mais n'a jamais eu le temps de s'en occuper, mais que, maintenant que l'on en a l'occasion, on va s'en occuper. Je pense que ça a dû se passer comme ça, surtout quand on connaît la France, ses département. Le sujet de la prostitution à évidemment Paris à son centre, le département de Paris, ce n'est pas un département rural – il y a de la prostitution dans les autres départements, certes, mais c'est historiquement minime par rapport à Paris. On s'imagine bien qu'à Paris, aujourd'hui comme hier, les plus grandes pauvretés côtoient les plus grandes richesses.
17. L'ANRS, en tant que "modèle" et en tant "qu'association nationale", avait vocation à faire des petits. Alors de 1961 jusqu'au milieu des années 70: c'est une période d'expérimentation. Puis, 1974: le premier choc pétrolier, l'apparition d'un chômage. Ce chômage deviendra un chômage de masse dans les années 90, mais il démarre vraiment là et, si vous voulez, la courbe ne va jamais descendre. Donc, cela veut dire que les pouvoirs publics sont obligés de mettre de l'argent ailleurs - notamment sous forme d'indemnisation du chômage, qui va être élaborée dans les années 80. 1981, c'est François Mitterrand, donc un socialiste, qui est élu, pour la première fois depuis longtemps. Il y a une politique très sociale, pendant les deux premières années; puis, deux ans après, donc en 1983, c'est la "rigueur", parce que...parce qu'on n'a pas le choix. Dans cete environnement là, l'association est un peu protégée, si vous voulez, elle poursuit son petit bonhomme de chemin. Et, son petit bonhomme de chemin, c'est la réadaptation sociale des personnes prostituées. Cependant, d'emblée, apparaît la question centrale à laquelle a été confrontée l'association, qui est que: on reçoit des personnes prostituées, on les a en charge, on les héberge (longtemps), mais on n'a pas les résultats attendus - comment se fait-il ?
18. Et vous savez que les sociologues ont l'habitude de dire: "Bon, il y a différentes façons d'aborder une recherche en sociologie: il faut un échantillon représentatif, poser des hypothèses, et il faut que les hypothèses se vérifient à la fin du travail de recherche". Là, ça ne va pas se passer tout à fait comme cela, parce que ce sont les administrateurs qui vont dire, l'ANRS : "On n'a pas les résultats attendus. Cela veut dire que l'on n'est pas assez proches de notre objet, on ne reçoit pas assez de

prostituées.” Je fais l’hypothèse que, déjà à l’époque, on devait recevoir ces personnes qui étaient un peu “entre deux eaux”. Maintenant, rétrospectivement, on connaît bien la problématique de la prostitution et je peux maintenant vous dire que c’est une conduite addictive, et qu’une personne installée dans la prostitution ne viendra jamais nous voir pour en sortir. C’est si vous êtes fumeuse et vous voulez arrêter de fumer, vous allez venir me voir si je suis médecin spécialiste; mais, si vous n’avez pas envie d’arrêter de fumer, je ne vous verrai jamais. Donc, il est bien clair que là, il y a déjà une ambiguïté, forcément, à l’origine, puisque la problématique est complexe.

19. Donc, la solution des administrateurs c’est de se rapprocher de leur objet, c’est-à-dire essayer d’approcher les lieux de prostitution et les personnes qui se prostituent et essayer notamment de favoriser l’émergence d’une association de prostituées, si vous voulez, entre elles. L’idée derrière (c’est souvent ce que fait le secteur associatif), c’est en quelque sorte, un peu, de conscientiser les personnes en grande difficulté ou en difficulté, de faire en sorte qu’elles deviennent, on va dire (suivant la formule que je trouve un peu éculée) “acteurs de leur destin”, voilà, faire en sorte qu’elles puissent essayer de s’en sortir elles-mêmes. Donc, en fait, l’association va favoriser l’émergence d’une association animée par des prostituées en exercice avec l’idée que ces personnes prostituées se connaissant, et sont mieux à même que nous de connaître celles qui souhaiteraient sortir de leur état, comme le disaient, -disent toujours les textes-, qui sont des textes de 61, je crois. Cette association, c’est le Bus des Femmes. Voilà, mais c’était un pari, en quelque sorte.
20. En ce qui concerne l’association, ce qui s’est passé, c’est ce que, comme certains sociologues qui ont travaillé sur les “agences pour l’emploi” (pour les personnes en recherche d’emploi) se sont rendu compte, la structure finit par fonctionner pour elle-même, c’est-à-dire qu’elle fonctionne pour ses agents, au bénéfice de ses agents, elle fonctionne difficilement au bénéfice du public reçu. Donc, là, en quelque sorte, j’ai envie de dire que “le Bus des femmes” a un peu fonctionné pour lui-même, et que, pratiquement, les personnes prostituées travaillaient au sein de l’association en tant qu’animatrices on a bénéficié du fait qu’elles avaient un autre métier (en tant qu’animatrices) et un autre status, ce qui leur permettait, souvent, de limiter leur prostitution. En quelque sorte, c’était un status bien intéressant et bien protecteur. Ça veut dire qu’à un moment donné, le “Bus des femmes” est devenu ingérable parce que la prostitution ne baissait pas et que l’association dépensait beaucoup d’argent sans forcément que ça ne bénéficie à un public plus large. De plus, on n’était plus dans l’éthique de la mission qui avait été indiquée par les pouvoirs publics pour l’ANRS.
21. Tous ces éléments-là - la difficulté d’assurer la mission, la difficulté de compréhension sur l’objet-même (comment fait-on pour être efficace) et sur les populations-mêmes, ainsi que la conscience que l’État ne paye et n’aide que les personnes qui souhaitent sortir de leur état - ont fait que l’ANRS a été prise dans un écueil. D’un côté on pouvait aller à la rencontre de ces personnes – qui acceptaient bien, à un moment donné, momentanément, que l’on les héberge dans nos structures, parce que ça peut-être utile. D’un autre côté, on trouvait que l’on n’avait pas grand chose à se dire, parce qu’elles n’avaient pas l’intention d’abandonner pour autant la prostitution. Nous opérons dans une logique de

sortie, de réadaptation et de réinsertion, mais pas elles. Non, ça ne collait pas, ça ne marchait pas.

22. Et, à quel moment, est-ce que ça a basculé ?

23. En 61, au moment de la création de l'ANRS, ce sont de hauts fonctionnaires qui vont créer notre association. Mais ces hauts fonctionnaires ont une idée politique, ils ne se contentent pas d'être à leur place, ils ont une vision de ce que pourrait être un outil qui permettrait d'engager une politique de diminution de la prostitution sur le territoire national. Au début, il y a un grand investissement de ces hauts fonctionnaires, qui participent au niveau du conseil d'administration. Rapidement, ces personnes là commencent à se faire représenter – je pense, entre autre, au Directeur de la protection judiciaire de la jeunesse, au Ministère du travail, au Ministère de la santé, au Directeur de l'action sociale,... Effectivement, évidemment, le Ministre ne va pas venir dans une petite association comme la nôtre. Donc, au moment de la création, vous avez des acteurs importants investis dans l'association. Mais, après, les acteurs changent, les acteurs disparaissent, ils sont éventuellement mutés ailleurs, et inévitablement, et compte-tenu des enjeux, on peut supposer, je peux supposer, que ça fonctionne quelques années, et qu'ensuit, tout le monde, d'ailleurs, ne vient pas.
24. Notre Commissaire aux comptes nous a dit récemment, il y a deux ans: "Vous savez, vos statuts imposent que, au moment de votre conseil d'administration, vous convoquiez tout ce beau monde." Alors, cela faisait quelques années déjà que, quand on écrivait, on ne recevait aucune réponse. Ensuite, une secrétaire, qui est maintenant partie à la retraite, m'a dit, un jour: "Écoutez, Monsieur Cousin, arrêtez de nous embêter avec vos courriers!" Alors, je n'écrivais plus. Mais le nouveau président nous dit qu'il faut le faire, c'est une obligation. Alors, la dernière fois, on a écrit, entre autre, au Ministère de l'Intérieur. On a reçu un beau courrier du nouveau Ministre, Monsieur Manuel Valls, qui venait d'être nommé, nous disant: "C'est très intéressant ce que vous faites, mais vous m'excusez, je ne pourrai pas participer à votre réunion."
25. Voilà. C'est un peu anecdotique, mais ça montre comment l'ambition démesurée montrée par la création de l'association s'est ensuite effondrée, comme le traduit la composition du conseil d'administration. Ça s'est envolé tout seul. Je pense que, dès les premières années, les gens n'ont pas pu venir. La politique était engagée, sans doute, mais ça ne se traduit pas forcément dans la pratique. Il y a d'autres associations qui existaient avant nous, comme l'association nationale de l'entraide féminine, l'ANEF, qui avait été créée à l'initiative de Madame Michelin (qui s'est retrouvée, en camp de concentration, pendant la deuxième guerre mondiale, avec une population de personnes prostituées et qui s'est juré de leur venir en aide après la guerre). Donc, là, vous avez une naissance. Il y a l'Amicale du Nid qui est née aussi, je pense, bien avant nous. Donc, on s'occupait de la prostitution auparavant. Mais, l'ANRS, c'est celle sur qui, si vous voulez, les politiques publiques ont parié en faisant l'hypothèse que l'on pouvait aller beaucoup plus loin, on pouvait aller vers un monde "meilleur" dans lequel il n'existerait plus ces comportements atypiques, bizarres, diversement règlementés au cours des siècles.

26. **Maintenant qu'il y a une nouvelle ministre de tutelle pour tout ce qui tient du droit des femmes, même si elle a peut-être une vision différente (peut-être plus axée sur la prostitution en tant que violence à l'égard des femmes), est-ce qu'il y a eu un renouveau intérêt politique par rapport au travail que vous faites?**
27. Ca ne vous a pas échappé. Tout de suite, au moment où elle est arrivée, elle a sorti l'étendard de l'éradication, en quelque sorte, c'est-à-dire prenant acte de la politique instaurée en Suède. Il y a quelques années, on avait reçu quelqu'un de Suède, qui nous avait expliqué comment fonctionnait leur politique, qui consiste à pénaliser le client, avec les résultats, autant que je me souviens, assez positifs. Alors, évidemment, certains ont pu dire: "Mais, bon, la prostitution s'est déplacée - c'est-à-dire elle n'est plus en Suède, elle est dans les pays limitrophes." Mais, bon, ça veut dire que c'est une politique efficace. Si tout le monde fait ça, au bout d'un moment, mathématiquement, géographiquement, la prostitution n'aura nulle part où s'exercer, et ça devra disparaître... Voilà.
28. Donc, j'ai trouvé que cette approche est judicieuse, mais, bon, je pense que, là, avec la situation dans laquelle se trouve la plupart des pays européens, dont la France, qui n'est pas en très, très bonne santé, j'ai l'impression qu'on a dû dire à la Ministre: "Attention! Il y a beaucoup de choses à faire, avant effectivement d'envisager une telle approche." D'autant plus que je pense qu'il y a des lobbys, sans doute assez puissants, d'associations qui militent pour la reconnaissance d'un status de travailleur/euse du sexe, et qui sont montés au créneau en disant: "Comment ça, pénaliser la prostitution? C'est enfreindre la liberté!" Il y a, effectivement, je ne sais pas si on peut appeler ça "une culture", du moins une espèce de tradition française (mais elle existe aussi à l'internationale) qui considère que, comme Mme Badinter le dit, la prostitution est une liberté, que les personnes l'ont choisie. Et puis, il y a d'autres féministe qui disent: "Mais, non. C'est l'ultime violence!" Donc, on parie sur la véracité du discours, puisque la personne bien installée dans la prostitution dira toujours qu'elle a choisi et qu'elle ne voit pas pourquoi on lui pose la question d'ailleurs ("Vous, vous êtes boulanger? Moi, je suis prostituée.").
29. On connaît bien ce type de discours qu'on ne peut démonter qu'en prenant beaucoup de temps, beaucoup de respect de la personne. Il y a une défense majeure qui sert à masquer, à mon avis, la plus grande détresse. C'est l'hypothèse que je fais: le traumatisme statistiquement non-négligeable, fait vraisemblablement que la personne s'est trouvée prise dans la question de la prostitution. Mon hypothèse, est donc la personne remet en scène le traumatisme. Si on pose l'hypothèse que le traumatisme émane d'un viol (ultime traumatisme évidemment), la personne n'a pas pu l'empêcher et, imaginant pouvoir s'en débarrasser, elle le remet en scène. Alors, on peut supposer que c'est quelque chose qui revient en boucle une fois mise en scène, puisque, comme cela ne pourra jamais s'effacer, elle sera toujours tentée de reproduire ce traumatisme. Mais, là, à la différence, qu'elle pense le maîtriser, comme il aurait fallu qu'elle maîtrise le premier, et, donc, le client paie, si vous voulez. Donc, on a le discours: "Je choisis mon client, par exemple, et je fais payer. Donc, c'est moi qui maîtrise." Tout cela se déroulant au plan inconscient, bien évidemment, on voit

vien que cette situation n'a pas de fin, puisque c'est une boucle: "Je rejoue en boucle cette scène dans laquelle j'ai été prise un moment donné, très jeune, où je ne pouvais pas réagir."

30. Ça, c'est la question du trauma, du trauma de l'enfant puisque c'est incompréhensible au moment où ça se passe. Une personne pubère, on va dire, un peu au courant, ayant peut-être déjà vécu des expériences sexuelles, peut être victime d'un viol, vivrait peut-être ceci différemment. Ceci dit, on sait les dégâts que ça occasionne, irréversibles à n'importe quel âge. Les personnes peuvent essayer de s'en sortir: la plainte judiciaire, la loi, la reconnaissance du crime, le fait que le coupable est puni, la société reconnaît. Cela aide vraisemblablement les personnes à se reconstruire. Mais, quand ça arrive à cinq ans, à dix ans, là, c'est grave. On a des médecins psychiatres, psychanalystes qui nous expliquent qu'une personne peut essayer de revenir sur le passé, évidemment, revenir à l'âge où ça s'est produit et remettre les choses dans l'ordre, dans le bon sens. C'est tout un travail.
31. On a eu beaucoup de jeunes reçu(e)s au SIJ, puisque c'est le travail que fait le Service Insertion Jeunes d'aborder les histoires de vie. Donc, en abordant les histoires de vie, à un moment donné, effectivement, si les personnes qu'on reçoit ont bien été ciblées par nos partenaires, on s'aperçoit qu'il y a une problématique d'insertion scolaire, sociale et professionnelle, problématique de l'errance, la jeune femme, le jeune homme ayant été expulsé(e) du foyer familial. On apprend, dans la plupart des cas, qu'il y a eu traumatisme et qu'il y a eu maltraitance à caractère sexuel. Le fait de battre un enfant, par exemple, c'est une atteinte au corps, donc, à la sexualité, si vous voulez, puisqu'on est des êtres sexués, donc, de fait, il y a une implication sur le devenir de la sexualité de ces jeunes-là. Je sais qu'on a reçu des jeunes femmes qui avaient été violées, par exemple, par leur frère. Alors, souvent, il faut savoir que l'environnement familial a sa responsabilité, mais, si ça a eu lieu, c'est que, dans le système, il y avait quelque chose qui fonctionnait assez mal au niveau de la loi. Ce n'est pas accidentel - peut, ça pourrait évidemment l'être, mais, statistiquement, ça ne l'est pas. Donc, l'environnement familial est défaillant, les statuts et les rôles des adultes sont défaillants, il y a un traumatisme, une difficulté insurmontable pour la jeune femme à pouvoir porter plainte. Souvent, on est confronté, le service d'insertion jeunes est confronté à ça.
32. Alors, il y a d'autres schémas, comme par exemple, ces étudiantes qui se prostituent occasionnellement et dont on entend parler en ce moment. Moi, ça m'a intéressé, cette affaire-là, parce que j'ai quelques hypothèses. Elles demanderaient effectivement à être vérifiées. Il faut savoir que quand on dit "étudiantes", spontanément, tout le monde pense à sa fille; on parle d'individus issues des couches moyennes de la population. Et la première chose que l'on se demande, c'est comment et pourquoi elles ont à faire que cette affaire-là? Immédiatement, on fait un raccourci assez étonnant: "Alors, si elle se prostitue, c'est qu'elle n'a pas de quoi payer ses études, la pauvre!" Donc, on a une prostitution justifiée par le manque d'argent. C'est une espèce de théorie très ancienne qui demande à être vérifiée, parce que j'en suis pas sûr du tout: la pauvre jeune femme n'ayant plus de quoi nourrir ses enfants n'a plus qu'une chose à faire : se prostituer. Alors, est-ce que toutes les personnes en grande difficulté ou n'ayant pas de quoi nourrir

leurs enfants, se prostituent? Je n'en suis pas sûr. Moi, je fais l'hypothèse que la prostitution, ce n'est pas cela, c'est les conséquences d'un traumatisme, à mon avis. Alors, effectivement, on peut avoir été traumatisé et se retrouver dans une situation comme celle-là, mais, qu'est-ce qui prime ?

33. Donc, je pense que cela, la prostitution étudiante, c'est la loupe des médias. Crac! Et d'un seul coup on s'intéresse et on se demande ce qui se passe. Alors, ce qu'il faut savoir, c'est que, dans le fond, on peut parfaitement imaginer que les traumatismes ou les situations d'inceste se produisent dans tous les milieux sociaux, y compris dans les milieux qu'on va qualifier de "privilegiés". On a plus l'habitude de dire que c'est dans les familles pauvres ou pauvres culturellement, globalement, économiquement, mais surtout culturellement, que ce genre de faits a lieu.
34. La population étudiante, c'est une population en augmentation. Auparavant, d'ailleurs, si on prend l'histoire en France des Trente Glorieuses, au début des années 60, la population fréquentant l'Université en France représentait un nombre minime, restreint par rapport à l'ensemble de la population. C'est-à-dire, d'ailleurs, que ce sont les classes privilégiées, les classes bourgeoises, les groupes sociaux favorisés qui peuvent mettre leur enfant à l'Université. L'Université permettant d'avoir un diplôme qui assure une activité professionnelle et un statut. Entre 60 et 68, vous avez une augmentation, la 'promotion Trente Glorieuses': les couches moyennes de la population accèdent à l'Université, on pousse sa progéniture vers les études supérieures, et on pense que l'on va pouvoir accéder à l'ascension sociale, wue l'on va pouvoir permettre à ses enfants d'avoir un métier plus valorisant que le sien.
35. Mais, évidemment, la contrepartie de cette affaire-là puisqu'il y a plus de monde, c'est que les diplômes se dévaluent et que 68, vraisemblablement, c'est le dévoilement du fait que, pour beaucoup d'étudiants, le diplôme qui était un diplôme qui avait beaucoup de valeur dix ans auparavant n'en a plus au moment où ils arrivent sur le marché du travail. D'où, effectivement, l'éclatement puisque les émeutes de 68, en France, en tout cas, c'est vraiment des émeutes étudiantes. Enfin, il y a eu un peu la même chose aux Etats-Unis, au moment de la guerre du Vietnam. Donc, ça veut dire qu'aujourd'hui, et les statistiques sont là pour le prouver, vous avez un nombre impressionnant de jeunes qui, après le bac, vont à l'Université, n'y restent qu'un an ou deux ans (certains pour conserver la sécurité sociale étudiante et qui n'ont ni le suivi social ni l'environnement social nécessaire à leur permettre de faire six ou sept d'ans d'études et d'aller jusqu'au bout - il faut être porté, il faut être soutenu financièrement).
36. Donc, se retrouvent dans l'Université beaucoup de personnes pour qui l'objectif, si vous voulez, n'est pas forcément bien défini. La supposition que je fais, c'est que quand quelqu'un va se retrouver à l'Université, sans le soutien parental qui est indispensable aux études longues, c'est difficile. À moins de travailler à côté, il y en a qui travaillent à mi-temps. Mais, travailler à mi-temps, cela veut dire avoir une activité, comment dire, soutenue, c'est être bien structuré dans sa tête. Il faut pouvoir se reposer quand il le faut, travailler quand il le faut, ne pas risquer les études au prix du travail qu'on fait. Il y a quelque chose qui suppose un effort de la personne et sûrement, un soutien familial élargi. Donc, je fais la supposition

qu'effectivement, il y a peut-être une prostitution étudiante, mais de personnes qui vraisemblablement ont eu des histoires un peu complexes avant d'arriver à l'Université. Comme si l'Université devait blanchir, c'est-à-dire quand on arrive à l'Université, c'est qu'on est "postulant docteur". On n'a l'impression que l'Université opère dans un autre monde que celui de la prostitution, mais se retrouvent à l'Université des personnes qui ont un faible capital relationnel, très faible capital économique, voire un faible capital culturel, voire des atteintes, pendant l'enfance, des traumatismes, pendant l'enfance, une attaque sur leur intégrité,... Donc ce n'est pas surprenant qu'il existe une prostitution étudiante, parce que c'est une façon d'avoir de l'argent rapidement.

37. **Pourquoi, à votre avis, l'État se sert-il d'associations (des associations de santé, des associations abolitionnistes), plutôt que de tout miser sur le droit commun et ses propres services.**
38. L'État n'a plus de services sociaux, aujourd'hui, puisqu'après la décentralisation, les services sociaux sont confiés aux départements (donc, au Conseil général). L'État se contente de fixer un grand cadre, comme, par exemple, le droit au logement - nous avons, en France, des lois qui datent de 90 dites " du droit au logement", laissant aux départements le soin d'organiser sur leur territoire, cette affaire-là. Donc, je pense qu'en partie, l'utilisation des associations est en part stratégique. Au départ, le social, c'est caritatif en France, traditionnellement et historiquement. Donc, ça ne concerne pas l'État, c'est délégué. S'occuper des pauvres, c'était l'affaire de l'Eglise. C'est issue du catholicisme social. Comment cela se passe-t-il pour nous, du côté des associations? On est missionnés, on est jugés plus aptes à faire ce genre de missions, à assurer ce genre de missions et on est contrôlés. Donc, l'État reste contrôleur. Le jour où il n'a plus envie de financer, il arrête, c'est terminé. C'est lui, le patron, et il nous faut être efficace.
39. Alors, vous savez qu'à l'association, nos contrats de travail sont de droit privé. Un fonctionnaire qui ne fait pas bien son travail (sauf s'il assassine l'ensemble de ses collègues, et même là), peut-être qu'il serait jugé irresponsable, mais, il est inamovible. Alors que nous, les associations, on a cette souplesse, de pouvoir organiser, et nos recrutements, et nos fins de contrat, même si, effectivement, aujourd'hui, en France, on a un droit du travail très protecteur pour le salarié. Donc, on nous accorde, si vous voulez, cette capacité à pouvoir gérer de façon plus rationnelle, plus souple. Sachant qu'en plus, on parie en quelque sorte sur l'engagement parce que nos administrateurs sont des bénévoles. Donc, ça signifie que, là, on a un moteur un peu particulier, qui fait qu'on a des gens qui viennent travailler chez nous qui ne sont pas payés. Quand vous êtes fonctionnaire, vous, vous êtes fonctionnaire, vous êtes payé, il n'y a pas des gens bénévoles qui viennent vous aider à assurer telle ou telle tâche. Vous n'êtes, à ma connaissance, pas obligés d'aimer ce que vous faites. Donc, voilà, les pouvoirs publics considèrent que le secteur associatif est un plus dans l'application des politiques qu'ils définissent (puisque c'est eux qui définissent les politiques).

- 40. Ce que vous décrivez, c'est un schéma où il les pouvoirs publics imposent leur politique. Est-ce que les associations ont la possibilité d'informer ou d'influer sur l'élaboration des politiques publiques?**
41. Effectivement, c'est ce que revendique le secteur associatif qui pose comme principe qu'il oriente les politiques publiques en apportant des informations tirées du travail au plus près avec le public. Nous disons: "Regardez! Nous sommes une association sur le terrain, nous avons observé depuis trois ans qu'il y a augmentation de problématiques particulières et donc, il va falloir que l'Etat s'en préoccupe."
42. Je vais vous donner un exemple: quand on a commencé à s'interroger sur les facteurs de risques de la prostitution au service insertion jeunes, il y en avait un qui était majeur et dans l'errance, c'est-à-dire qu'il s'était retrouvé dans la rue, sans possibilité d'avoir un lieu d'hébergement, une jeune femme aujourd'hui, dans Paris, si elle reste dehors la nuit, où qu'elle se trouve, elle court le risque de se faire "aborder" (et encore "aborder", ce n'est pas le bon mot)... Donc, pour nous, c'était le facteur de risque supplémentaire couplé à celui du trauma antérieur dans l'histoire de vie de la personne, et qui pouvait justifier le fait qu'en approchant cette population de jeunes errants, on pourrait alimenter nos suivis au Service Insertion Jeunes.
43. En effet, toute la difficulté, et pendant de longues années, ça a été de dire: "Les prostituées, on sait où les trouver. Mais, à la limite, on ne peut rien pour elles, et surtout, elles ne veulent rien de nous, en quelque sorte - nous qui souhaitons les sortir de leur état." Comment faire pour approcher cette population de gens qui sont limite, sur le bord, en situation de basculer, à un moment donné, dans la prostitution? Donc, on a créé dans les années 90, un service qui s'est appelé "Permanence Accueil Jeunes", et qui était accolé au Service Insertion jeunes. Cette structure, qui était comme une boutique ouverte sur un quartier (c'était pas loin d'ici, d'ailleurs, dans le 11ème), avait vocation à alimenter, le Service Insertion Jeunes en orientant les jeunes qui présentaient des facteurs de risques. Alors, ce n'est pas parce que vous êtes en errance que forcément vous présentez tous les facteurs de risques de l'entrée en prostitution, mais, ça pouvait se faire.
44. Au fil des années, d'abord, le nombre des jeunes errants augmentant et, deuxième chose, on s'est aperçu que c'était aussi une conduite addictive. Ça, c'est aussi quelque chose d'intéressant, sur le plan clinique, bien évidemment, parce que le fait de se retrouver pendant de longues années à la rue va faire développer chez l'individu un rapport aux autres et au monde qui va être très spécifique - c'est-à-dire qu'il va finir par se trouver plus en sécurité dehors que dedans, si vous lui imposez des règles de vie en communauté, un lever le matin, un coucher non alcoolisé, etc. etc.
45. Donc, c'est devenu une problématique à part entière et il a fallu d'ailleurs (pour des raisons budgétaires) qu'on sépare les deux structures, parce qu'à un moment donné, notamment le Droit des femmes, et puis les services de l'Etat ont dit: "Écoutez, c'est bien. Vous allez pouvoir vous occuper aussi des errants, donc, mais par la même enveloppe." Donc, on recrutait des éducateurs, mais à un moment donné (il faut savoir que c'était avant la loi sur les 35 heures), nos

éducateurs faisaient 50 heures: du SIJ, ils passaient à la PAJ - et c'était moteur parce que c'était intéressant au début, donc, ils ont beaucoup, beaucoup travaillé, mais, on était dans un système totalement déséquilibré. Mais, ça veut dire également, qu'on a pu faire reconnaître par les services de l'Etat cette problématique particulière, et, depuis plusieurs années, on est financés pour cette activité au travers de la structure PAJ. Même si on sait que de temps en temps, vous avez des jeunes de la PAJ qui vont au SIJ. Ça fonctionne comme ça.

46. Donc, on a bien, là, je pense, assuré le meilleur de ce que peut faire le secteur associatif. Mais, je dois dire que ça devient plus difficile aujourd'hui. Aujourd'hui, on est davantage reconnu comme des opérateurs. Avant, on va dire, il y a une cinquantaine d'années, on était des associations; d'abord, par le fait que la plupart (si je pense, par exemple à l'ANEF) étaient financées par des particuliers. Donc, à partir de là, l'association dont l'origine est extérieure aux pouvoirs publics n'a pas tout à fait la même histoire, et a une légitimité. Nous, on a été créé, de fait, assez tardivement, d'ailleurs, puisque la plupart des associations, c'est fin du XIXème siècle. Ensuite, les mouvements caritatifs qui vont effectivement se professionnaliser: le Secours catholique, en France, qui, maintenant, de toute façon, progressivement, rentre dans nos schémas puisqu'ils appliquent la même convention collective que nous, c'est-à-dire des grilles de salaires qui sont statiques et qui sont très proches de la logique de la fonction publique. On a une progression de carrière, tous les deux/trois ans, quelque chose qui est automatique ce qui ne se fait pas dans le secteur privé.
47. Maintenant, en plus, si vous voulez, c'est difficile de trouver aujourd'hui des bénévoles. Là, au sein de notre conseil d'administration, sauf depuis quelque temps, mais la moyenne d'âge, on est entre 70 et sinon un petit peu plus, donc à un moment donné, ces personnes s'en vont, raccrochent et, là, on a du mal à trouver de nouveaux administrateurs parce qu'on a un changement de génération, on a un changement de mentalité. On peut supposer que nos sociétés étant moins stables qu'il y a quelques années, la plupart des gens ont des préoccupations autres que celles de pouvoir s'engager. On parle beaucoup de l'engagement, c'est une valeur. Je vois, là, on va recruter deux éducatrices: il y en a une qui a fait une mission humanitaire au Sri Lanka. On sent que ça reste quand même quelque chose d'important chez certains jeunes qui choisissent ce métier.
48. **Merci beaucoup.**

- FIN -

1. **M'autorisez-vous à enregistrer l'entretien ?**
2. Oui.
3. **Comment vous définissez la prostitution, et cette conception a-t-elle évolué au fur et à mesure de votre travail sur le thème?**
4. Vous savez qu'en France, on est dans une période de consultations, de travail sur le terrain de manière à élaborer une politique publique. Donc, en l'état actuel des choses, on laisse l'ensemble des options ouvertes ou presque. On s'inscrit dans une trajectoire qui est celle qui est énoncée en France depuis très longtemps, qui a été réaffirmée dernièrement, qui est celle d'une position abolitionniste et donc, une fois que l'on a dit cela, il y a plein d'options possibles. Pour parler très clairement, par exemple, de l'option de la pénalisation: on peut être abolitionniste sans pénaliser le client. Donc, à l'heure actuelle, il n'y a pas d'expression publique du Ministère des Droits des femmes sur des options précises et c'est une volonté, c'est fait exprès pour permettre au débat de se tenir, permettre aux gens de faire des rapports, des études, des enquêtes, de manière à permettre à l'Etat, et notamment aux parlementaires et au Ministère, de prendre une position et d'élaborer un texte de loi, ou non d'ailleurs, peut-être qu'on arrivera au point qu'il n'y a pas besoin de faire de loi, que tout est déjà suffisamment dans les textes, mais pas appliqué, par exemple, mais, en tout cas de prendre les décisions qui s'imposent en toute connaissance de cause.
5. D'abord, la France est un pays abolitionniste, depuis 1960. Cela a été réaffirmé en 2011 par le vote d'une résolution parlementaire (à l'initiative de Guy Geoffroy et Danielle Bousquet) très précise, qui a réaffirmé la volonté d'abolir le système prostitueur - entendu non pas comme éradication de la prostitution, mais comme volonté de donner à l'Etat tous les moyens de lutter contre les réseaux, la traite et de lutter, en effet, contre cette violence faite aux femmes que constitue la prostitution. Le terme de "violences faites aux femmes", apparu bien avant dans les discours des associations, a été repris et a été plus fortement réaffirmé en 2010 - puisqu'en 2010, c'était la "grande cause nationale contre les violences faites aux femmes" à l'initiative du Ministère à l'époque qui était en charge du Droit des femmes (le Ministère de la Santé et des Affaires sociales). Cette "grande cause" a par ailleurs très critiquée par les associations à l'époque parce que la campagne de communication avait été faite sans les consulter. Mais, elle a eu au moins un effet positif, cette grande cause nationale, c'est qu'elle a mis autour de la table quarante associations, juste contre les violences, qui ont intégré la prostitution dans les violences, donc, qui ont caractérisé la prostitution comme une violence faite aux femmes. Ça, c'était intéressant parce que, d'habitude, quand on fait des plans ou quand on fait des opérations contre les violences faites aux femmes, on évacue complètement la prostitution et là, pour la première fois, publiquement, dans une initiative soutenue par l'Etat, la prostitution était intégrée comme partie prenante du continuum des violences. Donc, depuis, les responsables politiques, quand ils parlent de prostitution, ils parlent de violences faites aux femmes.

6. Donc, voilà, 1- l'abolitionnisme, 2- la caractérisation comme une violence et surtout, le fait, et là, on s'appuie beaucoup sur ce qui a été fait en Suède évidemment, le fait de caractériser la prostitution comme un frein à l'égalité entre les femmes et les hommes dans la société: c'est-à-dire que la prostitution est évidemment un gros problème pour les personnes en situation de prostitution, femmes ou hommes, mais c'est aussi, et c'est quasiment aussi "important", un problème pour l'ensemble de la société. Tant qu'on vit dans une société dans laquelle l'Etat tolère ou laisse faire, -parce que la prostitution en France n'est pas tolérée par la loi, mais on laisse faire manifestement en l'état actuel des choses -, tant qu'on laisse faire ou qu'on tolère, voire qu'on régule, qu'on autorise, ça veut dire que le message qu'on envoie, c'est que le corps des femmes peut s'acheter. Et ça, c'est un problème.
7. **Et est-ce que ça a des avantages et des désavantages de parler de cette façon compte - tenu de la participation de plus en plus fréquente d'hommes dans ce phénomène?**
8. D'abord, très souvent quand on parle de la prostitution, on dit "les personnes en situation de prostitution, femmes et hommes". Donc, on ne dit pas, ou que rarement, "les femmes"; on dit "les personnes en situation de prostitution". Et après, moi, un des multiples volets que je trouve intéressant au regard du questionnement que l'on creuse en matière de prostitution (il y a l'aspect "violences faites aux femmes", il y a l'aspect sanitaire), c'est que, quelle que soit la personne qui se prostitue, dans 99% des cas, le client est un homme. C'est particulièrement frappant dans la prostitution, ça montre bien qu'on est face à un système: ce que je veux dire par là, c'est qu'on n'est pas face à des pratiques individuelles, avec lesquelles on pourrait être d'accord ou pas d'accord, qu'on pourrait encadrer ou pas encadrer, ce n'est pas ça, la question, il y a du trafic individuel, ce n'est pas la question: on est aussi face à un système. C'est exactement comme sur les violences. Sur les violences, il y a des pratiques individuelles: il y a des hommes qui tapent leur femme, il y a des femmes qui tapent aussi et il y a des femmes qui sont tapées. Mais, au-delà de ces comportements, de ces situations individuelles souvent dramatiques, on est face à un système et c'est le système qu'il faut attaquer sinon, encore dans dix mille ans, on en sera encore à essayer de trouver des solutions pour sortir une à une les personnes de la prostitution.
9. **En quoi, à votre avis, le rétablissement d'un Ministère des Droits des femmes, spécifiquement, peut-il influencer la trajectoire de l'action publique dans ce domaine?**
10. Il y a plusieurs choses. D'abord, de toute façon ce sera encore le cas cette fois-ci, il n'y aura pas qu'un seul Ministère qui se chargera de cette question-là. Cela intègre des problématiques de santé, des problématiques sociales, des problématiques de justice, des problématiques intérieures, du Ministère de l'Intérieur, et puis il y a des problématiques internationales avec la lutte contre la traite, européennes, internationales. Donc, il y a beaucoup de ministères qui sont concernés par cette question-là. Il y a aussi la question du logement parce qu'il

faut proposer des logements aux personnes à qui on veut proposer de se réinsérer. Il y a des problèmes de formation, il y a des problèmes d'éducation parce que lutter contre le système prostitueur, c'est aussi permettre, dès le plus jeune âge, une éducation à une sexualité responsable, qui prend en compte le consentement et le désir de la personne qu'on a en face. Donc, compte tenu de tout ça, c'est une politique interministérielle dont il faut, c'est évident.

11. Après, la particularité du Ministère des Droits des femmes, elle est double: d'abord, c'est Mme Vallaud-Belkacem, la Ministre, et qu'elle a des convictions très fortes sur ce sujet- là, qu'elle a réaffirmées à plusieurs reprises; et puis, la deuxième chose, justement l'intérêt d'un Ministère du droit des femmes, c'est qu'il porte les choses de manière systémique et transversale. On est évidemment là pour répondre à une situation individuelle, avec des femmes en détresse, etc., dans plein de domaines (des violences, de l'égalité professionnelle,...). On travaille sur plein de choses, mais le Ministère des Droits des femmes, - et c'est pour cela qu'il a été rétabli -, ne s'attaque pas justement qu'à des cas individuels, et le Ministère des Droits des femmes (comme d'autres Ministères le font dans leurs domaines) permet - c'est son rôle principal - de penser le système dans lequel on vit qui est encore profondément marqué par les inégalités femmes/hommes. Avoir un Ministère de plein exercice c'est quand même un atout pour aussi réfléchir à cela.
12. **Comment la complexité du problème et les investissements de plusieurs Ministères se gèrent-ils quand on cherche à élaborer une politique cohérente?**
13. Vous savez, l'interministériel, ça marche toujours un peu de la même façon: les Ministères se réunissent, ils voient s'ils sont d'accord: s'ils sont d'accord, ça avance vite, et s'ils ne sont pas d'accord, il faut trancher. Soit ils font des compromis entre eux, ils trouvent, ils négocient, enfin, ils discutent, soit le Premier Ministre tranche. Là, en ce qui concerne la prostitution, il y a peut-être des intérêts différents, mais il n'y a pas forcément des intérêts contradictoires. Par exemple, Manuel Valls, lui en tant que Ministre de l'Intérieur, qu'est-ce qu'il entend? Il entend des maires qui sont sur le terrain et qui disent: "Si vous enlevez le délit de racolage passif, parce que c'est un problème de santé pour les personnes prostituées (- ils en ont bien conscience -), il faut nous donner un autre outil pour faire en sorte que l'on puisse agir. Parce que si l'on ne peut rien faire, on ne va pas s'en sortir." Donc, là, typiquement, tout le monde est d'accord pour retirer le délit de racolage passif, mais au Ministère de l'Intérieur, ils disent: "il faut proposer autre chose." Ça peut être la pénalisation du client, cela peut être autre chose, on peut imaginer qu'il y ait d'autres processus, je ne sais pas, on peut aussi imaginer des choses qui n'existent pas dans d'autres pays. En tout cas, voilà, cela n'est pas contradictoire avec le fait de vouloir sortir du système prostitueur.
14. **Quand je pense à l'exemple du retrait de la proposition d'amendement d'Esther Benbassa par rapport à l'abrogation du délit de racolage passif, il ne me semble pas qu'il y ait un manque de volonté, mais plutôt une question de timing (l'idée qu'un rapport plus global allait sortir, il y avait l'attente du**

rapport de l'IGAS aussi). Comment gère-t-on dans le temps, si tout le monde est d'accord ?

15. Cela fait huit mois qu'on est là. Le sujet a déjà beaucoup avancé puisqu'il y a eu le rapport de l'IGAS, il y a eu des délégations parlementaires qui se sont chargées du dossier. Donc, ça avance. Esther Benbassa était avec nous en Suède quand on a fait un voyage d'études de deux jours là-bas sur ces questions-là.
16. Après, sur le délit de racolage passif, c'est ce que je vous ai dit tout à l'heure, la puissance publique a besoin d'un outil pour intervenir sur le terrain sur la question de la prostitution et notamment les collectivités locales, et notamment les maires, ils demandent cet outil-là. Si on enlève le délit de racolage passif, il faut en proposer un autre. On ne peut pas dire aux maires: "Vous ne pouvez plus arrêter les prostituées parce qu'aujourd'hui ce n'est pas juste, ce n'est pas normal de pouvoir les arrêter, puisque c'est elles qui sont en situation de précarité, voire qui sont - à partir du moment où on caractérise la prostitution comme une violence - considérées comme des victimes d'un système. Si on enlève le délit de racolage passif, il faut pouvoir mettre autre chose à la place: un instrument législatif, ou un instrument de contrôle pour les forces de l'ordre qui permette d'intervenir." C'est un argument que j'entends. J'entends que c'est quand même problématique pour un maire, en charge de la sécurité, du bien-être, etc. de ne pas pouvoir intervenir soit pour protéger, par exemple, les personnes en situation de prostitution ou pour arrêter les trafiquants, les proxénètes, etc.
17. Donc, ça, c'est la première chose, et en effet, Esther Benbassa était d'accord d'ailleurs, parce que c'est elle qui l'a retiré l'amendement, on n'a pas fait ça pour elle. Elle était d'accord sur le fait - enfin, il me semble, c'est à elle qu'il faudrait poser la question -, elle a été d'accord en ce qui concerne cette démarche, sur le fait qu'il est préférable d'avoir une loi globale, qui prend en compte tous les aspects de la prostitution plutôt qu'abolir le délit de racolage passif pour qu'on ait ensuite une levée de broncas des maires et qu'on fasse une loi à la va-vite qui, au final, ne réglera pas les problèmes.
18. Et puis, il y a un autre élément, - c'est mon avis, ce n'est pas la position du Ministère, nous n'en avons pas discuté avec la Ministre -, mais, sincèrement, la loi d'Esther Benbassa, elle n'était pas uniquement sur le délit de racolage passif. Si vous l'avez bien lue, elle utilisait un langage qui est le langage des réglementaristes, vraiment le langage des "travailleurs/euses du sexe", et qui donc instaure dans un texte *législatif*, si on l'avait voté, le fait que la prostitution est un travail. Ça veut dire que c'était une façon pour Esther Benbassa, qui a une position réglementariste, de faire passer autre chose par le biais d'une loi consensuelle où, par ailleurs, tout le monde à gauche est d'accord sur le fait qu'il faut abroger le délit de racolage passif.
19. **A votre avis, en quoi les efforts récents de certains, dont Mme Vallaud-Belkacem, et d'autres avant elle, par exemple la Mission d'information, en quoi ces efforts seront-ils différents ou sont-ils différents des efforts précédents en la matière?**

20. Je ne suis pas sûre que Najat Vallaud-Belkacem aurait sorti le sujet et aurait affirmé aussi fortement ses convictions si elle avait l'intention de ne rien faire. Ce n'est pas très efficace. Vous voyez ce que je veux dire. C'est le genre de sujet qui ne permet pas de se faire mousser. Donc, on ne va pas sortir juste pour donner le sentiment qu'on avance. Non. S'il n'y a rien derrière, non seulement c'est catastrophique, mais surtout ça n'a aucune plus-value politique de parler de la prostitution, c'est pas le sujet "bancable" du moment.
21. Donc, cela fait huit mois que Najat Vallaud-Belkacem est ministre, elle a réussi, - ce qui n'était pas un petit tour de force-, à en faire un sujet politique. On travaille d'arrache-pied sur le sujet, on passe notre temps à aller dans les pays étrangers, à participer à des colloques, à des conférences, à être invités partout pour travailler, les parlementaires travaillent, et puis le Parlement, c'est pas une hyper-administration avec des gens qui sont là jour et nuit pour faire des lois en deux semaines. Les gens du parlement sont élus par le peuple pour prendre des décisions selon l'intérêt général. Sur un sujet comme la prostitution, cela prend un peu de temps. Ils ne recommencent pas tout à zéro parce qu'il y a eu un grand travail fait par la Mission d'information de Danièle Bousquet et de Guy Geoffroy, mais ils ont quand même besoin retravailler un peu, -ce ne sont pas les mêmes parlementaires-, pour se réapproprier le sujet et sortir un texte de loi qui convienne à la fois à cette volonté de faire avancer le droit des femmes et qui convienne également à ceux qui sont sur le terrain, que ce soit les associations, que ce soit les maires, que ce soit les collectivités locales.
22. Evidemment, on regarde ce qui se passe à l'étranger, cela nous intéresse de voir les échecs, les avantages, les inconvénients, etc. Par exemple, quand nous sommes allés en Suède, nous avons été assez convaincus sur l'aspect que la pénalisation du client permet de changer les mentalités parce qu'elle crée une norme. L'Etat crée des normes, il crée les 35h par exemple en France, il crée une norme pour le marché du travail. Donc, le fait de dire: on ne peut pas acheter le corps d'une femme, ou louer le corps d'une femme, c'est une norme, c'est concret, et qui est positif et qui permet de faire avancer l'égalité hommes/femmes. Donc, ça, ça a été quand même très impressionnant de voir les effets que cela a eu en terme de changement des mentalités. Après, par exemple, sur la question de l'accueil des personnes en situation de prostitution, et notamment des personnes étrangères, ils le disent eux-mêmes, ils ont encore plein de progrès à faire. Donc, c'est aussi important de voir les écueils qu'ils ont su éviter, ceux qu'ils n'ont pas réussi à éviter, pour avancer. Après, on regarde ce qui marche, ce qui ne marche pas, et puis, on crée aussi, nous, en fonction de nos convictions.
23. Evidemment, il y a une question d'efficacité et quand on écoute des chercheurs ou des chercheuses sur les Pays-Bas, on se rend bien compte qu'il y a là-bas aussi de gros, gros problèmes d'efficacité de leurs lois, quand même, mais pas uniquement des problèmes d'efficacité: il y a aussi une question de conviction politique. Souvent, cela va ensemble: on fait cela parce qu'on est convaincu que c'est efficace. Sincèrement, ce n'est pas si facile que ça de défaire une loi. Regardez ce qui se passe avec le mariage pour tous en France. Si la loi est votée, la Droite, alors qu'ils sont vent debout contre cette réforme, ils ne reviendront pas dessus s'ils reviennent au pouvoir. Ce n'est pas facile d'enlever des lois fortes comme cela.

24. Sur ce thème, je trouve que le débat central, ce n'est même pas tant celui de la pénalisation, c'est celui de si oui ou non on caractérise la prostitution comme une violence: est-ce que le fait d'imposer un acte sexuel à quelqu'un qui ne le désire pas, - je ne parle pas là de consentement, mais de quelqu'un qui ne le désire pas -, sachant qu'en plus, dans huit cas sur dix, neuf cas sur dix, sept cas sur dix, peu importe, cette personne est victime d'un réseau de traite ultra-violente et dans une situation très précaire, etc. Est-ce que ça, on considère ça comme une violence? A partir du moment où on considère ça comme une violence, c'est quand même bizarre de se dire que la personne qui commet cette violence (pas forcément celle qui l'organise, là, je ne parle pas du proxénète - évidemment, les proxénètes, il y a des règles très strictes, ils tombent sous le coup de la loi, etc.) n'est pas répréhensible. A partir du moment où on part du principe que c'est une violence, je considère qu'un certain nombre d'actions s'imposent à nous. A partir du moment où il y a une bande de copains, il y en a un qui est leader qui va organiser le fait qu'on viole une nana, les autres, ils n'organisent pas, mais, juste, ils violent. Ils ne peuvent pas ensuite dire: "Ah! ben, non, c'était pas nous les organisateurs, on a juste violé." Non: ils sont responsables. Ils sont peut-être moins pénalisés que celui qui a organisé. Mais, quand même, vous voyez, à partir du moment où on considère qu'imposer un acte sexuel à quelqu'un qui ne le désire pas, c'est une violence, surtout quand c'est des actes répétés, on ne parle pas d'un acte sexuel tous les six mois dans un salon doré, et protégé, avec un mec qui sent bon, qui a quarante ans, et qui est beau, quoi, on ne parle pas de cela. Ce n'est pas ça, la prostitution.
25. Pour l'instant, on se concentre pour faire changer les choses sur ce sujet en France. Sur l'international, je vous avoue qu'on est tous concentrés sur d'autres sujets. Cependant, on en parle. Je crois beaucoup dans les dynamiques politiques et les dynamiques vertueuses. Donc, le fait que la France s'engage sur cette voie-là d'affirmer que la prostitution est un problème de santé, un problème politique, un problème social et qu'il faut que l'Etat s'en empare et que ce n'est pas la cinquantième priorité, mais que c'en est une à part entière, je pense que ça peut avoir un effet d'entraînement. La France, par ailleurs, ce n'est pas comme la Suède, quoi, c'est un pays avec beaucoup plus de monde, un des pays fondateurs de l'Europe. Donc, il y a évidemment un effet d'entraînement qui est quand même assez intéressant. Après, sur la scène internationale, je ne dis pas qu'on ne parle pas de prostitution, on en parle, mais les sujets sur lesquels on est très, très mobilisés, c'est la question du droit à disposer de son corps et à la contraception et la question du relativisme culturel, vous connaissez ces sujets... En ce qui concerne le sujet de la prostitution, je suis allée représenter la Ministre dans une conférence à Bruxelles. On est allés en Suède. La Ministre, elle, discute souvent avec son homologue allemande. Même si on n'a pas un agenda fixe et d'actions internationales, le fait que l'on fasse des choses chez nous, cela a des conséquences face à l'international. Cela pose des questions, cela pose des sujets.
26. Personne n'est naïf dans cette histoire-là, quand même. On ne s'attaque pas à une bande de joyeux drilles qui, parce que ça leur a pris un matin, ont décidé de prostituer des femmes, autour d'eux, dans la rue. La prostitution, c'est un marché international, c'est des mafias organisées, dangereuses, violentes et qui vont défendre leurs intérêts, qui sont contradictoires avec ceux de l'intérêt général. Mais les gouvernements ont aussi leurs intérêts. Autant les ministres peuvent parfois avoir des divergences de points de vue sur quelques trucs, -ça peut arriver

dans un gouvernement, heureusement, les gens ont leur avis,- autant ils se parlent normalement, ils forment la même équipe, quoi. Dans ce cas, ils ont tous les mêmes intérêts: réussir leur gouvernement et faire en sorte de changer la vie des gens. Là, on est face à des gens qui ont des intérêts. Et donc, il y a des intérêts financiers, on n'est pas juste dans des intérêts politiques. Evidemment qu'il va y avoir des résistances, et faire avancer ça ne s'est jamais fait facilement.

27. Ensuite, en ce qui concerne le volet social d'une politique de lutte contre le système prostitutionnel, je pense que ça va vraiment être l'objet du travail parlementaire qui se déroule en ce moment. Il faut vraiment se concentrer là-dessus. D'après ce que j'ai vu du rapport parlementaire d'il y a deux ans, cela n'était pas allé très, très loin dans la réflexion du rôle que peuvent jouer les associations. Et puis, vous savez, il faut gérer les objectifs en tenant compte des moyens que l'on a, et dans une période de crise économique comme celle que l'on traverse, il faudra mettre tout le monde à contribution et donc, les associations évidemment seront mobilisées. Cela n'empêche pas que la force publique soit mobilisée, aussi, bien évidemment, très fortement. Mais, en matière de lutte contre les violences faites aux femmes, le fait que l'Etat se mobilise n'empêche pas le fait qu'il y a tellement de violences faites aux femmes qu'il faut continuer à s'appuyer sur les associations qui sont sur le terrain.

28. **Merci beaucoup.**

- FIN -

1. **M'autorisez-vous à enregistrer l'entretien ?**
2. Oui
3. **Pouvez-vous me dire comment la mairie de Nantes s'est-elle emparée de la question de la prostitution à la période pendant laquelle vous avez été que'adjoint à la mairie?**
4. Sur la ville de Nantes, il y avait un peu de prostitution qui était 'exercée' (j'emploie les mots tels qu'ils me viennent) par des femmes nantaises, soit des femmes vieillissantes, soit des plus jeunes femmes qui, en général, étaient héroïnomanes. Je parle de la prostitution de rue (je ne parle pas de la prostitution qui s'exerce dans les bars ni sur Internet qui, à l'époque, n'existait pas ou très peu). C'était donc une prostitution un peu déclinante et principalement exercée par ces Nantaises. Elles étaient assez peu nombreuses. Il y a eu des arrestations pour proxénétisme. Tout cela faisait que cette activité s'intégrait dans la ville sans trop de difficultés, sans trop de heurts, en tout cas, pas des heurts tels que cela remontait jusqu'à la municipalité. La répression du proxénétisme étant un problème policier et on avait peut-être déjà à l'époque *Médecins du Monde* qui s'occupait de venir en aide et en soutien aux prostituées, mais rien qui remontait à la Municipalité.
5. Et puis, au début des années 2000, sont arrivées des nouvelles personnes se prostituant de deux origines: à la fois, des jeunes femmes de l'Est qui, dans le cas de Nantes, venaient principalement de Bulgarie, et puis, des jeunes femmes africaines qui nous ont dit, dans un premier temps, être des Sierra-léonaises et qui, en réalité, se sont avérées être des Nigériennes, qui venaient presque toutes de la même région du centre du Nigéria.
6. Donc, on a été confrontés à cela et cette prostitution était différente de la prostitution nantaise parce que les Nantaises emmenaient leurs clients soit dans des endroits discrets et, par exemple, la passe se faisait dans la voiture, soit elles les emmenaient dans des chambres, d'une façon traditionnelle. Il n'y avait donc pas de troubles des voisins et des riverains. Les jeunes femmes africaines et de l'Est, elles, se sont mises à faire des passes dans des petites rues du centre-ville et, d'ailleurs, principalement dans de petites impasses qui, qui plus est, avaient le statut d'impasses privées, avec des associations de riverains qui étaient assez actives parce qu'elles gèrent l'impassse privée : l'électricité, le revêtement du sol, etc.
7. Donc, on a été confrontés à cela. Rapidement, après quelques discussions internes, on a considéré que ces jeunes femmes étaient plutôt victimes, et qu'il ne fallait pas les incriminer, notamment il ne fallait pas prendre un quelconque arrêté interdisant l'exercice de la prostitution dans le centre-ville pour ne pas les rejeter à la périphérie et les mettre plus en difficulté et plus en danger. À partir de là, j'ai élaboré une stratégie que j'ai développée au fur et à mesure que ça avançait. C'était une stratégie dans plusieurs directions. La première de ces directions, cela a été

d'attirer l'attention des clients sur le fait qu'en achetant les prestations de ces jeunes femmes, ils participaient à un système d'exploitation qui était un système de traite des êtres humains, même si elles paraissaient libres sur la rue, elles subissaient des pressions très importantes. Ensuite, on a décidé de multiplier le soutien auprès de ces jeunes femmes et on a mis en place, à la fois, une tournée qui était effectuée par une association qui s'appelle *le Nid* et une autre tournée effectuée dans un bus par *Médecins du Monde*.

8. Les négociations ont été menées entre ces deux associations pour qu'elles travaillent ensemble, ce qui n'était pas évident parce que *Médecins du Monde* faisait la distribution de préservatifs, ce qui était vécu par *le Nid* comme, finalement, une aide à la prostitution. Donc, on a réussi à les faire travailler conjointement. Leurs relations n'étaient pas mauvaises, mais leurs approches étaient un peu différentes : *Le Nid* est une association totalement abolitionniste; *Médecins du Monde* est une association plus pragmatique qui peut avoir de temps en temps une approche qui se révèle proche des travailleurs du sexe (enfin, ce n'est pas tout à fait ça. Mais, pour certains de ses membres, c'est ça). Donc, le bus de *Médecins du Monde* distribuait à ces jeunes femmes du café, des petits biscuits et des préservatifs. On pouvait monter dans cette espèce de camping-car – ce n'est pas un bus, en fait –, c'est un camping-car. On pouvait monter dans le camping-car et prendre un petit goûter deux ou trois nuits par semaine.
9. À partir du colloque de 2003, s'est mise en place une cellule au sein du contrat local de sécurité dans laquelle travaillaient les travailleurs sociaux ainsi que la police et la justice. On a passé un accord avec la police et la justice pour se servir de la nouvelle loi de Sarkozy sur le racolage passif,¹³⁷ en faisant en sorte qu'il s'agisse d'une pression et que ça ne débouche jamais sur des peines d'emprisonnement – ferme ou avec sursis – c'est-à-dire de façon à ce qu'il n'y ait pas une pénalisation qui soit excessive.
10. La police s'est plus intéressée à ces questions-là, dès l'instant où elle avait la possibilité de mettre en garde à vue, ce qui était rendu possible par le texte prévoyant une peine d'emprisonnement d'un maximum de deux mois¹³⁸ pour les faits de racolage passif. Donc, sur le fond, moi, je n'étais pas très favorable à ce texte-là – je m'en suis servi comme j'ai pu, et je dois reconnaître que ça a quand même motivé un peu la police nantaise, qui a été aussi motivée par le colloque et par la création de cette cellule au sein du contrat local de sécurité.
11. Parallèlement à cela, on a mis en place un réseau avec une association qui s'appelle l'ANEF, Association Nationale des Foyers d'accueil. Cette ANEF était capable de fournir un hébergement secret dans les 24 heures, et est rentrée dans le réseau national Ac.Sé, c'est-à-dire "accueil sécurisant", qui permet, donc, d'héberger dans les 24 heures, et qui organise des échanges entre les femmes hébergées de façon à ce qu'aucun membre du réseau des proxénètes ne puisse la repérer et trouver sa trace. Donc, notre dispositif, il était cette fois-ci au point et, comme il y avait des contacts assez forts avec ces jeunes femmes, finalement, il y en a un certain nombre qui ont accepté de décrocher et de rentrer dans ce réseau.

¹³⁷ loi du 18 mars 2003 sur la sécurité intérieure

¹³⁸ *ibid.*

12. De là, l'action de la police générale a aidé, parce qu'a été démantelé un réseau de proxénètes de l'Est qui faisaient travailler les jeunes femmes bulgares et puis, par ailleurs, en ce qui concerne les Nigérianes, on a réussi à percer ce qui nous apparaissait à l'époque comme un mystère, c'est les liens qui les unissaient aux "Mammas" qui les encadraient et la façon dont elles étaient reliées au réseau qui les avait amenées à Nantes. On a compris qu'elles avaient souscrit à un engagement par lequel elles s'engageaient à rembourser les 30 ou 40 000 euros qui leur étaient facturés pour leur "importation" en Europe, et que cet engagement était garanti par une espèce de rituel magique, alors, on a dit que c'était un rituel vaudou. En réalité, "vaudou", c'est un mot d'occidental, je ne pense pas que ce soit adapté – enfin, c'est un rituel traditionnel qui, dans leur langage, s'appelle les "juju" – et souscrivant les "juju" qui étaient passés devant une espèce de chamane, de griot, comme on voudra, elles s'engageaient à rembourser et, en cas de non-remboursement, elles risquaient une malédiction qui pouvait peser sur elles et sur leur famille. Donc, ce serment traditionnel garantissait le remboursement.
13. Dès l'instant où on a eu une ou deux Nigérianes qui ont brisé ce serment, qui ont fui sans rembourser, les autres, enfin, tout le monde s'est rendu compte que le rituel magique n'avait pas grande efficacité, que la malédiction n'avait frappé personne. Donc, il y a eu des décrochages. Il y a eu des décrochages aussi de jeunes femmes de l'Est. Et puis: arrestation d'un certain nombre de proxénètes, à la fois Nigériens et Bulgares, ce qui fait que, grosso modo, on est passé d'une présence de près de 150 personnes, selon le recensement de *Médecins du Monde*, à une présence de l'ordre de 70 à 80 personnes, toujours selon le recensement de *Médecins du Monde*.
- 14. Nantes donne l'impression d'être une ville très active sur cette question...**
15. On a essayé.
16. Je me suis trouvé à m'occuper de cette problématique aussi parce que j'étais l'adjoint à la sécurité. En réponse aux problèmes que causait l'évolution de la prostitution à Nantes, nous avons multiplié les réunions avec les riverains – j'ai dû faire pas loin de dix réunions avec des riverains, ce qui fait que j'ai vu autour de 600 à 800 personnes. Nous avons offert aux riverains la pose de barrières électriques prises en charge par la municipalité – ce qui était un peu à la limite de la légalité, puisque la pose des barrières se faisait sur un terrain privé, à condition que les propriétaires d'impasses s'engagent, par le biais des associations syndicales qui gèrent les impasses, à entretenir les barrières et à fournir de l'électricité. Ce qui fait que ça a gêné aussi l'activité prostitutionnelle dans ces impasses et ça a rassuré les riverains. Je dois dire que, compte-tenu des conférences de presse, compte-tenu d'une position assez *soft* qu'on a adoptée et, en plus, compte-tenu du fait que, malgré les difficultés que cela représentait, la ville s'occupait de cela, les riverains étaient beaucoup plus compréhensifs qu'ils ne l'auraient été avec des SDF. Tous nous disaient: "On comprend bien que ce sont des femmes qui sont exploitées et on a plutôt de la compassion. Mais, d'un autre côté, ça nous gêne beaucoup, il y a des préservatifs plein la rue, il y a des voitures qui passent, cela fait du bruit, les gens qui s'interpellent..." Il y avait une compréhension et une compassion que je n'ai pas toujours retrouvées s'agissant

d'autres populations marginales. Ca aurait été des gens du voyage, ça n'aurait pas du tout été la même chanson.

17. **Pendant le colloque de l'Association des Maires des Grandes Villes de France en 2003, vous parliez d'une relation peut-être spécifique entre Nantes (et certaines autres villes) et leurs passé des traites. Comment ressentez-vous cela ? Comment est ressortie cette idée-là ?**
18. On est une ville qui s'est enrichie beaucoup sur la traite négrière. Nous étant beaucoup enrichis sur la traite négrière, on a fait, dans le courant des années 90, une exposition qui s'appelle " les Anneaux de la mémoire," dans laquelle on a montré ce que pouvait être la traite négrière, avec les profits qu'elle rapportait, l'expansion qu'elle a apportée à la ville, et le crime contre l'humanité dont notre ville a profité et qu'elle a perpétré. Ce qui fait qu'il y a, quand même, une sensibilité à cette question, et l'idée qu'on va chercher des jeunes femmes africaines pour fournir des prestations sexuelles à des Nantais riches – par rapport à elles – est une idée qui ne passait pas très bien. C'était quand même assez mal vu. Je pense qu'il y aurait peut-être eu un peu moins de compassion et de compréhension si toutes les jeunes femmes avaient été des femmes occidentales.
19. J'ai participé à des groupes, comme par exemple le Colloque de 2003, qui a été organisé avec l'Associations des Maires des grandes Villes de France, dans lesquels nous sommes apparus comme une ville assez dynamique. Mais il y a peut-être une dimension qu'il faut prendre en compte, c'est la particularité du socialisme nantais. Le socialisme nantais, c'est la rencontre entre le courant laïc, républicain, traditionnel et puis, le catholicisme social, et Bordeaux, c'est un peu différent. Bordeaux était, et demeure, une ville protestante qui est restée une ville gaulliste – avec Chaban-Delmas, Juppé,... – donc, l'approche n'est peut-être pas tout à fait la même. En plus de ceci, Bordeaux n'est pas encore revenu encore sur son histoire négrière. La ville la plus importante en matière de volume de la traite, c'était Nantes. C'est Nantes qui a représenté le plus gros volume de la traite. Mais, Bordeaux n'était pas loin derrière.
20. **Au fur et à mesure de votre travail sur le phénomène de la prostitution, est-ce que votre conception de la prostitution, et la façon dont vous appréhendez ce phénomène, a changé ?**
21. Oui, avec toutes les difficultés que cela représente – parce que j'ai aussi été confronté à un autre phénomène que l'apparition de prostituées de l'Est et d'Afrique: j'ai aussi eus des contacts avec les prostituées Nanto-nantaises, c'est-à-dire celles qui exerçaient avant l'arrivée des autres. Elles sont venues me voir en me disant: "La politique que vous menez est terrible, parce que cela fait quand même reculer le marché et nous, nous sommes âgées, nous n'avons pas de compétences professionnelles. Il faut donc nous laisser finir notre carrière professionnelle parce qu'on ne sait pas quoi faire d'autre." Donc, c'est cette complexité qu'il fallait gérer. Et, en prime, je ne voulais pas avoir une approche moralisatrice. Ce n'est pas à la ville de dire ce qui est sexuellement ou mal pour ses contemporains. Moi, j'avais à gérer un phénomène d'exploitation humaine, et

c'est uniquement par là que j'y suis entré. Donc, ce que je voyais de la prostitution, c'est la complexité extrême du phénomène qui m'est apparue.

22. Il était entendu que le colloque de l'Association des Maires des Grandes Villes de France sur la prostitution de juin 2003 se répète. Pourquoi ceci ne s'est pas produit?

23. Non, parce que, finalement, on devait animer un réseau. Cela devait se déplacer d'une ville à l'autre, et puis, finalement, cela a été relativement difficile et le problème s'est aussi un petit peu résolu, ce qui fait qu'il n'y a pas eu de suite. Mais, en revanche, on a maintenu la même politique. Cela fonctionne toujours de cette façon-là.

24. Pourquoi est-ce que c'était difficile de faire continuer cela ? C'était une question de logistique ?

25. Oui, c'était difficile logistiquement Et puis, ensuite, on a été confrontés à un autre problème, qui a été la venue des Roms. J'ai donc essayé de faire la même chose avec les Roms, c'est-à-dire de faire gérer le problème par l'Associations des Maires des grandes villes de France. J'ai moins bien réussi parce que les Roms étaient plus nombreux, c'était aussi un problème plus compliqué, et j'ai aussi été assez vite absorbé par d'autres choses et rapidement. Enfin, j'ai été élu député en 2007, ce qui fait qu'à partir de 2006, j'ai aussi été en campagne. Donc, tout cela s'est un petit peu perdu de vue... Le mandat change et, depuis mars 2008, je ne suis plus adjoint au maire de Nantes.

26. Pour les Roms et pour la prostitution, j'ai l'impression que l'Association des Maires des grandes villes de France sert comme un instrument politique important pour discuter de ces sujet. Pourquoi une préférence à manier cet outil-là ?

27. Parce que cela permet d'avoir une réponse, d'élaborer... D'une part, cela permet d'échanger et il y a plein de bonnes idées dans des tas d'autres endroits, d'autre part, cela permet de globaliser le problème et d'avancer un certain nombre de solutions. Les grandes associations d'élus permettent donc d'élaborer des solutions communes. Ça, c'est aussi assez important, surtout car je voulais surtout qu'on élabore une solution qui ne soit pas une folie moralisatrice du genre : interdisons la prostitution, ou reconstruisons les maisons closes ou (en ce qui concerne les Roms) expulsions tous les Roms. Enfin, je voulais qu'on élabore collectivement, comme la plupart des grandes villes de France sont des villes du PS, je voudrais contribuer à l'élaboration d'une politique efficace et protectrice des droits.

28. Quelque part, les mairies, les maires, enfin tous les gens qui travaillent à ce niveau-là, sont un peu à un niveau intermédiaire entre des demandes ponctuelles de riverains et des politiques nationales de grande envergure qui peuvent

justement avoir tendance à être un peu manichéennes (soit on abolit, soit on régule)... Nous, en tant qu'élus, on est au coeur de la complexité de la question.

29. Et comment gérez-vous cette complexité-là ?

30. Eh bien, il faut d'une part être très en contact avec les habitants. Les habitants sont très indulgents dès l'instant où on leur dit : "Je m'en occupe et je fais des efforts." Et, là, ils sont capables de comprendre que c'est très compliqué, mais qu'on est plein de bonne volonté et, à ce moment-là, ils sont très patients, très tolérants, et véritablement on a affaire à des citoyens qui se comportent bien. C'est même le cas pour des riverains qui sont plus difficiles parce que le problème est à la porte de chez eux, que ça les agace, si on est bien en contact avec eux et qu'on ne perd pas le contact avec eux, à ce moment-là, ils se disent: "Bon, c'est compliqué. Mais, il s'en occupe: on va bien trouver une solution un jour ou l'autre." C'est ça le premier point. Puis, après, il faut bien penser que la loi toute seule ne règle rien, et que c'est un ensemble d'actions publiques qui règlent ça. Vous avez vu la façon dont on a associé à la fois le travail social de récupération, c'est-à-dire d'offre d'une autre activité à ces jeunes femmes, le travail policier, le travail judiciaire. C'est l'articulation de tout ça qui fait une bonne politique publique. Au contraire, l'idée qu'on va tout régler en réglementant, c'est une erreur.

31. Et comment fait-on remonter ces politiques urbaines au niveau national?

32. C'est justement le rôle de ces grandes associations, de dire: "Voilà la façon dont on s'en occupe, voilà comment on travaille et voilà ce qui peut nous aider."

33. Et on vous écoute ce cette façon-là? C'est pris en compte?

34. Oui. Alors, officiellement, il y a des divergences politiques. Donc, ce n'est jamais quelqu'un qui reconnaît : "Vous avez tout à fait raison." Mais, on peut, par exemple, par le biais des fonds pour la prévention, on peut obtenir un peu de financement, on peut obtenir des améliorations parce qu'il y a toujours des parlementaires de tous les bords qui sont sensibles à telle ou telle question, et on peut faire passer des choses par leur intermédiaire, si on a besoin d'une réglementation. Là, je n'avais pas véritablement besoin d'une réglementation, il fallait simplement s'occuper de ce problème complexe.

35. La responsable de la Délégation départementale de la cohésion sociale qui s'occupe spécifiquement des violences contre les femmes et de l'égalité homme/femme dans la région¹³⁹ donne l'impression que maintenant, la prostitution commence à être appréhendée comme une question d'égalité homme/femme plutôt qu'une question à régler en dialogue avec les riverains

¹³⁹ cf. entretien avec Emmanuelle Proteau, 4 décembre 2012.

– que c’est vraiment une question de société plutôt qu’une question ponctuelle urbaine. Est-ce que cela va changer des choses ?

36. Si vous avez affaire à une Déléguée départementale, elle n’a pas en charge un territoire. Elle est déléguée départementale pour promouvoir l’égalité entre les hommes et les femmes. Donc, forcément, c’est son approche. Elle, elle n’a pas à gérer un territoire. Quand on gère un territoire, les choses sont complètement différentes.

37. Et comment aligne-t-on ces deux perspectives-là ?

38. C’est précisément tout ce qui est assez difficile. On retrouve cela dans le choix du vocabulaire même. Je prends la précaution oratoire de vous dire : “Moi, je dirais que ces jeunes femmes *travaillent*.” Mais, je sais pertinemment que c’est un mot que je ne peux pas employer si je suis en contact avec les porteurs d’une politique d’égalité entre les hommes et les femmes. La prostitution, pour eux, pour elles (parce que ce sont généralement des femmes qui s’occupent de cela), ne peut pas être un travail – c’est toujours vécu comme une oppression. Donc, ces personnes ont une approche beaucoup plus rigide, beaucoup plus idéologique.

39. Est-ce que vous pourriez me parler un peu de la position de M. Ayrault à l’époque ?

40. Ayrault, il est maire. Donc, il veut des choses qui marchent. Donc, rapidement, il a considéré que nous avions affaire à des jeunes femmes qui étaient victimes. Mais, quand on a dit ça, tout restait à faire. Dès l’instant où il trouve un adjoint volontaire pour s’occuper de la question et que la politique que met en place l’adjoint a des résultats, il est satisfait. Il est gestionnaire d’un territoire lui aussi, donc, il veut que soit mise en place la politique qui marche.

41. On m’a fait part de l’hypothèse qu’à partir du moment où M. Ayrault est rentré au gouvernement, le fait que Nantes spécifiquement soit aussi dynamique sur la question de la prostitution a posé problème, a quelque peu stigmatisé la ville, et que donc la raison pour laquelle cette région-là travaille un peu moins sur ce thème en ce moment, c’est pour ne pas embarrasser les membres du gouvernement. Y a peut-être quelque chose de stigmatisant de travailler sur cette question-là ?

42. Je ne crois pas que ce soit vrai pour plusieurs raisons. La première raison, c’est que cela supposerait coordination très précise entre ce qui se fait sur le territoire et ce qui se fait au gouvernement. Cette coordination n’existe pas. La deuxième raison, c’est que l’approche de mes successeurs a été un peu différente. Mais même pendant la période sarkozyste (c’est-à-dire après 2008, quand je suis parti), ils ont quand même gardé cette même politique, qui est toujours en place. J’ai vu mon successeur la semaine dernière, il m’a dit : “Oui, ça continue”. On n’est pas

rentrés dans les détails, mais il m’a dit: “On fait le même travail.” Par exemple, il y a toujours le même bus, etc. Donc, il a continué la même politique.

43. Après mon départ, c’est le Directeur qui s’occupait de cette action qui est devenu adjoint. Il a pris sa retraite et il est devenu adjoint – c’était un commissaire de police de formation, il a été policier pendant trente ou trente cinq ans – et, lui, avait une approche plus politicienne ou plus politique, qui consistait à dire : “Tout ça, c’est la responsabilité de l’État. Donc, c’est l’État de Nicolas Sarkozy qui échoue dans sa lutte contre la prostitution.” Moi, je n’étais pas contre cette approche, mais, à condition de ne pas se contenter de dire ça, parce qu’il fallait aussi résoudre le problème, et les riverains, l’idée que c’est pas la mairie qui est responsable, c’est l’Etat, c’est une idée qui, rapidement, ne fait pas long feu ...
44. **Le colloque était juste après la loi du 18 mars 2003 pour la Sécurité intérieure, donc j’imagine qu’il y avait pas mal de choses qui ont été dites sur la façon dont les maires allaient se réapproprier cette législation-là, aussi.**
45. Pour les maires, qu’une loi sorte sur le racolage passif, ça les laisse quand même un peu indifférents. Ne s’intéressent à cela que les maires qui ont des questions de prostitution sur leur territoire.
46. **Et ce n’est pas un souci qui est partagé par tout le monde ?**
47. C’est un souci qui est partagé par ceux qui ont à gérer des questions de prostitution. Les autres, ils voient cela d’assez loin, et ils ont l’approche qui, en général, est fournie par le parti: si vous êtes à l’UMP, on vous dit : “C’est bien parce que vous avez trouvé une solution à ces questions et on va remonter les réseaux de proxénétisme et faire tomber les proxénètes qui exploitent ces femmes”, et si vous êtes au PS, on vous dit : “C’est la preuve qu’on s’attaque d’abord aux plus faibles et qu’on s’en prend aux prostituées”, et si vous êtes dans les mouvements féministes, on dit: “C’est toujours les prostituées qui paient les pots cassés.” Donc, c’est des approches où on se contente des grandes lignes du parti. C’est quand on est confronté à ça qu’on est obligé de prendre en charge les choses et dans toute leur complexité.
48. **Cela ne vous a jamais tenté “les arrêtés anti-stationnement”, comme ils avaient fait à Lyon ?**
49. Non, on n’a jamais voulu faire ça. Précisément, ne pas repousser la prostitution en dehors de la ville.
50. On l’a fait, mais pour d’autres catégories de populations. Par exemple, on a pris un arrêté interdisant la consommation d’alcool dans la rue. Mais, c’est complètement différent. On a eu un peu la même tactique par rapport aux populations qui posent problème dans la rue – enfin, moi, j’ai toujours eu un peu la même tactique – c’est-à-dire que chaque fois qu’il y avait une mesure répressive, j’ai l’ai toujours fait accompagner d’une mesure sociale. Pour les SDF,

par exemple, dans le même temps que se prenaient les mesures interdisant la consommation d'alcool dans la rue, j'ai fait mettre en place une équipe d'éducateurs de rue, dont le but n'était pas de faire de la réinsertion sociale, mais de pacifier les relations entre les habitants, et notamment surtout les commerçants (parce que c'est dans le centre-ville et dans les rues piétonnes que le problème se posait), et les SDF, en leur disant : "Bon, vous pouvez être trois, mais vous ne pouvez pas être un groupe de dix avec des chiens. Il faut vous répartir, vous ne pouvez pas consommer d'alcool et vous ne pouvez pas être trop ivres sur la voie publique." De la modération de ce genre. Par ailleurs, les éducateurs pouvaient parfaitement renvoyer ceux qui avaient besoin de soins psychiques ou d'aide sociale classique vers les processus de droit commun.

51. **Les collectivités locales ont énormément recours aux associations pour accéder aux personnes prostituées. Est-ce que c'est utile, les associations, dans ce sens-là, ou vaudrait-il mieux aller vers un processus géré entièrement par le droit commun ?**
52. Le recours aux associations est utile: c'est souple, c'est facile, c'est des bénévoles, pleins de bonne volonté. On peut les aider financièrement en subventionnant. J'ajoute que, dans l'action en matière de lutte contre l'extension de cette prostitution nantaise, il y avait un officier de police, un commandant de police à la tête de la brigade de répression du proxénétisme, et cet officier de police, était un homme tout à fait compréhensif, et qui mesurait la complexité de la situation. En général, j'ai eu des appréciations positives sur sa façon de faire par les prostituées nantaises. Elles m'ont toutes dit : "C'est sûr, il nous pose des questions, il nous interpelle. Mais, cet homme-là nous traite toujours avec dignité." Après, son remplacement ça a été un petit peu plus difficile.
53. Mais la prostitution change. Deux autres formes de prostitution qui se sont développées sur la ville: ce sont 1) les salons de massage et 2) la prostitution sur Internet. Et maintenant, on voit apparaître des petits papillons aux feux rouges. C'est collé sur le poteau du feu rouge, avec un prénom féminin et un numéro de téléphone portable en-dessous. Je pense que le fait que la prostitution devient plus discrète a fait calmer les demandes des riverains pour l'instant. Mon successeur, Gilles Nicolas, est préoccupé par les questions de Roms, il est préoccupé par les incendies de poubelles, il est préoccupé par des rodéos, par des occupations de cages d'escalier. Il ne m'a pas paru préoccupé par la question de la prostitution. On ne s'affole que de ce que l'on voit.
54. **Cela mettrait un peu à mal une hypothèse de compassion profonde, humaine.**
55. La compassion s'exerce à l'encontre de ce que l'on voit. Elle ne s'exerce pas à l'encontre d'une femme qu'on ne voit pas et qui a juste son nom marqué sur un petit autocollant.
56. Par ailleurs, moi, de métier, je suis avocat. J'ai aussi eu des clients, qui se faisaient poursuivre pour proxénétisme, des clientes, généralement, des clientes de bar. Donc, je sais un tout petit peu comment se passe la prostitution dans les bars.

Un milieu extrêmement dur, mais les gains des hôtesse de bar sont relativement importants. Les gens ne font pas de confidences, mais, à mon avis, cela pouvait tourner autour de 1500, 2000, 2500 euros par mois, pour un travail très dur parce que tout est caché, il y a une double comptabilité et ce sont des jeunes femmes qui commencent à 15h et qui finissent à 2 heures du matin et elles sont déclarées à hauteur de 10 ou 15 heures par semaine, pas plus. Le restant, c'est du *black*.

57. En ce qui concerne ce qui se passera sur ce dossier dans le futur, on voit que les partis s'activent. Mais ils jouent aussi avec le temps. Les Verts essaient de doubler les Socialistes en disant: "On est plus réactifs, on est meilleurs. De l'autre côté, c'est mou, ils n'aident pas, etc." Il faudra voir ce que ça donnera.

58. **Je vous remercie beaucoup pour votre temps. Au revoir.**

- FIN -

1. **M'autorisez-vous à enregistrer cet entretien?**
2. Oui
3. **Ce qui m'intéresse, en fait, c'est de comprendre la façon dont les pouvoirs publics appréhendent et ont appréhendé la question de la prostitution depuis les années 70 au travers des histoires personnelles de ceux qui ont été acteurs. Donc, c'est votre histoire.**
4. D'accord. Vous avez, déjà, j'imagine, un historique de ces services des SPRS,¹⁴⁰ comment ils ont été établis, comment ça s'est passé ...
5. **C'est ça: les 'ordonnances de 60' et ensuite la façon dont ça a été monté et leur déclin.**
6. Tout à fait. Au niveau des 'ordonnances de 60',¹⁴¹ ça remontait même un petit peu à avant, c'est important parce que, je pense que ça a conditionné pas mal la mise en place de ces services. Ça remontait en fait à une convention de 1949, convention des Nations-Unies qui parlait de traite des êtres humains, à l'époque, et du "fléau" qui l'accompagne: la prostitution.¹⁴²
7. En fait, tout cela a été mis en oeuvre petit à petit, et sous-tendu par une philosophie, on va dire, de l'après-guerre qui essayait de rompre un petit peu avec l'oppression en faisant la promotion des Droits de l'homme, etc. C'est vraiment dans cet esprit-là, particulier, que les SPRS ont été créés au niveau national.
8. Il y en a eu, de mémoire, comme ça, je pense, une dizaine qui ont été créés, et l'association En ce qui concerne la création de l'ALC,¹⁴³ qui m'emploie, il n'y a pas eu de SPRS ni de conventionnement. Cela s'est fait directement avec le secteur associatif. Cela s'est fait dans quelques régions. D'autres villes comme Paris, Marseille ou Lyon, etc. avaient un service public sur la prostitution. Mais Nice et l'association ALC puisque c'est une association qui avait, on va dire, une certaine antériorité sur l'action en direction des femmes, elle, a été directement conventionnée pour ce service. Donc, c'était en 1968.

¹⁴⁰ Services de Prévention et de Réinsertion Sociale

¹⁴¹ Les ordonnances n°60-1245 et n°60-1246 du 25 novembre 1960 qui traduisent les engagements que la France avait pris en signant, le 28 juillet 1960, la convention de l'ONU pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui.

¹⁴² Convention de l'ONU du 2 décembre 1949 pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui.

¹⁴³ Issue d'une équipe travaillant auprès d'adolescents en situation de rupture, l'association ALC est créée par la même équipe en 1958 afin d'élargir ses champs d'action à la prévention de la prostitution et l'accueil et la réinsertion de personnes prostituées. Ce service deviendra le Service de Prévention et de Réinsertion Sociale (SPRS).

9. **En fin de compte, il n'y a eu en fait que peu de SPRS par rapport à ce qui avait été prévu au début, c'est-à-dire une par département, normalement.**
10. Oui tout à fait. C'est intéressant. Mais, en même temps, je pense que cela reflétait un peu la réalité de la prostitution de rue et du nombre de personnes qui se prostituaient. C'était surtout sur les grandes villes: Paris, Lyon, Marseille, Strasbourg, Bordeaux, Nancy... Donc, ce n'est pas un hasard. C'est sûr que les politiques publiques sur la question n'ont jamais été très ambitieuses. Mais, là, disons que le peu de moyens s'est concentré sur ce qui existait, sur les villes où il y avait une forte tradition de prostitution.
11. **Et justement, par rapport à cela, quelles étaient les missions des SPRS? Quels étaient les grands objectifs?**
12. Les missions, je dirais, que chacun les déclinait un peu en fonction aussi du fait que ce soit du secteur associatif ou du secteur d'Etat. Il y avait deux missions: une première mission de réinsertion des personnes prostituées, partant du principe que les personnes étaient désinsérées, et une mission de prévention, alors, là, qui a été déclinée de manière très différente suivant les associations ou les services de l'Etat, suivant les villes, suivant ... On a eu un vrai éventail de choses très différentes, un vrai panel d'interventions très différentes.
13. **Justement, c'était quoi, les moments les plus forts des SPRS des Alpes-Maritimes?**
14. En ce qui concerne l'association ALC était plus sur un travail de grande proximité avec les personnes prostituées, c'est-à-dire que depuis son histoire, le fait d'aller rencontrer les jeunes femmes dans la rue a toujours été une des modalités d'action privilégiée par l'association, le contact direct. Ça, c'était pour toute la partie, on va dire, "réadaptation sociale" ou "réinsertion sociale" : ce sont des mots assez horribles, quand on y pense. Et sur le versant "prévention", c'était beaucoup de jeunes femmes qui sortaient d'hôpitaux, de maisons d'arrêt, de foyers de l'enfance. Donc, il y avait là un travail préventif, c'est-à-dire, en fait, d'intervenir avant que les personnes ne se prostituent.
15. Par rapport au à la question de la prévention, nous avons été assez ouverts aux évolutions du public et aux évolutions des missions qui nous étaient demandées, c'est-à-dire qu'on est intervenus sur des programmes qui concernaient, par exemple, la prévention liée aux problèmes de santé. On est intervenus, également, sur de la prévention, mais alors là, de manière très précoce, au niveau de collèges ou de lycées, pour éviter justement, non pas que les personnes se prostituent, mais pour éviter qu'elles soient, dès leur jeune âge, enfermées dans des comportements qui pourraient les mettre en difficulté: de soumission à l'autorité, d'abus sexuels, de choses comme cela.
16. On a toujours décliné de manière un peu ouverte. Là, actuellement, si on devait mettre en place des actions de prévention, on les mettrait surtout en place sur des questions liées au public que l'on reçoit, sur des questions de santé ou sur des

questions liées à la traite des êtres humains, ce qui n'était pas du tout le cas il y a quinze ans en arrière.

17. **Et est-ce que cette évolution, justement, dans la façon dont vous mettez en marche vos projets se fait en réponse au phénomène prostitutionnel qui change, en France, par rapport à ce que vos financeurs vous demande?**
18. Non, nous, clairement, on a toujours essayé de coller à la réalité de l'évolution du public. Par exemple, on avait fait une espèce de rétrospective sur l'évolution des politiques publiques, justement, sur la question de la prostitution. Cela nous a permis de voir, par exemple, que quand on travaillait avec des toxicomanes, à partir du moment où on a pu favoriser l'accès à des traitements de substitution, la population qui se prostituait sur Nice a baissé quasiment de 50%. C'est-à-dire que dès qu'on a une politique publique forte – et on en a eu quelques-unes (bon, pas assez, à mon goût) – mais, à partir du moment où on a des politiques publiques fortes, on voit que ça impacte quand même fortement le public qu'on rencontre.
19. **Je vous ai posé la question des moments forts pour la SPRS. Et quels ont été les obstacles les plus importants, pour vous ?**
20. Et bien, les obstacles, je dirais, ça a été, de fait, des baisses de crédits parce que, quand vous avez une organisation, il y a du travail de rue, etc., plus une organisation derrière qui suit les publics, et qui les accompagne, avec vraiment un grand travail de proximité, la baisse des crédits a quand même remis en question ça. Ensuite: les politiques publiques aussi, qui ont été prises, je pense notamment (même si ça n'a pas été appliqué avec beaucoup de virulence) à la loi de sécurité intérieure qui condamnait le racolage. Ça a eu un impact quand même négatif sur l'action de nos services. À l'inverse, quand on est sûr du traitement très local, c'est en général assez compliqué, même si on essaie maintenant d'être un peu des interlocuteurs pour la ville de Nice, parce qu'essentiellement nous intervenons sur Nice et sur Cannes, ainsi que d'intervenir sur des actions de médiation. Le croisement, pour ne pas dire l'affrontement, des politiques publiques, qu'elles soient locales ou qu'elles soient nationales, a toujours été néfaste au traitement des situations des personnes qui se prostituent. Ça, c'est certain.
21. **Et, lors du colloque des maires des grandes villes de France en 2003, vous expliquez que les SPRS étaient co-pilotés par la DASS¹⁴⁴ et le Ministère des Droits des femmes. Comment ces deux organismes se partageaient-ils la tâche de ce pilotage ?**
22. Mal. C'est-à-dire qu'on avait le Droit des femmes qui restait sur "la prostitution est une violence faite aux femmes". Donc, de ce fait, au niveau d'affichages, en tout cas, excluant les hommes et les transgenres des questions qui étaient posées. Donc, ça c'était un premier problème. Et les DASS, à l'époque, avaient la partie financière, - je dirais l'aspect budgétaire, financier, etc. - et le Droit des femmes, l'aspect, plutôt, on va dire, "philosophique".

¹⁴⁴ Direction des affaires sanitaire et sociale

23. Mais, voilà, ça ne pouvait pas forcément coller. Il y avait une sorte d'opposition des organisations. La DDCS, la DASS de l'époque, était une administration forte, puissante, importante, etc. Le Droit des femmes, souvent, au niveau des interlocuteurs, se réduisait au niveau d'un Département à une personne. On sait que le rapport de force était pas vraiment en faveur du Droit des femmes. Finalement, on avait un pilotage bicéphale qui n'était pas très intéressant.
24. **Et, donc, maintenant, avec les réformes de décentralisation, c'est la DDCS qui s'occupe de ça, au lieu de la DASS ?**
25. Voilà. C'est la DDCS. Mais ce n'est pas du fait de la décentralisation, c'est du fait que la majorité des services qui s'occupent des personnes en situation de prostitution sont passées sous statut CHRS.¹⁴⁵ Un CHRS, c'est un centre d'hébergement. A ceci près qu'on ne fait pas d'hébergement, mais par contre, on a un statut qui est particulier, c'est-à-dire que c'est un établissement avec un numéro d'accréditation particulier, avec un système de financement aussi qui est plus régulier, c'est-à-dire que le fonctionnement du service est fixé par un arrêté qui donne le nombre de places, qui donne le nombre de personnes qui encadrent, etc. Donc, financièrement et budgétairement, c'est beaucoup plus stable - ça permet moins de souplesse, mais c'est plus stable. C'est donc plutôt sous l'influence du passage des SPRS en CHRS qu'on a pu effectivement modifier quelque chose.
26. **J'avais parlé à d'autres associations¹⁴⁶ qui ont subi aussi les effets d'une scission de la DASS au moment des DDCS, et qui ont vu leur budget réduit du fait qu'ils étaient considérés soit comme une association de santé communautaire, soit comme une association abolitionniste et, donc, étaient financés soit sur une ligne sociale soit sur une ligne de santé. Et vous, est-ce qu'il y a une ligne particulière ?**
27. Nous, on a des actions qui sont financées par l'ARS: par la santé. On a une médiatrice en santé publique, par exemple, mon poste est financé par l'aspect "santé", et après, on a le gros du budget qui vient de l'action sociale.
28. Tout dépend aussi de la logique qui anime les activités des organisations. Par exemple, les associations de santé communautaire étaient, et sont toujours, des acteurs incontournables pour des questions de prostitution et, notamment, des questions autour de la santé, autour d'une approche, on va dire, "communautariste". Les associations abolitionnistes, elles, étaient un peu caricaturées dans le rôle de réinsérer les personnes prostituées à tout prix. C'est pour cela que nous, par exemple, on a voulu abandonner le terme de SPRS avant qu'on nous le demande parce qu'on trouvait que ce qui était sous-tendu par le titre en lui-même était quand même une certaine posture idéologique. C'est-à-dire qu'on pensait que "réadapter socialement" des personnes c'est partir du fait qu'elles sont inadaptées. Or, sur l'ensemble des personnes qu'on rencontre, on a effectivement des gens qui sont socialement inadaptés (mais il faut encore creuser

¹⁴⁵ Centre d'Hébergement et de Réinsertion Sociale

¹⁴⁶ cf. entretien avec Mme Irène Aboudaram, 20 Novembre 2012.

et savoir un peu pourquoi), et des gens qui sont parfaitement adaptés au modèle de vie qu'ils ont choisi.

29. Voilà, c'est vrai qu'il y a toujours eu cet antagonisme qui est très français, très franco-français. Je travaille quand même au niveau européen: il y a peu de pays qui ont une telle opposition et, à mon avis, cela va se renforcer dans les mois qui viennent avec la loi que préparent les Droits des femmes et la Ministre. Une loi qui va aller dans le sens de la pénalisation du client, etc. et, là, on va voir ce qui se passera après.
30. **Cela représente quoi, justement, pour vous, puisque vous avez été auditionné par le Sénat à ce sujet il n'y a pas longtemps?**
31. Moi, je ne pense pas que la pénalisation des clients soit une priorité, vu de la place où je suis. Je pense que la priorité, pour moi, en tout cas pour l'instant, c'est de travailler avec les personnes qui sont victimes de traite des êtres humains, qui sont aux prises avec les réseaux d'un côté et les difficultés administratives de l'autre. Pour moi, voilà, la priorité, c'est ça. C'est pas forcément d'incriminer les clients. Je pense qu'il faut les responsabiliser. Je pense qu'il y a déjà des mesures sur la pénalisation du client qui existent concernant les clients des personnes vulnérables, de mineurs etc.¹⁴⁷ Quel bilan on tire de ça? Est-ce que ça fonctionne? Est-ce que ça ne fonctionne pas?
32. Quand vous parlez à des policiers la question de la pénalisation des clients: ils sont pour le moins dubitatifs sur les moyens que cela va demander, qu'ils n'ont pas, sur le travail qu'on va leur demander (qu'ils ont déjà du mal à remplir) pour venir à bout des réseaux de proxénétisme.
33. Après, on peut avoir de belles intentions. Mais, d'un point de vue purement pragmatique et technique, qu'est-ce qu'on est véritablement en mesure de faire? Moi, je pense qu'on n'est pas en mesure de couvrir une politique comme celle-ci. Il faudrait déjà qu'on soit en capacité d'honorer nos engagements au niveau international, c'est-à-dire par rapport à la Convention de Varsovie, par rapport au protocole de Palerme. Il y a plein de choses qui sont inachevées. C'est peut-être ça la priorité.
34. **Au travers du temps, quelles ont été les personnalités politiques avec lesquelles vous avez eu le plus de contacts, dans ce domaine ?**
35. Nicolas Sarkozy. Pas du tout par affinité, mais de manière assez intéressante.
36. C'est à partir de là que j'ai pu véritablement voir la dimension '*politique publique*.' C'est à partir du moment où on a commencé à travailler à ce niveau-là, c'est-à-dire à un niveau national, j'ai pu quand même mesurer quelles étaient les préoccupations des uns et des autres sur le sujet.

¹⁴⁷ Article 225-12-1 du code pénal, issu de la loi n°2003-239 du 18 mars 2003 – article 50.

37. Donc, Nicolas Sarkozy, qui était, à l'époque, Ministre de l'Intérieur, a proposé la loi de sécurité intérieure notamment liée à la question du racolage et a mis en place un groupe de travail dans lequel il y avait plusieurs associations, dont la nôtre, pour commenter un petit peu les décisions qu'il allait prendre (notamment par rapport à l'histoire du racolage, les délits qui se situent au niveau de la hauteur de la jupe). Voilà, il voulait pénaliser les gens qui se promenaient dans des tenues qui étaient, entre guillemets, "indécentes", trop courtes par exemple. Donc, ça, c'était quand même difficile comme argument. Je lui ai dit que s'il avait envie de venir à Nice, le soir, à 23h, en plein été, il allait arrêter les trois quarts des personnes qui déambulaient en ville, que ça ne pouvait pas être un argument valable.
38. En tout cas, ils ont mis en place un groupe de travail et de réflexion. Ensuite, à plusieurs reprises, on a été en contact soit avec des gens de son cabinet, soit avec sa Directrice de cabinet quand il était au Ministère de l'Intérieur, quand il était à Matignon, qui s'appelle Emmanuelle Mignon. C'est vrai qu'on a été assez souvent interpellés, assez régulièrement consultés. Bon, ça n'a rien donné. Mais, sur la méthode, j'ai trouvé ça plutôt intéressant de voir que, non pas des niveaux techniques, mais véritablement que des hommes politiques puissent s'intéresser à la question et par quel prisme. La question de l'époque, c'était simplement: on ne veut plus avoir de filles dans les rues parce que cela gêne les voisins. C'était vraiment ça, quoi.
39. **Donc, c'était par rapport à la visibilité de populations considérées comme anxiogènes, et à la soit-disant "sécurité des rues"...**
40. Complètement, ça n'était que ça. Mais, d'un autre côté, ça a été intéressant quand on a essayé de commencer à monter des actions un peu, on va dire, "pragmatiques", en disant: "Vous avez un problème. Nous, on a, peut-être, des solutions. On peut, peut-être, intervenir au lieu de tout simplement cacher ces jeunes filles sous le tapis en disant: "Voilà, au moins là, on ne les verra pas". Nous, on peut, peut-être, essayer de travailler autrement." Ça s'est passé un peu de la même manière avec la mairie de Nice.
41. Ça, c'était intéressant parce que je pense que, réellement, les politiques, en tout cas de droite (mais pas seulement – c'est une image peu caricatural quand même), ont une approche relativement pragmatique, pas très éclairée, mais pragmatique: "J'ai un problème. Vous avez la solution. C'est très bien." Voilà. Le risque, c'est un petit peu "c'est le dernier qui a parlé qui a raison." Ça, c'est quand même un peu embêtant. Mais, ils ont un peu cette conception-là du rapport de leur politique avec les questions qui lui sont posées.
42. Donc, c'est vrai que si vous avez un peu d'expérience, si vous avez quelques propositions à faire, si vous êtes au contact du terrain, enfin, voilà, vous pouvez arriver à faire des propositions et à ce qu'elles soient plus ou moins entendues. Je dis "plus ou moins" parce que je ne fais pas d'angélisme.
43. Et, après, on a été aussi beaucoup questionnés et sollicités au moment du gouvernement Jospin, quand il y a eu la mise en place de la première mission

parlementaire sur la traite des êtres humains où, là, on a été associés très directement, on a été auditionnés, mais on a aussi été associés à certaines orientations qui ont été prises, notamment, à l'époque, c'était le sénateur Vidalies qui était sénateur des Landes qui était rapporteur de la mission parlementaire de Madame Christine Lazerges qui était députée et vice-présidente de l'Assemblée nationale. Mais là, il y avait beaucoup d'aller-retours. Là, c'était intéressant parce que, pour la première fois, on ne parlait plus de prostitution, on parlait "traite des êtres humains" et ça élargissait un petit peu le spectre.

44. Voilà, donc, en fait, deux manières, un peu, de travailler différentes et deux façons de poser aussi des réponses qui sont quand même assez différentes.

45. À votre avis, les politiques amalgament-ils de plus en plus souvent la prostitution et la traite? Ou en font-ils la distinction?

46. Il amalgame les deux, complètement. Nous, on se bat un peu contre ça. D'abord, parce qu'on gère un dispositif national qui s'occupe de personnes victimes de traite, mais qui considère toutes les formes de traits – c'est aussi ça qui a été un peu le changement de notre point de vue – et, en plus de cela, parce que c'est vrai qu'on le voit – on le voit parce que l'on est tous les jours en contact de ce public – qu'il y a des gens qui relèvent pleinement des questions de prostitution et des questions de proxénétisme, mais, bon, ça, moi, je dirais que c'est l'affaire des policiers, et puis des gens qui sont victimes de traite avec, voilà, des choses qui sont aussi très différentes que les histoires de prostitution.

47. Et on voit, du reste, comment, en termes de changement, de réorientation de parcours, comment les personnes qui sont victimes de traite et à qui on donne la chance de réaliser le parcours migratoire qu'elles avaient avant, arrivent à sortir de ces difficultés-là très rapidement, ce qui n'est pas forcément le cas pour des personnes qui ont vécu la prostitution sur des épisodes plus longs, sur des choses comme ça. Il y a aussi une différence sur la manière de vivre ces choses-là et nous, clairement, on le choisit sur le regard qu'on porte sur ce public-là.

48. Et, au contraire, quels acteurs politiques auriez-vous aimé voir plus impliqués sur la question parce qu'il y a des personnes qui tiennent certaines clés, mais qui ne semblent pas s'intéresser au projet ou à la question ou à la problématique ?

49. En fait, pour moi, tout le monde y vient à un moment donné ou à un autre, mais avec de mauvais réflexes, quoi. Quand c'était le Ministère de l'Intérieur qui avait la main sur les questions de prostitution, on était que sur des petites histoires de racolage, des petites histoires de petits maquereaux, des petites histoires... ça ne volait pas très haut, quoi. Par contre, comme c'est un Ministère fort, il entraînait derrière lui pas mal de mouvements, de réflexions, etc. Quand ça a été le Droit des femmes (ou pas maintenant, parce que c'est vrai que Mme Valaud-Belkacem est aussi porte-parole du premier ministre), ça peinait aussi terriblement, quoi. C'était pas porté, voilà, c'est un petit ministère. Quand vous avez en face le Ministère de la Justice et le Ministère de l'Intérieur, enfin, voilà, quoi ...

50. Moi, je pense que ce n'est pas tant des hommes politiques qui manquent, c'est plutôt une concertation large qui a manqué, et qui manque encore, c'est-à-dire avec les différents protagonistes de ces questions, qui devraient se réunir plus régulièrement, qui devraient aussi travailler sur des stratégies, qui devraient essayer d'élaborer un certain nombre de choses – qui sont en train de le faire avec un plan d'action national qui devrait voir le jour dans les prochaines semaines, qui sera présenté au niveau national. Voilà, on espère beaucoup, on y a contribué à ce plan national et on espère beaucoup qu'il va en sortir quelque chose.
51. C'est vrai que c'est plutôt des dynamiques que des personnes en elles-mêmes. Je ne pense pas que ce soit le combat d'une seule personne, il faudrait plutôt que ce soit intégré dans des préoccupations de politique publique, même si le nombre de personnes n'est pas important, enfin, voilà. C'est quand même de vraies questions de société, c'est quand même des gens, pour certains en tous cas, qui se retrouvent dans des situations qui sont incompatibles avec l'idée qu'on se fait de la vie en société au XXIème siècle.
52. Je pense qu'il ne faut pas que ce soit une question de personnes ou de personnalités... Ca ne peut pas dépendre d'un seul acteur politique. Si c'est une question de personnes, on retombe là dedans: Yvette Roudy, c'est elle qui a mis en place des politiques publiques, des commissions départementales, des choses comme cela. Puis, bon, elle est partie: les commissions départementales ont continué à fonctionner, dans quoi? cinq, dix départements, peut-être, voilà. Puis après, ça a été fini.
53. C'est pareil avec Annie Roucole, qui s'occupait du dossier prostitution à la DASS! Et quand Annie est partie, ça a été terminé. Voilà. On a beaucoup travaillé avec elle, à un moment donné, et puis, elle est partie. Après, ça a été la grande traversée du désert.
54. Il y a eu une autre personne aussi qui est intervenue, pendant un temps, qui s'appelait Valérie Le Gall, qui a pris la suite d'Annie Roucole, qui nous a aidés à monter notre dispositif national et elle est partie, et après on était un petit peu sans interlocuteur.
55. C'est souvent ça le problème. Là, par exemple, au jour d'aujourd'hui, on n'a plus du tout d'interlocuteur au niveau de la DDCS au niveau national. Par contre, on en a au niveau du Droit des femmes parce que le dossier leur échoit.
- 56. Et quand vous parlez de “dispositif national”, vous parlez de l'AcSé ¹⁴⁸?**
57. Oui, c'est ça.

¹⁴⁸ Dispositif National d'Accueil Sécurisant (AcSé), financé par la Direction Générale de l'Action Sociale, le Ministère du Travail, de l'Emploi et de la Cohésion Sociale, et co-financé par la ville de Paris. Il est coordonné par le CHRS “Les Lucioles” et l'association ALC

- 58. Et justement, comment le dispositif d'accueil sécurisant a-t-il été mis en place ?**
59. Il a été mis en place sur un simple constat qui était: qu'est-ce qu'on fait des victimes qui doivent être dégagées de leur lieu d'exploitation et pour lesquelles on n'a aucune solution, ni la police, ni le secteur social? Donc, on a imaginé de mettre en relation des centres d'hébergement et des services dits 'spécialisés' – c'est-à-dire les anciens SPRS et d'autres services parce que, dans le dispositif AcSé, on a aussi des services de santé communautaires, on a aussi le Mouvement du Nid de Strasbourg. C'est assez éclectique.
60. Donc, comment mettre en relation ces services spécialisés-là avec des centres d'hébergement? On a commencé avec douze. Là, treize ans après, on a plus de soixante-dix services qui sont partenaires du projet au niveau national.
61. Mais, c'est vraiment parti d'un constat de terrain. On a été contactés par la police. C'est vraiment le cas classique: on est contactés par la police un vendredi à 16h30 pour protéger quatre jeunes femmes d'origine ukrainienne. Voilà, qu'est-ce qu'on fait? Où est-ce qu'on les envoie? Elles ne peuvent pas rester sur Nice, il faut que l'on les envoie loin. Et voilà, comment on s'organise?
- 62. À votre avis, comment se fait-il, en fait, que les services publics n'arrivent pas toujours à collaborer, et que les associations, elles, le réussissent?**
63. Cela a des raisons, on va dire, historiques. Il y a des questions d'organisation, aussi. C'était beaucoup plus facile (ça l'est un petit peu moins maintenant), pour une association de revoir son organisation, de mettre en place, justement, des structures un peu alternatives, de faire prendre un peu d'élasticité, alors que les services de l'Etat, des départements ou des régions, sont des services qui sont souvent hyper contraints et, avant qu'une décision soit prise, il peut se passer plusieurs mois, voire plusieurs années.
64. Nous, on a un constat de terrain, on fait une proposition, c'est validé par le Conseil d'administration. Voilà, ça peut se faire en un mois, un mois et demi.
- 65. Qui finance, justement?**
66. On a trois financeurs: au niveau ministériel, on a le service central 'Droit des femmes', on a la Mairie de Paris, et on a le Ministère de la Justice parce qu'on organise des formations à l'identification des victimes.
- 67. Donc, l'association à laquelle vous appartenez travaille avec ses projets locaux et participe aussi, plus largement, au dispositif national. Est-ce que cela lui permet d'influer sur la façon dont on s'occupe de la question de la prostitution en France?**

68. On va dire que, de fait, comme on gère un peu le dispositif national sur la question, cela nous donne une certaine, pas une “aura”, mais en tout cas, une certaine notoriété qui nous permet d’être auditionnés par le Sénat, l’Assemblée nationale... Dès qu’il y a un projet de loi, on nous demande notre avis, avec d’autres. Cela donne quand même une certaine “masse”, on va dire, à l’association. C’est certain.
69. Mais le phénomène n’est pas statique. Enfin, chaque époque, je dirais, chaque décennie ou chaque tranche, vous savez, vous avez “les années toxico”, vous avez les années, nous, on l’a vu sur Nice, la fin de la seconde guerre, avec le stationnement des troupes américaines, il y avait encore un autre public. Chaque période a ses composantes au niveau de la population et les problématiques qui vont avec. Par exemple, les problématiques de toxicomanie, on n’en a absolument plus ou, en tout cas, c’est très résiduel. Alors qu’il y a vingt ans, on ne faisait que ça, on était à bloc dans le VIH et la toxicomanie. Maintenant, la toxicomanie a quasiment disparu, en tout cas, sur Nice.
70. Mais, vous avez d’autres endroits où, apparemment, ça se sent davantage, parce que la prostitution y est plus misérable, plus cachée ou ...
71. Le phénomène est constamment en évolution. C’est pour cela que l’on n’identifie notre pratique vraiment qu’à partir du travail qu’on fait en direction des gens. Ce n’est que ça qui légitime ce que je peux vous raconter là aujourd’hui. C’est parce qu’on est vraiment les pieds dedans et qu’on est au contact du public. Enfin, mes collègues le sont, en tout cas, tous les jours. C’est ce qui nous fait aussi proposer des projets, essayer d’avancer un petit peu.
72. Je pense aussi que le gouvernement a su se débarrasser des sujets qui étaient un petit peu des pierres dans ses chaussures – quels qu’aient été les sujets, Je pense que le fait de déléguer aux associations, ça permet de ne pas être associés directement à ces questions. Vous voyez, c’est une certaine mise à distance. On le voit. C’est probant au niveau des conseils généraux, par exemple. Autant les conseils généraux s’affichent sur les questions de petite enfance, sur les questions de handicap, etc., autant sur ces questions-là, ils sont beaucoup plus prudents, pas seulement parce que ça ne relève pas de leurs compétences, mais parce que je pense que ce sont des sujets beaucoup plus complexes à traiter que d’autres, réellement. On l’a vu sur les Roms. On a travaillé aussi sur les Roms. On a une action auprès des gens du voyage, etc. On voit à quel point pour l’homme politique, pour l’ élu et pour les pouvoirs publics, ces sujets-là, ce sont des sujets qui peuvent être très délicats à traiter. Enfin, je pense que les associations sont là aussi un peu pour servir de, on va dire, de “paravent”, entre des problématiques sociales qui sont complexes et un pouvoir qui se veut être le représentant d’un ensemble.
- 73. Et 2013, ça va représenter quoi, pour vous, comme travail ?**
74. 2013, c’est un énorme travail! En 2013, on a beaucoup de chantiers. On attend aussi avec une certaine inquiétude, on va dire, le plan qui va être proposé par Mme Vallaud-Belkacem. J’espère qu’elle s’entoure de voix un petit peu

divergentes et qu'elle n'est pas simplement dans une seule doctrine – ce qui, à mon avis, sur le sujet, ne serait pas adapté.

75. Il y a le plan d'action national qui va être lancé.
76. Voilà. On a des projets, nous, sur lesquels on travaille depuis longtemps. J'espère qu'ils vont être un peu portés, notamment sur les enfants des femmes prostituées migrantes, qui les accompagnent dans l'immigration. C'est une année qui est, quand même, très chargée.
77. Et je pense aussi, à voir au niveau des maires des villes. Je vois déjà dans le sud comment les choses se passent: une pression un peu des élus pour essayer de chasser hors des murs les femmes qui se prostituent. On l'a vu sur Cannes. Je sens que ça va arriver sur Nice. Et c'est cette politique qui est basée sur ce que les Anglo-saxons appellent "Not In My Backyard", les NIMBY – ça me gêne un peu, car sur cette question-là, particulièrement, c'est vraiment ça l'inspiration des politiques publiques. En fin de compte, c'est vrai que par rapport à la question de la prostitution, on amalgame tout, et on n'apporte pas vraiment de solutions. On apporte juste des réponses à très court terme.
78. **Et, par rapport à la rhétorique de la prostitution en tant que violence contre les femmes, comment est-ce qu'on va pouvoir élargir le débat ou l'entendement pour inclure toutes les personnes issues de genres et de sexes différents?**
79. Ca va être excessivement compliqué. Bon, c'est vrai que très majoritairement, les personnes se prostituant sont des femmes – en tout cas, sur Nice – et dans la rue, c'est clair qu'il y a une population transgenre qui est importante, mais qui reste quand même très minoritaire et je pense que c'est la loi du nombre qui va l'emporter. Nous, on répète depuis le début: "Voilà, qu'il y a aussi des hommes qui se prostituent, qu'il y a aussi des transgenres qui se prostituent, que, voilà, ça va être compliqué."
80. Mais, de toute façon, à mon avis, la rhétorique sera centrée sur une représentation de la prostitution comme "une violence faite aux femmes", mais juste pour servir d'argument pour soutenir des actions visant à "s'attaquer à la demande". C'est ça. On "s'attaque" à l'agresseur. Donc, la demande, c'est qui? C'est vrai qu'il y a des femmes qui consomment des services sexuels, mais très majoritairement ce sont des hommes. Donc, en fait, ce discours est surtout une sorte de cheval de Troie pour la pénalisation du client, quoi. La violence contre les femmes, quasiment tout le monde est contre... Malheureusement peut-être pas tout le monde, mais globalement, ça fait l'unanimité. Par contre, poser ça en tant qu'être "contre les clients de la prostitution", bon, c'est bien moins accrocheur, quoi.
81. **Quand je relisais vos interventions au colloque des grands maires de France, vous parliez de l'inspiration italienne du dispositif d'accueil sécurisant...**

82. Oui. Je ne sais pas si c'est parce qu'on est proches de la frontière, mais, on a toujours été très ouverts, de fait, sur les pays qui nous entouraient, notamment, sur l'Italie, et au-delà, au travers des publics que l'on accueille, sur d'autres pays et d'autres réalités. C'est vrai que, pour nous, c'est important de voir aussi qu'on peut aider des victimes sans forcément les obliger à dénoncer leurs proxénètes. Ce qui allait complètement à l'encontre des mesures contenues dans la loi pour la sécurité intérieure.

83. **Merci beaucoup, Monsieur.**

- FIN -

1. **M'autorisez-vous à enregistrer l'entretien ?**
2. Oui.
3. **Je voulais commencer l'entretien en vous demandant comment vous avez été amenée à travailler sur le sujet de la prostitution.**
4. Alors, j'ai été amenée à y travailler en tant que députée, pendant le mandat de 2007-2012 (je suis députée depuis 2007), parce que c'est un sujet que des collègues ont traité dans le cadre d'une mission spéciale, dont Danielle Bousquet et Guy Geoffroy était à la tête, avec un rapport qui s'appelle: "Pour en finir avec le plus vieux métier du monde". Danielle Bousquet était dans la délégation des Droits des femmes, comme moi, et on travaillait souvent ensemble. Et, à partir de ce travail, ils avaient fait adopter une motion à l'Assemblée réaffirmant que la France était abolitionniste et qu'elle devrait adopter une législation abolitionniste. Mais comme c'était 2011 et qu'on partait en élection et autres, le dossier n'a pas été suivi tout de suite. Ca, c'est le contexte. Donc, quand on est revenus, et comme j'ai eu la présidence de la Délégation, avec des collègues qui avaient suivi le travail intensif, dont Maud Olivier, nous avons repris à notre compte, en tant que proposition de loi sur la prostitution, ce travail.
5. D'autant plus que, notre Ministre aux Droits des femmes, Mme Vallaud-Belkassam, s'était assez vite exprimée dans les médias en juin 2012 en disant: "La France est abolitionniste. On va éradiquer la prostitution" – la formule un peu vive lui a valu des tas d'interviews, d'interrogations, etc. et on lui a demandé de s'abstenir de parler de ce sujet à l'avenir et de commencer à calmer le jeu. Donc, on s'est mis d'accord avec la Ministre – je vous dis comment cela s'est fait – quand elle nous a demandé: "Est-ce que ça ne pourrait pas être une initiative parlementaire?" L'avantage de procéder comme ça était double: c'était nous qui prenions ça en charge et la deuxième chose, c'est que ça n'obligeait pas de faire adopter la loi en conseil des ministres – comme il faut le faire quand c'est un projet de loi, puisque ces projets doivent passer en conseil des ministres et qu'il faut les faire adopter en conseil des ministres – vu que c'est un sujet qui peut éventuellement diviser, y compris chez les ministres.
6. **À votre avis, pourquoi ce processus législatif prend autant de temps pour aboutir?**
7. Le sujet est devenu très sensible en 2012 quand ça a été officiellement cité. Si vous voulez, la résolution à l'Assemblée avait été adoptée à l'unanimité, mais parce que les gens considéraient que ça ne les engageait pas vraiment.

8. **À votre avis, pourquoi y-a-t'il eu unanimité au vote de cette résolution mais pas unanimité au vote à la première lecture de la proposition de loi à l'Assemblée nationale?**
9. Parce que, concrètement, c'est une résolution, et comment voulez-vous vous opposer à la lutte contre la prostitution? Tout le monde pouvait s'y retrouver, même si on n'était pas d'accord sur le contenu exact de l'abolitionnisme. Quand on passe au concret et à la loi, là, on s'est rendu compte à quel point les gens pensent des choses différentes. Mais, nous pensions vraiment, – en a parlé –, que l'opposition serait encore plus forte, que ce serait plus violent que cela.
10. L'opposition au sens 'opposition majorité' n'a pas été très forte, parce qu'il y avait Guy Geoffroy qui facilitait la dimension transpartisane du projet. Mais l'opposition au sens de lobbys opposés dans la société, c'est plus à cela qu'on s'est heurtés, plus qu'à l'opposition dans l'hémicycle. Et on a senti cette opposition là dès le mois d'août 2012, c'était à l'Université d'été de La Rochelle. Avant l'Université du PS de La Rochelle, il y a l'Assemblée des femmes, – cela a lieu tous les ans –, qui est une assemblée de gauche, avec Mme Roudy qui y est encore présidente d'honneur, et dont Danièle Bousquet assurait la présidence. Et bien, à l'Assemblée des femmes de 2012, j'y étais, et Najat Vallaud-Belkacem y était aussi (elle était toute nouvelle ministre), et de manière informelle, en dehors des travaux de l'Assemblée, on a parlé de ce sujet-là, avec des associations favorables à l'abolition. L'idée c'était de voir comment on construisait un calendrier, comment on avançait, etc. Et c'est là où Najat m'a demandé, et elle m'a redemandé après: "Est-ce que ce ne serait pas bien que ce soit la Délégation qui prenne ce sujet? Cela éviterait que, moi, je sois à nouveau mise en cause."
11. Ça s'inscrivait dans un travail plus vaste sur les violences faites aux femmes et la lutte contre la traite aussi puisque l'on a retranscrit la convention européenne: la convention d'Istanbul, de lutte contre la traite. Donc, c'est un travail, pour nous, qui est coordonné et qui est logique. Pour nous, la prostitution en France, c'est majoritairement de la traite, 90%, c'est des femmes étrangères amenées là par des réseaux. Ce n'est pas du tout la prostitution dite "libre".
12. Je me suis occupée de ce sujet-là avant, comme élue locale (j'ai été élue à Poitiers), sans comprendre la totalité du phénomène.. Dans les années 2000, on a vu arriver à Poitiers ces femmes d'origine guinéenne (à l'époque), et du Nigéria, et des riverains venaient nous dire: "Les élus locaux, vous ne faites rien? Surtout, vous, les femmes! Vous ne bougez pas? Qu'est-ce que c'est que ces femmes? Elles sont amenées par des voitures, etc." Et je n'ai mesuré que quand je suis arrivée à l'Assemblée que c'était un phénomène à la fois mondial et surtout européen. Je me doutais bien que ça se passait ailleurs que chez nous, mais je ne voyais pas l'ampleur de ce phénomène à ce point-là. Et donc, on avait monté une association ici qui s'appelle "L'Abri"¹⁴⁹, qui existe toujours, de maraude, pour aller au contact de ces femmes, et on voyait bien qu'elles avaient des dettes, elles étaient victimes de traite. Mais, on ne voyait pas ce qu'on pouvait faire au titre

¹⁴⁹ Le collectif Abri a pour mission de faciliter et promouvoir d'accès aux soins et aux droits sociaux des personnes prostituées à Poitiers. Le collectif regroupe la Centre Communal d'Action Sociale de Poitiers, la mission prostitution de Médecin du Monde, le CRI et le réseau urbain ville-hôpital VIH/hépatites.

local. On peut les accompagner, mais point. Et, ce n'est qu'après, si vous voulez, quand on a eu cette réflexion nationale que j'ai vu l'enjeu que c'était.

13. **Comment trouve-t-on un équilibre entre les demandes des populations locales par rapport à la sécurité et la tranquillité et les objectifs nationaux l'abolition de la prostitution en soi?**
14. Honnêtement, moi, je ne souhaite pas répondre aux demandes locales de sécurité par rapport à la prostitution. C'est une demande, dans le cadre de travailleurs du sexe, je le sais, mais, je pense que ce n'est pas la bonne réponse.
15. Et nous avons, à Poitiers, trois femmes qui étaient prostituées, que tout le monde connaissait. On les appelait "les historiques". Elles ont d'ailleurs disparu dans les années 2000. Elles étaient près de la gare. On les connaissait. On les voyait. Elles étaient déjà un petit peu âgées, d'ailleurs. Comment étaient-elles là? C'est vrai que, moi, je ne m'étais jamais forcément préoccupée de ce sujet. Elles faisaient ça d'elles-mêmes. Enfin, bon. Il y avait un souteneur, un proxénète, probablement.
16. Et il y avait eu un mouvement pendant les années 70 à Lyon – cela nous a frappé pendant notre débat –, où il y avait une prostituée qui s'appelait Ulla qui allait dans tous les médias pour dire: "Donnez-nous un statut des travailleuses du sexe. On demande une convention collective. On veut avoir les droits à la retraite, tout cela." Et, il y a cinq-six ans, Ulla, dans les médias toujours, avait dit: "Mais, enfin, vous m'aviez cru? Vous étiez plutôt assez fous pour me croire? Que j'étais toute seule? Que j'étais volontaire? Que c'était de mon propre gré que j'étais là? J'avais un souteneur, j'avais un proxénète, je n'étais pas libre." Mais, ça, personne n'en parle.
17. Donc, si vous voulez, quand on a repris ce travail, c'était avec une idée claire pour nous. C'était: 1) de travailler dans plusieurs directions, mais surtout d'enlever le délit de racolage passif et actif parce qu'on considère que les femmes sont victimes et non pas coupables; et 2) de dire: c'est un commerce, puisqu'il y a trafic. C'est un commerce et le client est en partie responsable de ce commerce puisqu'il fait de la demande.
18. Donc, à partir de ça, c'est les principes de la position de la France, c'est-à-dire qu'on n'est pas prohibitionnistes, comme dans certains Etats aux Etats-Unis, sinon on interdirait tout, y compris la prostitution. D'où le fait que notre position est parfois compliquée à expliquer: on n'interdit pas la prostitution, elle est autorisée, mais on souhaiterait pénaliser le client. Alors, effectivement, on nous dit: "Vous êtes hypocrites !" Mais, pour nous, c'est vraiment net.
19. Alors, on se heurte à des lobbies très puissants, très forts, très organisés, et qui ont réussi à sensibiliser des députés et à les ébranler. A quels lobbies s'est-on heurtés? On s'est heurtés à ceux qui s'appellent "les travailleurs du sexe" qui disent: "On est libres de faire ce métier, c'est notre choix, c'est notre mode de vie. Laissez-nous faire. Laissez-nous libres. Si vous nous enlevez les clients ... etc. et donnez-nous une convention collective." Ce contre quoi on est absolument opposés. On leur dit : "Si on veut une convention collective, à ce moment-là, il y a des

formations; à ce moment-là, les filles disent à leurs parents : “Oui, je fais Formation Prostituée”. C’est hors de question. Il faut en arrêter avec cette idée que celles qui le font sont libres. Par exemple, même les étudiantes qui, malheureusement, sont obligées d’en passer par là, le font pour des raisons économiques. La contrainte peut aussi être économique. Ce qui équivaut à dire: “Je fais ça pour payer mes études.”

20. Il y a un film sur le site de l’Université de Poitiers qui raconte le parcours d’une étudiante qui a témoigné, à visage caché, mais que moi, j’ai rencontrée, et qui demande: “Mais, pourquoi j’ai fait ça?” Les filles, moyennant un service, un logement, un hébergement, etc, au départ, elles ne se rendent pas forcément compte que c’est de la prostitution. Elles pensent: “Oui, bon, voilà. Je ne peut pas payer mon loyer. Alors, moyennant quoi, deux fois/trois fois par semaine ou par mois, – enfin, peu importe... Bon, je peux bien passer là-dessus.” Puis, petit à petit, elles se rendent compte de ce que c’est vraiment de la prostitution. Et, dans ce film, cette étudiante témoigne de comment elle a arrêté: le jour où elle a eu, dans le même temps, deux clients assez violents. Donc, elle a dit : “Bon, là, j’arrête tout.”
21. Souvent, le Directeur de la police d’ici me disait: “Elles se rendent compte quand elles ont trente ans et elles se disent: “Mais, pourquoi, j’ai fait ça? pourquoi j’ai accepté ça ?” Il y a un manque de prise de conscience de ce qu’est réellement la prostitution. Au départ, ça ne le paraît pas franchement. Puis après, on voit les dégâts que cela peut entraîner. Donc, nous, ce n’est pas du tout notre logique que d’accorder un status de travailleur du sexe. Donc, notre objectif c’est d’enlever le délit de racolage et pénaliser le client.
22. Alors, on s’est heurté, donc, aux “travailleurs du sexe” ce qui, pour nous, représenterait deux à trois pour cent des prostituées, on n’a pas de chiffres très sûr. Il y a des personnes vraiment libres disant : “On fait ça par choix”. Bien. Mais elles sont minoritaires. Plus difficile pour nous, et qui a fait beaucoup basculer des députés, ça a été de se heurter à Médecins du monde et à des associations comme le Bus des femmes, etc. La logique de Médecins du monde c’est: “Nous, on est là pour soigner. Donc, ce qu’on veut, c’est pouvoir atteindre les prostituées pour pouvoir les soigner, lutter contre le sida, les maladies, etc. puisqu’ elles sont victimes de nombreuses maladies, et si vous pénalisez les clients, on retrouvera plus les filles, elles seront isolées, plus en danger.” Cela a déjà été vrai du racolage: elles se sont déjà un peu plus cachées. Mais, nous, ce que l’on dit, c’est que si les clients les trouvent, les associations peuvent aussi les trouver, et qu’effectivement, notre travail, à nous, consiste à faire diminuer la prostitution. Donc, c’est vraiment une grande différence. J’ai discuté avec une femme de Médecins du monde, elle nous dit que pour les suivre et suivre leur travail, ce n’est pas leur logique.
23. Mais, quand une fille dit: “Mais, moi, j’aimerais bien m’en sortir”, pour l’instant, comme on n’a pas la structure pour cet accompagnement et les mesures ne sont pas en place, il n’y a pas d’accompagnement actuellement. C’est pour cela qu’on a voulu ce volet: “ Sortie de la prostitution” de la proposition de loi, pour nous apporter un volet social. Notre objectif, clairement, – on ne s’en cache pas –,c’est faire diminuer la prostitution; ce n’est pas de la rendre plus facile. Quand on nous

dit: “Vous nous empêchez de travailler”: *oui*, on a bien conscience que oui. Notre objet n’est pas de favoriser la prostitution en la rendant facile, légale, pignon sur rue et maisons closes. Parce qu’on a étudié aussi la réglementation et les maisons en Espagne. On a voyagé. On est allés en Suède. On a surtout fait faire un rapport à des sociologues sur la Jonquera.¹⁵⁰

24. C’était intéressant de voir quels pays vous avez choisis. Vous avez choisi : la Suède. Vous avez parlé à un représentant italien. Vous êtes allés en Espagne, aux Pays-Bas. Pourquoi ces pays-là ?

25. Alors, on est allés aux Pays-Bas et en Espagne: parce que ce sont des positions réglementaristes. Or, tout le monde nous demande: “Pourquoi vous n’ouvrez pas des maisons closes ?” Donc, on voulait voir comment ça se passait, les problèmes qu’ils rencontraient. On voit qu’ils ont de gros problèmes. Le maire d’Amsterdam est en train de demander l’abolition. Alors, on n’est pas allés voir l’Allemagne, mais on a lu beaucoup d’articles sur *Der Spiegel*, entre autres sur l’Allemagne disant que l’État est le plus grand proxénète, que les bordels allemands sont effrayants. La Suède, parce que c’était vraiment le modèle abolitionniste, et l’Italie qui a un parcours de sortie qui est intéressant, assez bien pris et un peu plus important que le nôtre. Ils ont, par exemple, des maisons d’accueil. Des maisons d’accueil pour s’en sortir, pour la prostitution. Donc, on a regardé.

26. On a procédé de cette façon aussi parce que je pense que c’est un problème qui est européen. Alors, bien nous avons pris – l’Europe a pris – une recommandation pour appliquer la même législation dans tous les pays d’Europe. L’Irlande vient d’adopter une position abolitionniste, de mémoire, me semble-t-il; le Canada, le Québec voteront ceci avant la fin de l’année, pour prendre position aussi. Donc, on voit bien que c’est partagé, mais que cela remporte des réflexions et il y en a un certain nombre qui l’accepte.

27. Et, donc, pour en revenir à Médecins du monde, ils nous ont fait beaucoup de tort dans nos arguments parce que les gens disaient: “Oui, mais, vous voyez, même Médecins du monde n’en veut pas. Votre loi, elle met en difficulté.” Et les collègues qui n’ont pas voté n’ont majoritairement pas voté pour cette raison, surtout en ce qui concerne les députés socialistes. Il y en a d’autres qui n’ont pas voté parce qu’ils sont spécialistes – ils ont été médecins, par exemple.

28. Je dois vous dire que, pour le vote, dont on n’était pas du tout assurés, on a fait beaucoup, beaucoup de discussions. Moi, j’ai dû voir une petite centaine de députés, personnellement, pour leur expliquer ce qu’on faisait. Ils avaient beaucoup de mal à comprendre. C’est un sujet compliqué et quand on explique que c’est de la traite, etc. là, ils comprennent mieux. Donc, ça, ils avaient compris. On avait la majorité.

29. On a eu les Verts contre nous. Ils ont une position très libertaire, les Verts. Donc, ça, c’est un sujet: “On peut rien réglementer. Chacun peut faire ce qu’il veut de sa vie et de son corps.” On a essayé de leur expliquer que c’était vrai, mais, que

¹⁵⁰ cf. Avarguez, Sophie, (ed.), (2013), *Du visible à l’invisible: Prostitution et effets-frontières*. Baixas: Balzac.

quand c'était de l'esclavage, cette logique nous échappait. Donc, là-dessus, ça a été une opposition philosophique. Mais, pas tous les Verts. Il y en a certains, comme Jean-Vincent Placé qui nous est favorable.

30. Alors, au Sénat, on fait actuellement un lobbying intensif. On a l'accord de Manuel Valls pour que ce soit mis à l'ordre du jour du Sénat. Mais, on a des freins qu'on a identifiés. On espérait que cela passerait en juillet, mais, cela paraît compromis. Donc, on veut que ce soit mis avant ou à la rentrée – sachant que le Sénat va changer, ce qu'est très embêtant... Oui, ça nous embête. On espère que ça passera en juillet. Et on aimerait bien la faire revenir avant le mois de novembre à l'Assemblée. Mais, c'est du lobbying de tous les instants: on refait un déjeuner la semaine prochaine, entre sénateurs et députés. C'est d'autant plus difficile puisqu'il faut dire qu'on a d'autres sujets (le mariage pour tous, la loi-famille, etc.) qui ont crispé la société, et certains au gouvernement, disent: "Cela suffit, les sujets de société. On arrête." Ce qui est une erreur. On le leur a dit. Moi, je voulais qu'ils réforment la société. C'est un vrai sujet de lutte contre les violences.

31. **Oui, vous dites souvent que "le texte de loi -celui-ci- construit la République française".**

32. Oui, je suis persuadée que cette loi, c'est une lutte contre les violences et contre l'esclavage. La prostitution, c'est un phénomène d'esclavage monumental, quand même! Quand on pense aux quantités, aux milliards que ça représente, etc. C'est quand même énorme. Enfin, qu'on ne veuille pas se mettre tous ensemble pour lutter contre cette traite. C'est effrayant! Ce sont des principes français, mais moi, je le vois européen ce projet. Là, personne n'en parle, vu la façon dont la prostitution s'est développé au moment du Mondial de football en Allemagne, au Brésil – là où ça doit se tenir cette année – ça doit pas être mal aussi, et surtout la prostitution de mineures...

33. **Et quel rôle, justement, pour la France sur la scène internationale ?**

34. Par rapport au rôle de la France sur la scène internationale: notre vote a été très attendu. Les gens sont déjà persuadés que la loi est passée devant l'Assemblée. On a eu des prostituées qui nous ont dit: "Vous nous avez fait perdre des clients! Ils ne viennent plus, ils ont peur !" J'ai dit : "Tant mieux!" Sur la scène internationale, c'est très important que la France vote cette loi-là. C'est un des domaines où elle est audible, encore. Elle a encore un poids un peu plus important que son poids économique. Sur les Droits des femmes, moi, je l'ai vu vu à l'ONU avec la ministre, elle était très attendue. Cette proposition de loi, ça en fait partie.

35. **Donc, il y a un rayonnement pour la France sur l'abolitionnisme international ?**

36. Je ne sais pas, si cela contribue au rayonnement de la France, ce n'est pas trop ce qui me préoccupe, – ce qui me préoccupe, c'est que si la France peut avoir une voix un peu forte sur les Droits de l'homme et Droits des femmes et que quand

elle parle, ce soit entendu, ça aide d'autres pays à aussi prendre les mêmes décisions ou à réfléchir.

37. Alors, je ne sais pas ce qu'ils vont faire, mais, dans l'entente du gouvernement d'union nationale en Allemagne, les sociaux-démocrates avaient mis cette idée en avant dans leur programme de gouvernement. Donc, vraiment, le fait que la France ait pris cette position a poussé dans cette direction. Certes, il y avait Suède, mais les pays du Nord, on les juge toujours exemplaires, ils ont protestants, etc. Nous, on est un pays latin, donc: "l'envie irrépressible des hommes, les besoins, ils faut les satisfaire..."
38. **C'est intéressant. Et par rapport à vos idées, vos conceptions, sur la prostitution, ont-elles évolué au cours de votre travail ?**
39. Oui, ce qui a évolué, pour moi, c'est ma prise de conscience de l'ampleur du phénomène de traite, avec les violences et les dégradations que cela suppose, – y compris dans les maisons closes (je n'avais pas bien étudié la question) –, et qui change y compris les mentalités des populations qui vivent autour. Il y a une étude montre qu'à Perpignan, les jeunes hommes, les jeunes femmes aussi, se demandent toujours si elles sont à la hauteur: si elles doivent pas s'habiller comme des putes, mais en plus elles doivent être à la hauteur à la maison, sinon leurs maris y iront encore plus. Enfin, c'est vraiment impressionnant de voir ça.
40. Et puis, moi, j'en suis arrivée à voir ça comme un combat vraiment pour l'égalité des femmes parce que c'est vraiment elles qui sont les victimes à 90% de réseaux menés par des cols blancs, par des hommes. Il est vrai que pour les Nigérianes, il y a des Mamas, il y a des proxénètes femmes, ça, c'est un autre phénomène de société. Ça, c'est un des réseaux les plus compliqués: il y a des rites vaudous, etc. Donc, c'est très compliqué d'arriver à démanteler ça. Il y a un élu qui a beaucoup travaillé dessus à Nantes, qui disaient qu'ils étaient passés, eux, par des désenvoûtements si les filles voulaient sortir de la prostitution, sinon elles sont sous emprise. Mais, plus généralement, je pense que la lutte contre la prostitution, c'est un véritable combat de lutte contre les violences, au même titre que l'excision, le mariage forcé, le mariage précoce, etc.
41. **Vous avez non seulement beaucoup voyagé à l'étranger, pour faire des recherches afin d'informer votre travail, mais n'avez-vous pas aussi un peu voyagé dans le temps? Par exemple, vous avez collaboré avec Mme Yvette Roudy qui avait travaillé sur ce thème en tant que Ministre des Droits des Femmes dans les années 80.**
42. Elle nous attend beaucoup, elle nous encourage, nous demande comment ça avance, quand est-ce que ça passe, elle nous houspille... Vous savez, on n'a rien inventé. On est le bout d'une filière qui a commencé en 60 quand la France a pris cette position abolitionniste et qu'elle ne mesurait pas ce que ça comportait comme engagement. Et je pense qu'il faut que l'on respecte cet engagement et qu'on soit, en plus, à la pointe, parce que, je vous dis, cette traite des femmes dans le monde me sidère. En France, les femmes viennent de trois directions: elles

viennent d'Afrique, de Chine et d'Europe de l'est. Quand on lit leurs parcours, ça arrache le coeur.

- 43. Donc, ce travail, en fait, s'inscrit dans le temps, dans une logique temporelle, historique, qui continue.**
44. Oui, absolument, parce que quand on relit l'histoire de la prostitution en France France on voit comment ça a évolué. On a regardé, d'ailleurs c'est intéressant, la prostitution au XIXème; les positions socialistes, à la fin du siècle, qui étaient abolitionnistes et puis, après, ils ont un peu perdu de vue; la fin des maisons closes, mais qui n'était pas du tout sur cette logique-là; la position des prostituées: à l'époque, on les a enfermées parce qu'on disait qu'il ne fallait pas qu'elles entachent la morale publique.
- 45. Merci beaucoup, Madame, pour votre temps. Au revoir.**

- FIN -

1. **M'autorisez-vous à enregistrer cet entretien ?**
2. Oui. Bien sûr.
3. **Merci. En premier, pourriez-vous me parler de l'état dans lequel se trouvait la France par rapport à son cadre d'action publique visant la prostitution quand vous avez pris vos fonctions de ministre en 2002?**
4. La prostitution, en 2003, n'était pas un sujet dans le sens où, en France, il était perçu purement sous l'angle de la sécurité publique et, au niveau international, la prise de conscience de l'explosion du trafic d'êtres humains n'était pas encore perceptible, en tout cas, d'une manière générale. Donc, la prostitution avait été traitée sur le plan des pouvoirs de police, je dirais.
5. Il y avait eu la création du "délit de racolage passif" qui m'avait paru, à moi, tout à fait contraire à l'esprit de notre position de considérer les prostituées comme des victimes. Cependant, je dois le dire, j'ai eu l'occasion de constater que, par exemple, des jeunes femmes objets de trafic avaient pu être prises en charge, - mais je dirais de manière presque, je ne vais pas dire informelle -, mais Nicolas Sarkozy avait démontré une capacité à protéger les victimes de manière tout à fait remarquable quand il était ministre de l'intérieur, à cette occasion.
6. Mais, sur le plan du régime juridique et des dispositions législatives qui ont été prises, nous étions plus sur l'aspect répressif et la volonté de 'casser', je dirais, le marché de la prostitution par une éviction des prostituées de la voie publique et, donc, c'était une manière de satisfaire aussi les riverains et certains maires de commune qui trouvaient scandaleux de voir, effectivement, ce marché se développer, dans leur commune.
7. Mais, je dirais qu'on n'avait pas été au bout de la logique en matière de prise en compte de la dignité de la personne humaine et puis, surtout, de la violence que subissaient naturellement les filles.
8. **À l'époque vous aviez travaillé en parallèle au Ministère de l'Intérieur pour essayer de mettre en place un système de soutien, d'apport de provisions sociales, de support pour les personnes.**
9. Oui, absolument. On avait ébauché, effectivement, un certain nombre de mesures. À cette époque, j'ai rencontré beaucoup, beaucoup de prostituées ce qui, d'ailleurs, me fait dire aujourd'hui que j'ai quand même une grande expérience de l'analyse que l'on peut faire de la situation des prostituées,

en France, en tout cas (la situation peut être différente ailleurs dans le monde).

10. En France, les prostituées étaient déjà à cette époque, toutes, en majorité, dans des réseaux plus ou moins importants. Cela pouvait se réduire parfois à une personne et quelquefois à des réseaux. J'avais essayé par tous les moyens, y compris avec Rachida Dati qui était assez sensible à ce sujet, de faire prendre conscience qu'il fallait aussi un (versant) social de la prostitution et aussi une vision juridique un peu différente de celle du Ministère de l'Intérieur. Parce que le fait de créer un délit de racolage, c'était quand même la double peine pour les prostituées qui étaient déjà victimes d'une violence presque systémique et, en même temps, qui se voyaient poursuivies parce qu'elles étaient sur le trottoir.
11. Donc, c'était, je trouve, très, très difficile. Je me réjouis d'ailleurs que ce délit ait été aboli dans la dernière loi.¹⁵¹
12. **Qu'elles auraient été, selon vous, vos plus belles réussites en matière d'action contre la prostitution pendant ce mandat-là ?**
13. Peut-être d'avoir quand même compensé, je dirais, la répression juridique du délit de racolage par le volet social.
14. Mais, je n'étais pas satisfaite, objectivement. Je n'ai pas été satisfaite de la prise en compte de la prostitution parce que ce qui me paraît important, c'est qu'aujourd'hui, -d'ailleurs, aujourd'hui, le problème n'est pas davantage résolu -, nous ne prenons pas le problème le plus en amont possible, c'est-à-dire l'origine du trafic, la misère sociale, les stéréotypes, tout ce qui amène, au fond, les femmes à se retrouver dans la prostitution, je ne dis pas à choisir parce que, pour moi, ce n'est pas un choix, donc, et qu'on a peut-être limité. J'ai pu effectivement apporter toute ma contribution au fait de donner un volet social à ce dispositif.
15. En réprimant simplement le racolage et en supprimant une partie des éléments du marché, on espérait peut-être réduire la demande comme l'offre. Objectivement, on n'a rien réduit du tout et ce que j'observe, c'est que l'application de ce dispositif n'a pas fonctionné et je ne suis pas du tout de ceux qui peuvent se contenter de l'hypocrisie de voir des femmes devoir s'éloigner des centres-villes pour exercer cette activité, dans des conditions plus préservées de l'intervention des forces de l'ordre.
16. Donc, franchement, je ne suis pas satisfaite de cette loi du tout. Ce que je peux simplement dire, c'est qu'à l'époque, avec Emmanuelli qui était au Samu social¹⁵², nous partagions la même philosophie qui était vraiment de

¹⁵¹ Référence au vote du Sénat sur la proposition de loi visant à l'abrogation du délit de racolage passif de Mme Esther Benbassa le 29 mars 2014.

¹⁵² Xavier Emmanuelli, fondateur du Samu social, une association non gouvernementale d'aide aux plus démunis.

dire: “Ces femmes doivent être *absolument* sauvées”, c’est-à-dire qu’on doit, enfin, leur offrir le choix.

17. D’ailleurs, de ce que j’ai vu, dans toutes mes visites aux prostituées, c’est qu’il n’y en a pas une, je n’en ai pas rencontré une, alors que j’y allais très régulièrement dans le cadre des visites du Samu social, je peux dire que je n’en ai pratiquement jamais rencontré qui m’aient dit: “Je souhaite rester et continuer à faire ce que je fais.” J’ai même donné à certaines d’entre elles des seringues propres pour qu’elles se droguent et, peut-être est-ce le geste qui m’a été le plus coûteux dans ma vie, en tout cas, un de ceux que j’ai trouvé les plus difficiles parce que, en même temps, c’était les préserver du sida qui, à l’époque, était, encore extrêmement présent dans ce type de transmission à risque et, d’autre part, j’ai mesuré le désespoir qui les animait.
18. Alors, encore une fois, moi, je les ai soutenues. J’en ai reçu beaucoup, j’ai reçu celles qui, au nom des réseaux, viennent parfois s’exprimer comme porte-parole. Mais, je suis restée convaincue toute ma vie que nous devons définir une position qui soit une définition qui soit à la fois protectrice, mais aussi émancipatrice. Et, depuis, au niveau international, c’est un sujet sur lequel nous allons à nouveau nous pencher aux Nations Unies. Je regrette qu’en 2003, nous n’ayons pas été plus audacieux sur ce terrain d’autant plus qu’aujourd’hui, le système a explosé à travers les trafics d’êtres humains qui, malheureusement, inondent la planète.
19. **Si vous n’étiez pas satisfaite, quels ont été les obstacles auxquels vous avez été confrontée ?**
20. La question de la prostitution est une question qui n’a jamais été vraiment très bien appréhendée en France parce qu’il y a d’abord une formidable hypocrisie puisque ces femmes paient des impôts, qu’elles ont une forme de tolérance, que la prostitution n’est pas interdite en France, elle est libre, sauf que, naturellement, par le biais du proxénétisme, c’est la prostitution exploitée ou plus exactement l’exploitation de la prostitution qui est répréhendue.
21. Mais, aujourd’hui, qu’est-ce que la prostitution libre? C’est un vrai sujet. C’est un sujet qui est très important parce qu’un certain nombre de voix s’élèvent, - et on en entend aujourd’hui -, sur l’idée de la banalisation de la prostitution dite “libre”. J’ai même eu des réflexions incroyables disant: “Mais, après tout, si on veut s’offrir un voyage ou un sac, etc. Est-ce que, vraiment, c’est si grave ?” C’est personnellement au nom des valeurs que je pense, mais au-delà de cela, c’est une vision des femmes que je refuse absolument.
22. Je pense qu’il faut impérativement poser la prostitution, le sujet de la prostitution, d’abord, dans son entièreté, dans sa globalité, c’est-à-dire le fait que ce soit à 90% la résultante aujourd’hui, soit de trafics internationaux extraordinairement organisés, dont Manuel Valls disait

récemment lors de l'examen de la proposition de loi sur le sujet: "Nous devons faire face à des réseaux quasi industriels, extrêmement riches, extrêmement intelligents, extrêmement compétents en termes juridiques."¹⁵³

23. Donc, nous sommes un peu comme vis-à-vis de terroristes dans d'autres domaines, face à des gens assez redoutables, en tout cas redoutablement organisés et, face à cela, la réponse est faible. Elle est faible au plan national, elle est faible au plan européen et international. Donc, il faudrait peut-être faire du trafic d'êtres humains, vraiment, un crime contre l'humanité et en faire quelque chose qui ait du sens, avec confiscation des biens, etc.
24. Deuxièmement, au plan interne, la prostitution est toujours considérée un peu comme le sujet, d'abord qui n'est pas urgent, - il y a toujours des sujets beaucoup plus prioritaires -, deuxièmement, vous connaissez à chaque fois la réflexion: "C'est vieux comme le monde". Alors, j'explique souvent que les violences, sous toutes leurs formes, y compris, domestiques, sont également vieilles comme le monde et que ce n'est pas une raison pour les légitimer.
25. Mais, on ne prend jamais ce sujet d'une manière globale, transversale, et donc, dans tous ses aspects, sociaux, juridiques, éthiques aussi.
26. J'ai été très fière de voir que c'était un député UMP, Guy Geoffroy, qui a été l'un des plus grands orateurs sur ce sujet, à la tribune, en disant qu'il n'était pas légitime qu'on achète effectivement un service et qu'on allait vers la marchandisation du corps humain, quoi qu'il en soit.¹⁵⁴
27. Alors, les détracteurs nous expliquent qu'en fait, on n'achète pas le corps, on en a la jouissance. Mais, moi, ce que je vois, c'est ce stéréotype majeur qui consiste à utiliser le corps d'une femme et à s'offrir un service en échange, quand même, d'un corps humain, ce n'est quand même pas totalement acceptable, je crois, dans des sociétés évoluées.
28. Donc, je pense surtout que, quels que soient les choix que peuvent faire, très librement, 1 ou 2 ou 5 % de la population française, nous avons à légiférer pour les 95% de femmes qui se retrouvent de force, dans ces réseaux. Donc, il faudrait que nous ayons, d'abord, une volonté nationale et européenne de s'attaquer réellement au sujet, deuxièmement, de faire en sorte que l'exploitation de la prostitution soit vraiment pénalisée, mais dans le sens large du terme, et que, troisièmement, nous prenions une forme de défense de la liberté des femmes en essayant de faire en sorte que la misère sociale, que les difficultés économiques ne les entraînent jamais à cette extrémité, franchement.

¹⁵³ cf: audition de Manuel Valls, Ministre de l'Intérieur, par la Commission spéciale sur la prostitution, le 14 novembre 2013.

¹⁵⁴ Rapporteur de la mission parlementaire d'information sur la prostitution de 2011.

29. **Et justement, en France, le problème de la prostitution touche aux compétences de multiples ministères. Comment s’y prend-on dans ce contexte-là et pourquoi, à l’époque, c’est le Ministère de l’intérieur, avec sa loi pour la sécurité intérieure qui a introduit le plus de changements, dans ce domaine?**
30. Alors, vous avez raison et vous avez l’explication par votre question: c’est le Ministère de l’Intérieur qui a pris le lead sur ce texte, mais je dirais qu’il n’avait pas cet objet primordial. Du coup on a raccroché une série de dispositions à un texte beaucoup plus large. Donc, nous sommes arrivés, nous, pour essayer de rééquilibrer ce texte.
31. Il faudrait une démarche transversale du gouvernement. Ce n’est jamais facile parce qu’encore une fois, la prostitution n’est toujours pas un sujet politique majeur, pour tous les gouvernements, et on voit bien, même aujourd’hui, le débat sur la pénalisation du client qui était la mesure phare du texte du parlement, en accord avec le gouvernement, a été supprimé par le Sénat.¹⁵⁵
32. Donc, on voit vraiment bien qu’il y a une sorte de tolérance sociale et politique de ce phénomène quel qu’en soit le coût pour les êtres humains concernés. Et quand je pense à l’esclavage au XVIIIème siècle dont on se dit aujourd’hui qu’il faut absolument encourager la repentance etc., je me dis que, sous nos yeux, nous avons des situations abjectes, absolument contraires au respect des droits fondamentaux et que nous acceptons allègrement. C’est vrai que ça heurte vraiment toutes les sensibilités de ceux qui défendent les Droits de l’Homme. Mais je pense qu’il va falloir être très attentifs parce qu’avec ça, cette espèce d’inertie, l’on a un risque de banalisation. Je pense que le risque est devant nous, avec une société qui va considérer qu’au fond c’est un état de fait et que l’on n’y peut rien.
33. On voit même d’ailleurs, actuellement, cette réflexion des travailleurs du sexe, etc. et c’est pour ça qu’il y a une urgence au niveau du droit international, - ça, je pense que ça peut être une des réponses, un moyen d’aider à préciser les choses. En tout cas, moi, j’ai entrepris de le faire en tant que présidente du CEDAW¹⁵⁶. Nous attendons le rapport d’une de nos expertes qui est en train de travailler sur ce que pourrait être la position du comité CEDAW. Pour l’instant, cette position est assez classique, puisque nous condamnons l’exploitation de la prostitution et l’exploitation, elle n’est pas seulement le fait de réseaux et de trafiquants, elle peut aussi être celui d’un système qui conduit une femme à aller vers la prostitution pensant que ça peut être le dernier recours - évidemment elle ne le fait jamais spontanément. Et je ne voudrais pas non plus que ça devienne le premier recours, parce que des jeunes filles étudiantes sont aujourd’hui

¹⁵⁵ Le 30 mars 2015, le Sénat vota pour modifier la proposition de loi visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées en l’éliminant de l’article 13 visant à pénaliser les clients de la prostitution.

¹⁵⁶ Nicole Ameline a été élue présidente du United Nations Committee on the Elimination of All Forms of Discrimination against Women en 2013.

confrontées à des difficultés, des difficultés de logement, de paiement d'études qui aussi les conduisent à cela. Donc, la banalisation de la prostitution, je dirais dans une certaine évolution des sociétés, et l'inertie juridique et politique peuvent conduire effectivement à une totale acceptation sociale de cette évolution, de cette situation.

34. Je pense que, là, on assisterait probablement à une aggravation de la situation parce que, jusqu'à présent, il y avait une certaine compassion, il y avait une certaine indignation, il y avait une certaine réaction, mais, nous n'étions jamais allés vers une forme d'indifférence ou, à la limite, d'accompagnement. Et le risque y serait, s'il n'y avait pas cette responsabilisation de la société, et des hommes en particulier. C'est pour cela que je soutiens totalement la pénalisation du client. J'ai parfaitement conscience, comme quand nous avons interdit la burqa, que toutes les femmes qui portent des burqas en France ne vont pas être visées par ça, parce que c'est très compliqué d'appliquer ce type de mesures systématiquement etc. Mais, la pénalisation du client, c'est un signal visant la responsabilité d'une société vis-à-vis d'un phénomène - un phénomène qui prend des formes, en plus, de violence exacerbée. Mais, je me dis que l'alerte et la vigilance que nous portons, n'a de sens que si la société réagit à ce phénomène.
35. Or, là, il y a deux écoles, clairement, qui se dessinent: soit une école qui considère que ça peut être un phénomène inhérent aux sociétés qu'elles soient développées ou pas; et l'autre, et j'en suis le témoin puisque je les reçois à Genève, qui considère que la prostitution peut être un service en elle-même. Alors là, dans ce cas-là, nous avons deux sujets: soit, il y a un déni de réalité par rapport à une réalité qui est triste, soit on réagit. Certains pays refusent d'accepter l'idée même que des femmes se prostituent, je ne sais pas, la réalité parfois les met en contradiction, mais c'est une posture qui est quand même assez intéressante. Puis il y a les pays qui, naturellement, comme les nôtres, sont dans une sorte d'ambiguïté un peu contestable, et dans lesquels je trouve qu'il n'y a vraiment pas de clarté. Il y a des pays du nord de l'Europe qui, eux, affichent une démarche qui semble porter ses fruits puisque la pénalisation du client a aidé à responsabiliser. Pour moi, c'est ça qui m'importe: quand on veut élever, d'une manière éthique, les sociétés, il faut respecter la liberté de chacun, mais responsabiliser, et je pense que ça peut être un progrès. Donc, aujourd'hui, le sujet me paraît tout à fait d'actualité, mais globalement assez mal traité, je dois dire.
- 36. Vous sembliez beaucoup plus sceptique à l'égard d'une possible pénalisation en 2003-2004. Qu'est-ce qui a fait avancer votre position?**
37. J'avais déjà posé le problème en 2003-2004. Alors, vous savez: les questions de société évoluent très lentement dans notre pays. Il faut, parfois, d'ailleurs, être dans la rupture intentionnelle. C'est ce qui avait fait le succès du Pacs et même le Mariage pour tous. Il y a quelquefois des décisions qu'il faut prendre d'une manière un peu déterminée pour être dans l'affirmation - ça a été le cas pour la parité, je dois dire. En 2003,

nous étions plutôt dans un climat de répression de certains comportements, avec une vision répressive de la liberté. Moi, je suis plus sur une vision de la responsabilité. Je porte plus, je dirais, l'esprit libéral: Tocqueville ou l'humanisme, en général.

38. Mais, j'ai bien vu que le combat serait difficile. Donc, c'est vrai qu'en ayant obtenu un volet social pour compléter les mesures contenues dans la loi pour la sécurité intérieure, ça avait permis de bien montrer quand même que l'important, c'était d'aider les femmes à sortir d'une situation qu'elles n'avaient pas, pour la plupart d'entre elles, voulue. Mais là, pour la pénalisation du client, on ne peut pas dire que l'on soit extraordinairement soutenus. On a même des philosophes extraordinaires, y compris comme Sylviane Agacinski et Elisabeth Badinter, qui nous expliquent que nous sommes liberticides.
39. C'est fou, quand même, parce que je pense que la liberté n'a pas de sens lorsque c'est une liberté vraiment contrainte, lorsque vous êtes acculé(e) à une telle situation qu'il n'y a pas d'autre issue. De plus, j'ai vu de près la situation de ces femmes qui, à 30/35 ans, sont considérées comme plus du tout en état de séduire, d'être au niveau de ce que l'on peut attendre d'elles, etc. Alors, je me suis beaucoup battue contre cette vision, pour au moins maintenir le système en France qui est un système abolitionniste.
40. Il est vrai que l'Allemagne va nous aider, peut-être, puisque elle opère sur le système de réglementation est en train de revenir un peu sur ce système, puisque l'évolution du "low cost" dans les Erocenters créent vraiment une situation inacceptable et de masse. Donc, je crois que l'Allemagne est en train de réfléchir. Et, l'avantage de cette pénalisation du client, c'est que ça ouvre une voie nouvelle. Je pense que, sur ce sujet, dans ce domaine comme en d'autres, ou on aura la volonté d'élever le niveau de confiance des sociétés sur la réalité des Droits de l'homme et, en particulier, des Droits des femmes, ou on continuera à banaliser et à tolérer l'intolérable.
41. Alors, évidemment, moi, je reste dans mon camp -, alors, il y a des périodes où on arrive à faire bouger beaucoup de choses. Par exemple, en 2003/2004, j'ai fait quand même, beaucoup de choses puisque, parallèlement à mon travail sur la prostitution, j'ai fait entrer le sexisme dans la loi, j'ai fait progresser l'égalité professionnelle, j'ai obtenu un accord de tous les syndicats sur la relance de l'entrée des femmes dans les entreprises à tous les niveaux, j'ai eu, fort heureusement, de grandes satisfactions pendant mon mandat. J'ai fait en sorte, vraiment, qu'on redonne aux femmes confiance en elles-mêmes. Mais, il est tout à fait certain que la société vit encore, et encore aujourd'hui malheureusement en 2014, sur des stéréotypes qui sont très, très préjudiciables.
42. **Vous êtes également élue locale. Est-ce compliqué, en France, de réconcilier les objectifs abolitionnistes nationaux et les demandes assez ponctuelles et concrètes des citoyens en matière de tranquillité publique? Comment réconcilie-t-on ces objectifs quand on est**

ministre et élue locale, quand on a une expérience du local et du national ?

43. Je pense que le rôle des politiques est, en tout cas, d'être à la hauteur des enjeux, de ne pas être sur le contingent. Cela veut dire aussi de se situer résolument dans le long terme et sur des objectifs fondamentaux. La prostitution doit faire l'objet d'une évaluation: est-ce que nous sommes d'accord pour laisser un phénomène se développer, y compris lorsque c'est au détriment de leur premier 'vecteur': les femmes? Ou est-ce que nous considérons qu'il faut poursuivre nos efforts pour totalement décourager (et le mot est faible!) les réseaux et aussi aider les femmes à ne pas entrer ou à sortir de cette situation? Ou, alors, effectivement, on pourrait aller jusqu'à l'interdiction de la prostitution. C'est d'ailleurs un débat qui nous a animés à la CNCDH¹⁵⁷. L'avis de la CNCDH sur ce sujet est intéressant, parce qu'un certain nombre de personnes considèrent qu'à partir du moment où nous n'interdisons pas la prostitution en France, nous devons être totalement respectueux de la prostitution libre, - c'est une expression que j'ai quand même un peu de mal à prononcer -, et être effectivement déterminés sur le combat de la prostitution 'contrainte'.
44. Mais, aujourd'hui, la prostitution représente à 90% une prostitution de trafic. Donc, on ne peut pas dire qu'une femme qui soit au sein d'un trafic soit libre et, donc, je pense que la prostitution est devenue un phénomène qui est déjà maintenant international, qui n'est même plus national puisque, en France, avec les Nigériennes, les femmes des pays de l'Est, les femmes asiatiques, etc., nous sommes sur un terrain de migrations permanentes. Je pense donc qu'il y aurait une certaine urgence à s'attaquer à un phénomène qui a changé d'ampleur, qui a changé de nature et qui n'a rien à voir avec l'approche un peu théorique que nous avions.
45. Mais, un certain nombre de nos collègues nous disent: "Vous êtes abolitionnistes, vous êtes donc pour accompagner une sorte d'action qui permette aux femmes de sortir de la prostitution, mais, vous n'êtes pas dans l'interdiction, donc, vous n'avez pas non plus à condamner, en bloc, toutes les femmes (enfin, ce n'est d'ailleurs pas moi qui les aie condamnées), mais de les aider au nom de la liberté puisque, par définition, il existe une prostitution 'libre'."
46. Je crois que c'est assez dangereux de penser cela, parce que je pense que c'est raisonner de manière totalement dépassée et décalée par rapport à une réalité d'aujourd'hui qui, constitue encore une fois, par son ampleur et ses enjeux, un phénomène international qui relève d'une forme de grand banditisme et de traite d'êtres humains. Surtout que c'est souvent lié à la drogue ou à d'autres activités illégales. Là, nous sommes sur la marchandisation d'êtres humains, à l'échelle de l'humanité.

¹⁵⁷ Commission Nationale Consultative des Droits de l'Homme, dont Nicole Ameline est membre.

47. **Si quelqu'un venait justement à votre permanence parlementaire pour se plaindre du racolage dans leur ville, que leur diriez-vous?**
48. Moi, je pense que, d'abord, si un maire venait me demander d'intervenir pour qu'il n'y ait pas de prostituées, etc., je lui ferais comprendre que, d'abord, il s'agit d'êtres humains, que le fait qu'on puisse dire, par exemple: "il y a une gêne sur la sécurité publique, sur l'ordre public" est secondaire au regard de la situation de la personne qui, elle, est face à une violation fondamentale de son intégrité dans la majeure partie des cas, encore une fois, et qui, souvent, vit dans des conditions tout à fait déplorables. Donc, je ferais d'abord des réserves parce que je pense qu'on devrait se soucier de la situation de ces femmes qui est vraiment, encore une fois, totalement au-dessous du niveau d'autonomie, de liberté, de responsabilité auquel tout être humain a droit. Deuxièmement, je pense qu'effectivement, le problème est d'abord et avant tout un problème sociologique : comment est-ce que la société perçoit ce phénomène? et, également, un système juridique.
49. Il est clair que tant que la France sera dans une espèce de tolérance sociale et autre, on ne peut pas incriminer un élu quel qu'il soit de se servir justement de ses pouvoirs de police. Il faut donc qu'on change le paradigme et qu'on ait un regard qui soit autant un regard "Droits de l'homme" qu'un regard "sécurité publique".
50. Au fond, au niveau international, les deux se regroupent parce que je pense que l'ordre public international est menacé par ce genre de trafic qui vaut, encore une fois, les trafics d'armes. On se dit menacés aujourd'hui par les trafics d'armes, on réglemente, on vient de faire une grande conférence internationale sur "les trafics d'armes" et bien, on pourrait faire une grande conférence internationale sur "les trafics d'êtres humains". Je le niveau de compréhension et de confiance de développera, plus il sera national et international et européen, plus il permettra d'irriguer effectivement l'ensemble des consciences y compris les plus locales.
51. **Justement, vous avez l'occasion de beaucoup parler de la position de la France par rapport à la scène internationale. Comment les autres regardent-ils la France? Quel est le rôle de la France dans ce domaine?**
52. La France a un rôle majeur en terme d'autorité dans le monde à travers les Droits de l'homme. C'est l'un des aspects très importants de son influence. Je fais toujours la différence entre l'universalité des droits que nous portons et l'image que nous donnons, c'est-à-dire que je suis toujours très humble sur les résultats ou les actions de la France, non pas que je n'en sois pas fière, mais parce que, d'abord, objectivement, nous ne sommes pas parfaits. Aujourd'hui, encore une fois, nous sommes très ambitieux sur le niveau des droits que nous portons, mais dans la réalité, les derniers acquis sur, par exemple, la parité politique ne sont pas probants puisque nous sommes au parlement national au niveau quarantième ou quarante-

cinquième mondial. On voit bien quand même que, la crise économique aidant, il y a eu un certain nombre de crispations, je dirais, et notamment sur la question du droit des femmes. Donc, je suis toujours extrêmement respectueuse de l'expérience d'autres pays par rapport à la France.

53. Pour la prostitution, la pénalisation du client avait fait un effet plutôt positif parce que tout ce qui va dans le sens de la responsabilisation est quelque chose de tout à fait essentiel. Après, qu'une femme décide de choisir telle ou telle chose, qu'on soit d'accord ou pas d'accord, ce n'est pas un souci, c'est son choix, ce qui est grave, c'est quelquefois que des femmes portent les stéréotypes en elles-mêmes si loin qu'elles en sont à intérioriser leur propre aliénation et parfois même à la revendiquer. Ça, c'est extrêmement grave.
54. Donc, je pense que tout ce qui va vers le haut, vers la responsabilité est bien. Mais, en la matière, c'est vrai que les pays du nord ont un temps d'avance d'une manière plus générale, dans le domaine social, dans le domaine de l'égalité. Même si tout n'est pas parfait, non plus, puisque les violences domestiques sont importantes dans les pays scandinaves. Néanmoins, ils s'efforcent à développer cette idée d'aller vers l'innovation sociale au service de l'égalité, au service des droits fondamentaux. J'aime beaucoup la façon dont les pays scandinaves avancent parce qu'il ont une grande capacité à tester des idées. Je l'ai dit aussi à l'Assemblée nationale: "On peut très bien, sur la pénalisation du client, tester et puis, dans trois ans, nous verrons. Mais, au moins, avançons, créons, essayons d'éclairer les consciences, pour ne pas tomber, encore une fois, dans la banalisation."
55. **Est-ce que le fait que la loi suédoise ait quinze ans derrière elle a aidé à développer le soutien des politiques et du public pour l'idée de pénaliser les clients?**
56. Sans aucun doute. De toute façon, les Suédois et les Scandinaves, en général, m'ont toujours impressionnée par leur capacité à dépasser les limites ordinaires, par exemple, en s'agissant de violences domestiques, ils ont très vite considéré qu'il fallait éduquer les hommes. J'aime bien cette façon, à la fois de ne pas considérer les femmes uniquement comme victimes, mais comme actrices de leur propre destin, et de surtout les déculpabiliser. Le statut de victime va aussi parfois avec la culpabilité supposée et de la même façon, là, le fait d'avoir ouvert une voie les a conduits à créer des comportements différents. C'est une éducation citoyenne, et j'aime beaucoup cette idée d'éducation citoyenne, je trouve que cette façon de dire: "Est-ce que mon comportement est juste? est-ce que j'ai raison?" permet souvent d'évoluer de façon positive.
57. Je me souviens de Guy Geoffroy qui répondait à quelqu'un qui disait: "Mais, enfin, il y a des hommes qui ont des pulsions. Vous ne pouvez pas remettre ça en cause, il est assez normal qu'il faille trouver des solutions pour ..." à la tribune. Il avait dit: "Mais, les femmes ne sont pas un médicament." Je pense que cette idée de faire prendre conscience, ça, c'est

une démarche scandinave qui fonctionne, un préalable nécessaire à la liberté et à la responsabilité de chacun, le bien qu'on peut faire ou le mal qu'on peut faire.

58. Mais, après, en France, je trouve qu'on en est assez faiblement là. C'est pas si évident parce que les stéréotypes sont le vrai poison de la société française, comme de beaucoup d'autres sociétés, ce sont les stéréotypes qui affectent les femmes comme les hommes et qui imposent des réactions, des attitudes, des comportements. Je le vois à l'Assemblée nationale aussi - ces stéréotypes existent d'une manière forte. Qu'un homme dise: "Le corps des femmes n'est pas un médicament" est assez audacieux. Ce qui peut paraître parfois être une évidence ne l'est pas encore et je le vois bien, sur les sujets de société, la France est assez conservatrice.
59. **Est-ce que c'est pour ça justement qu'à l'UMP, il n'y a eu que onze votes pour la proposition de loi en première lecture ?**
60. Merci de me poser la question parce que je suis intervenue beaucoup en groupe pour qu'ils s'abstiennent ou qu'ils ne participent pas au vote. Je vais vous dire que ce n'est pas glorieux, mais c'est positif. C'est-à-dire qu'il n'y avait *que* onze qui finalement ont décidé qu'ils étaient contre (c'est toujours les mêmes d'ailleurs). Ceux-là sont venus dans l'hémicycle le dire, mais tous les autres se sont abstenus, plutôt que de voter non. S'abstenir, ça peut être une abstention positive ou négative, mais, là, en l'occurrence, ça voulait dire "OK". Bon, vous allez me dire : "Ce n'est pas d'un courage extrême." C'est vrai, mais, j'ai apprécié parce que tous ceux qui se sont abstenus se sont dit: "Effectivement, il faut bouger sur ces lignes et c'est pas en votant contre qu'on fera bouger les choses. Donc, abstenons-nous ou n'y allons pas. Mais, en tout cas, on laisse passer le texte." Ça a été plutôt positif. Il y a eut beaucoup de travail à faire à l'intérieur des différents partis pour permettre à tout le monde de bien comprendre le texte et nos intentions. C'est ce qu'il y a de plus difficile sur les sujets de société.
61. Il faut savoir quand même que nous avons un atavisme absolument terrible avec le code Napoléon. Quand vous avez pendant des années des femmes qui sont soumises à un devoir d'obéissance, ça justifie tout: les violences domestiques comme la prostitution, ça justifie même des parcours moins glorieux, moins brillants dans les entreprises. Donc, nous avons à *éradiquer*, et le mot n'est pas trop fort, *éradiquer* cette culture de l'infériorisation des femmes et je mesure la charge que nous avons, nous, en tant que femmes politiques, dans ce domaine.
62. Moi, je vois les choses évoluer parce que je les ai fait évoluer. J'ai eu cette chance, quand j'étais ministre, de pouvoir porter ces idées. Par exemple, quand j'ai fait rentrer le sexisme dans la loi, je suis très fière de ça parce que je pense que ça fait partie de l'éducation citoyenne, si je puis dire. J'ai tellement entendu, dans le monde politique, des réflexions qui étaient

même parfois complètement, presque tristement naturelles, que je me dis qu'il faut continuer à travailler, surtout que le progrès n'est pas inéluctable. Nous pouvons très bien avoir des retours, une fois, la génération actuelle n'a peut-être pas une conscience aussi aigüe du rapport de forces et du rapport hiérarchique fondamental qui organisent la société. Donc, je pense que le combat reste ouvert sur tous les rangs. Ca dépasse de très, très loin les clivages partisans, c'est une question d'évolution et d'adaptation de l'esprit à une réalité, et la prostitution est un sujet intéressant parce qu'on est là dans, on est presque en plein dans la caricature de la vision en général malheureusement encore trop partagée des femmes dans la vie.

63. Je vous remercie beaucoup.

- FIN -

1. M'autorisez-vous à enregistrer l'entretien?
2. Oui.
3. **Cela fait plus de dix ans que vous travaillez sur la thématique de la lutte contre la prostitution. Comment en êtes-vous arrivée à travailler sur ce sujet là?**
4. J'ai commencé à travailler sur ce sujet là parce que j'ai travaillé sur le sujet des violences, au travers d'un texte de lois sur les violences.¹⁵⁸ C'est à dire qu'il y a eu une commission mise en place à l'Assemblée Nationale dont j'ai pris la présidence, qui portait donc sur la lutte contre les violences et la situation en France. En travaillant sur les violences, avec mon collègue Guy Geoffroy, député UMP, nous nous sommes rendus compte, au travers des différentes interventions et en creusant un peu le sujet, que la prostitution était un sujet au coeur des violences, mais qui ne pouvait pas être traité comme toutes les autres formes de violences – que c'était un sujet *a part*, et un sujet *à part entière*. Donc, quand nous avons terminé notre travail sur les violences, j'ai proposé à Guy Geoffroy un nouveau partenariat pour travailler sur la prostitution spécifiquement.
5. **Même avant ceci, vous preniez position sur ce sujet – par exemple, en 2002, vous écriviez un éditorial du Monde avec Christophe Caresche: "Oui, abolitionnistes!"...**
6. Absolument. C'est un sujet auquel je tiens beaucoup depuis très longtemps mais je n'avais pas imaginé que ça puisse faire l'objet d'un travail législatif particulier, ou d'un travail d'une commission à l'Assemblée nationale. C'est la création de la 'commission violence' qui nous a permis d'enchaîner ensuite sur une commission sur la prostitution. Cette commission était le moyen de lier les deux.
7. **En quoi le travail de cette mission d'information là est il différent, pour vous, du travail d'autres groupes de travail parlementaires auparavant, et qui n'ont pas eut le même l'impacte que le votre (eg. le rapport de Dinah Derycke en 2000)?**
8. Il y a eut en 2000 un travail sur l'esclavage moderne mais qui ne traitait pas beaucoup de la prostitution – la prostitution y était très accessoire. Le rapport du sénat sur la prostitution en 2000 était un travail de la Délégation parlementaire au droits des femmes du sénat, ce n'était pas le sénat en tant

¹⁵⁸ loi n° 2010-769 du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants

que tel. Il n'y a donc pas eut auparavant, à ma connaissance, de travail parlementaire sur la prostitution semblable au notre. En disant ceci, je ne *minimise pas du tout* ces travaux, mais ils n'avaient pas exactement le même status - la notre était une *Commission de l'Assemblée nationale*.

9. **Que signifiait, pour vous, la proposition de résolution réaffirmant la position abolitionniste de la France en matière de prostitution que vous avez fait voté en décembre 2011? À quoi ce vote servait-il?**
10. Ce vote, comme son intitulé le disait, à réaffirmer la position abolitionniste de la France, qui n'était pas évidente depuis quelques années. Cette position n'était plus évidente parce que la position de Nicolas Sarkozy, alors qu'il était Ministre de l'Intérieur, lorsqu'il avait fait passer la loi pour la sécurité intérieure, présentait *ipso facto* les prostituées comme des *délinquantes* – ce qui est tout à fait contraire, dans son esprit, à la position abolitionniste que la France avait prise en signant la Convention des Nations Unies.¹⁵⁹ Autrement dit, la France paraissait avoir une image 'flottante' par rapport à sa position sur la prostitution. Ce vote permettait donc de réaffirmer que la France est abolitionnistes, c'est à dire qu'elle considère la prostitution comme *un fléau* qui a des personnes victimes – ce qui avait été complètement oublié dans la loi pour la sécurité intérieure.
11. C'était donc intéressant parce la présidente de la Délégation des droits des femmes de l'Assemblée nationale de l'époque (qui était UMP), Guy Geoffroy (UMP), moi même (qui était députée socialiste), et d'autres du Parti de Gauche, etc... présentions ce texte en commun. C'est à dire que nous réaffirmions des des deux côtés, et du côté des deux grand partis de l'époque, que nous étions d'accord sur la même ligne. Donc, en quelque sorte ça a – sans le faire directement – remis en cause la manière dont Nicolas Sarkozy avait abordé cette question. Nous revenions aux fondamentaux, si vous voulez. Et, avec cette proposition, c'est la première fois que l'on parlait du client en France – c'est la première fois que le mot 'client' apparaissait dans un texte législatif.
12. **Justement, la mission d'information avait-elle a priori une préférence pour pousser la réflexion sur le rôle du client et sur comment procéder à sa responsabilisation?**
13. Moi, j'avais déjà un poin de vue avant de commencer le travail – mais je n'étais que présidente, je ne pouvais pas imposer mon point de vue. La réflexion sur le client et sa responsabilisation est venue *pendant* la mission; c'est à dire qu'au fur et a mesure que la mission avançait dans ses travaux, c'est imposé l'idée que le client c'est l'alpha et l'omega de la prostitution. Et, si effectivement c'est lui l'axe central de la prostitution, et

¹⁵⁹ 1949 New York Convention

bien ça veut dire qu'il faut le regarder comme celui sur lequel il faut agir, ou *avec* lequel il faut agir.

14. **L'idée de la responsabilité du client émerge quand même assez tôt en France – je pense, par exemple, aux allusions que faisait Ségolène Royale à l'option de la pénalisation du client dès 2002, comme alternative aux mesures contenues dans la loi pour la sécurité intérieure – mais on a l'impression que peut-être on peine un peu plus en France à faire passer des mesures allant dans ce sens que dans d'autre pays (comme, par exemple, le Canada). Pourquoi, à votre avis, la route vers la pénalisation du client est aussi longue en France?**
15. Je crois que nous avons, la France a, une histoire. Nous avons, effectivement, à la fin du 19^e siècle et jusque dans les années 1930, une histoire des 'petites femmes de Paris' – c'est à dire de ce qu l'on appelait les 'filles de joie' – qui apparaissait comme des personnes qui étaient heureuses de se prostituer, et que l'on ne considérait même pas comme des personnes prostituées car, soit disant, elles menaient une joyeuse vie, qu'elles avaient beaucoup d'argent, qu'elles accompagnaient des hommes riches, etc... C'est à dire que l'on a eut cette vision de la joie, du bonheur, de l'argent, des plaisirs faciles. On mettait ces prostituées un petit peu au dessus du panier – c'est à dire que l'on n'a jamais regardé ce qu'était la prostitution réelle, c'est à dire la prostitution 'bas de gamme', des pauvres filles malheureuses qui arrivaient de leur Bretagne ou de leur Aveyron natal, et que des souteneurs mettaient sur le trottoir. On a, si vous voulez, une version idéalisée et romanesque de la prostitution en France et je crois que c'est ça qui continue à coller à l'imaginaire collectif.
16. **Y-a-t'il des avantages stratégiques à travailler en commission?**
17. L'avantage stratégique c'est que, d'abord, travailler en commission c'est faire un travail parlementaire; donc qui est inscrit dans des séquences parlementaires, qui est reconnu comme ayant une valeur différente dans la mesure où ce n'est pas simplement un sujet qui est travaillé qu'au sein de la société mais un sujet qui, en l'occurrence, est travaillé à l'Assemblée nationale, c'est un travail auxquels participents des gens de tous les partis politiques qui se trouvent dans cette commission, et que le rapport de la commission a une certaine valeur. D'autant qu'ensuite, nous avons transformé les conclusions de ce travail en une proposition de résolution et une proposition de loi. C'est à dire que nous avons travaillé de manière *institutionnelle* sur ce sujet – c'est la plus-value.
18. **À votre avis, y a-t-il des facteurs politiques qui ont eut un impacte sur le processus législatif en rapport avec ce sujet?**
19. Bien sûr. Par exemple, il y a eut longtemps où il n'y avait pas de ministère des droits des femmes de plein exercice. Encore que, ne pas avoir de Ministre des droits des femmes ne veut pas dire qu'il n'y a personne pour

s'intéresser à cette question. Par exemple, Roselyne Bachelot, qui était la précédente ministre qui s'occupait des droits des femmes, est une abolitionniste convaincue. Elle a dit maintes fois combien elle soutenait notre proposition de loi. Mais il est vrai que quand il n'y a pas quelqu'un qui est clairement identifié par les français comme portant sur les droits des femmes, et qui donc ne pousse pas auprès de ses propres collègues, on voit que c'est plus difficile. Comme le texte actuel, qui est en discussion, est une *proposition de loi*, on voit bien que le gouvernement ne porte pas de texte – il peut le soutenir, mais il ne le porte pas. Il faut donc pousser très très fort pour que ce texte soit inscrit dans l'ordre du jour.

20. **À l'époque où vous étiez parlementaire, quelles ont été pour vous les difficultés les plus importante que vous avez pu rencontrer pendant votre travail sur ce sujet?**
21. Vous savez, durant tout le processus, les gens qui étaient contre ce que l'on faisait se sont rarement exprimés. Par contre, ils pouvaient, en sous-main, empêcher, bloquer... mais ils ne prenaient pas la parole ouvertement. Et lorsque la résolution a été votée à l'unanimité en décembre 2011, n'étaient présents dans l'hémicycle, que les personnes qui soutenaient le projet. Il n'y a pas eut d'empêchement. Personne n'a empêché l'événement. Par contre, ensuite, lorsque l'on est passé à une proposition de loi – discutée l'année dernière – la difficulté que nous avons rencontrée était pour que cette proposition soit inscrite à l'ordre du jour. On voit bien que ça va maintenant faire un an et que ça n'a pas réussi à être inscrit au sénat. Il y a toujours de 'bonnes raisons' qui font qu'il y a plus important...
22. C'est transpartisan, ce n'est pas une affaire de droite et de gauche, il n'y a pas une gauche qui serait pour ce texte et une droite qui serait contre, c'est une question de personnes, c'est une question de philosophie personnelle beaucoup plus que de partis politiques. Je ne sais donc pas si les choses vont avancer plus facilement ou moins facilement avec le sénat d'aujourd'hui, puisque le sénat va maintenant être maîtrisé par la droite. Je ne sais pas du tout quelle incidence cela peut avoir.
23. **Une résolution votée à l'unanimité c'est rare. A votre avis, pourquoi cette unanimité ne s'est elle pas entièrement traduite par un soutien unanime pour la proposition de loi lorsqu'elle a été voté en première lecture à l'Assemblée nationale – même si celle-ci s'est très largement prononcée en sa faveur?**
24. Ce vote à l'unanimité est symboliquement *très* fort. En ce qui concerne la résolution, je pense que les députés qui n'avaient pas été intéressés au sujet, ne s'étaient pas rendus compte de son importance, donc ils n'ont pas empêché que ça vienne à l'ordre du jour. C'était, pour eux, une pétition de principes, si vous voulez. Donc, n'ont été présents que celles et ceux qui été intéressés ou, à la limite, mandatés par leur groupe mais sans que leur groupe ne mesure vraiment l'importance que ça avait. Par contre, lorsqu'il

s'est agit de rentrer dans le dût – c'est à dire que l'on avait un *texte*, qui parlait de *pénalisation du client* – là vous avez effectivement eut les opposants pour qui c'est impensable, qui se sont exprimés. Là on rentrait dans une phase supplémentaire.

25. Quel travail fait-on derrière pour convaincre les autres, dans son groupe et dans les autres partis, de ne pas voter non?

26. Ayant rapidement quitté l'Assemblée nationale, j'ai donc travaillé derrière mais non plus à l'intérieur de l'Assemblée nationale. Au Haut Conseil à l'Égalité entre les femmes et les hommes, que je préside aujourd'hui, nous avons travaillé sur ce sujet, nous avons rendu un avis,¹⁶⁰ un petit rapport, etc... que nous avons envoyé à tous les parlementaires de tous les partis politiques, aussi bien à l'Assemblée nationale qu'au Sénat. Vous avez, tout de même, beaucoup de députés UMP ou UDI qui sont convaincus que la pénalisation du client c'est bien une forme de réponse au problème de la prostitution et qui travaillent auprès de leurs collègues pour les convaincre de s'abstenir ou de ne pas venir – se sont vraiment les irréductibles qui ont voté contre, ce que l'on ne convaincra pas, si vous voulez, c'est en autres ceux qui sont convaincus par les arguments 'SIDA'. Je pense que le lobby santé et le lobby SIDA a beaucoup joué dans cette discussion, et ce sont des lobbys redoutables car ils sont très présents dans les médias et que, dans le cas du lobby gay, masculin, ils ont beaucoup de moyens.

27. Et, au fur et à mesure de tout votre travail sur ce sujet, votre conception de la prostitution a-t-elle évoluée?

28. Ma conception de la prostitution n'a pas changé, je l'ai enrichie, j'ai mieux compris, mais j'ai toujours la conviction que j'avais au départ: que la prostitution est violence extrême des hommes (en général) sur les femmes (en général) – ce n'est pas réellement aussi simple – que c'est un des dernier symptôme de la domination masculine: le corps des femmes à la disposition des hommes, dès lors qu'ils le décident et qu'ils peuvent payer. Cette conviction, je l'ai depuis que j'ai compris ce que c'était que la prostitution. Je n'ai pas compris tout de suite. Je n'ai pas compris quand j'avais 18 ans. Il m'a fallu à peu près jusque dans les années 2000, par des contacts avec différentes associations. C'est à ce moment là où j'ai commencé à m'intéresser au sujet. À partir de là j'ai muri mais je n'ai pas changé.

29. Merci vraiment beaucoup pour votre temps.

- FIN -

¹⁶⁰ November 5th 2013. Available from:
http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/hcefh_avis_ppl_prostitution_20131105-3.pdf
[accessed 27/11/2013]

Transcript of telephone interview with Gilles Savary, 6th October 2014

1. **M'autorisez-vous à enregistrer l'entretien?**
2. Oui
3. **Vous êtes un des cinq députés socialistes à avoir voté contre la proposition de loi visant à lutter contre le système prostitutionnel en première lecture à l'Assemblée nationale le 4 décembre 2013. Pouvez-vous m'expliquer pourquoi vous avez voté contre?**
4. Je ne suis pas un grand spécialiste de la prostitution – ni en tant que client, ni en tant que spécialiste de questions sociales. J'ai voté contre tout simplement parce que je me méfie du politiquement correct et des prohibitions dans les choses qui touchent à l'intime - même si je ne peut que déplorer que la prostitution existe, et souvent aux dépens de femmes en très grandes difficulté. C'est quand même un vrai sujet, puisque ça constitue une sorte d'exploitation de la grande misère. Cependant, j'ai le sentiment qu'aujourd'hui, bien plus qu'il n'y a quelques années, il y a la possibilité d'organiser la prostitution qui échappe à la visibilité de la voie publique. Donc, je pense qu'il est beaucoup plus aisé, aujourd'hui, pour les réseaux de souteneurs de rendre moins visible la prostitution, finalement, tout en en accroissant peut-être son caractère non-préhensible (ou difficilement préhensible) par, à la fois, les systèmes de contrôle de santé – pour les femmes – et les systèmes de renseignements et d'infiltration pour les systèmes de police.
5. **Y-a-t'il eu des conséquences à s'être levé contre des consignes de vote?**
6. Il y avait des consignes de vote, mais si vous voulez, d'abord, il n'est pas contestable que l'on soit *en principe* contre la prostitution et la traite des femmes, et tout ce que ça suppose: l'exploitation de la grande misère. Mais, une fois que l'on a énoncé ce principe général, j'observe, qu'il y a beaucoup de principes généraux intellectuels qui se fracassent sur la réalité, dans bien des domaines. Il y a quand même une différence entre la rationalité analytique et la vie tout court. Cette différence fait qu'aujourd'hui, le politique est de plus en plus séparé de la vie, parce qu'il a de très très bonnes idées et des principes incontestables qui se fracassent sur la réalité du monde. Par exemple, quand le monde veut plus de justice sociale, il ne conçoit pas que cela puisse s'appliquer à lui – et c'est un peu pareil dans tous les domaines. C'est comme le fait de refiscaliser les heures supplémentaires: c'est imparablement plus juste et plus rationnel et ça a créé du travail au noir – parce que la population n'a que faire de la justice et de la rationalité, elle adhère à ces principes là, mais elle

n’imagine pas qu’ils puissent s’appliquer à elle. Et, quand ils s’appliquent à elle, elle les trouve très injustes.

7. Quelque part, c’est un peu le même principe avec la prostitution. Puisque je vis très près du peuple. On a tendance à opposer au parti socialiste les gens qui sont très à gauche et ceux qui ne le sont pas. Moi, j’aurais plutôt tendance à opposer ceux qui sont très intellectuels et ceux qui le sont moins. Je suis probablement de ceux qui le sont moins, et qui sont très près du peuple et disent: “Attention! Les intellectuels (ou les moralistes) ont raison, mais c’est inapplicable.” Donc, en ce qui concerne la proposition de loi visant la prostitution, j’ai eut deux doutes personnels énormes: le premier doute c’est que je pense que l’on voue à une clandestinité de plus en plus systématique, de moins en moins voyant, de moins en moins pénétrable, donc de plus en plus potentiellement dangereuse pour les femmes. La prostitution, on ne va pas l’abolir ni la réduire – si j’avais été convaincu que l’on abolissait ou que l’on la réduisait, j’aurais peut-être voté pour. Je suis convaincu que non. Le deuxième doute, c’est que je ne pense pas que la prostitution soit totalement inutile. Si elle pouvait être saine, assainie et librement consentie, ça serait mieux, mais je pense pas qu’elle soit inutile socialement. Je pense qu’il y a beaucoup de cas limites.
8. J’ai été traité de vieux schnoque presque libidineux par mes copines féministes mais je pense que la politique soit pragmatique. Il faut toujours peser le pour et le contre, il faut qu’elle soit utile. Si c’est simplement pour faire plaisir à notre conscience, pour se donner bonne conscience et afficher une posture ‘politiquement correcte’, ça n’a d’intérêt que pour le marketing du politique en question – c’est une valeur marketing importante, intéressante et, évidemment, l’immense majorité des gens ne peuvent que vouloir l’exploiter. Mais, si c’est pour faire du bien à la population, pour améliorer sa condition, c’est autre choses...
9. **Vous accorde-t-on plus de liberté à exercer un vote de conscience, en principe, quand ça concerne des thèmes comme la prostitution plutôt que quand ça concerne des sujet plus techniques ou politiquement importants (comme le budget)?**
10. Vous savez, au point où en est le parti socialiste, il est bien clair que sur ces thèmes là, nous avons une totale liberté puisque ce sont des thèmes de conscience, qui prêtent à une objection de conscience, même si on essaye de faire en sorte d’avoir une majorité. Mais quand on a un groupe de frondeurs qui ne votent même plus le budget, autant vous dire que l’on a liberté sur tout. Quels sont les deux grands votes qui structurent la majorité et l’opposition? Ce sont le budget et le vote de confiance. Donc, aujourd’hui, j’attends quand même que l’on me dise que je suis indiscipliné – d’ailleurs, personne ne me l’a dit. Normalement, la discipline des partis, ce n’est que la responsabilité majoritaire qui l’imprime: elle n’est inscrite nulle part. Le principe c’est que le député est élu par le peuple et il exerce un mandat *du peuple*, pas de son parti. La

discipline ne peut pas être codifiée – ça n'existe pas la discipline, ça reviendrait à s'aligner à autre chose que le peuple qui vous a investi, même si vous êtes investis au nom d'une étiquette. Donc, la discipline ne peut pas être *juridique*, elle ne peut qu'être *politique*. La discipline des partis est une condition politique à l'exercice de la responsabilité, par exemple, gouvernementale: si l'on n'est pas un minimum discipliné, le gouvernement explose, donc il ne faut pas, à ce moment là, prétendre au gouvernement si on est en train d'avoir des votes à géométrie variable à tout moment.

11. Mais la prostitution n'est pas un de ces sujets qui dépendent de l'exercice de la discipline du parti, c'est un sujet de conscience sur un vote que je trouve démagogique. Je le trouve démagogique, mais le jour où j'ai voté ça, mes motivations étaient aussi ailleurs que de protéger un intérêt personnel, c'est pour ça que j'ai pris soin de vous dire que je n'ai jamais fréquenté de prostituéEs. Mais, je pense que la prohibition de choses qui sont, quand même très attachées à la nature humaine depuis le fond des âges, crée plutôt du gangstérisme. de la mafia, et de l'aliénation, qu'elle ne crée de libération. Donc, il faut que ces systèmes soient relativement ouverts. On pourrait avoir le même raisonnement sur la légalisation des drogues – je serais plutôt favorable à la légalisation du cannabis, pour les mêmes raisons.
12. **D'autres députés et sénateurs socialistes m'ont fait part du travail qu'ils et elles ont mené auprès des autres membres du parti, afin de les convaincre de voter en faveur de la proposition de loi. Étiez-vous au courant de ces efforts là et, si oui, quelles formes ont-ils pris?**
13. Chez nous, la discussion est très vite allée sur un thème de moralisation politique: "on ne peut pas être contre et donc il faut aller jusqu'à la pénalisation du client, parce qu'on ne sait pas faire autrement." Je comprends ce raisonnement, au plan intellectuel et moral, et je comprends ceci d'autant plus venant de femmes – je n'ai pas de problèmes de ce point de vue là. Cependant, on n'a pas senti une pression totalitaire – du moins, je n'ai pas senti ceci. Il y a eu de la pédagogie, afin de faire prendre conscience, bien sûr qu'il y a eu de la pédagogie. Sauf que, en ce qui me concerne j'ai été félicité par des femmes absolument admirables qui ont mis en place ici, sur le terrain, des structures d'aides aux prostituéEs, qui m'ont dit: "Tu as fait le bon vote." – ils sont tous venus me féliciter spontanément. Le jour où je suis allé voter, je n'étais pas fier de mon vote: je l'ai fait en conscience et complètement en dehors du politiquement correct, en dehors du moralement correct, en dehors de la plaque.
14. Ça peut prêter à donner une image du vieux libidineux qui va voir ces dames, le soir, donc ce n'était pas valorisant comme vote. Et bien, malgré tout, je me suis retrouvé avec des femmes très très à gauche venant me dire: "C'est formidable, tu as su résister à la pression." La Maison des

Femmes¹⁶¹ est venue me féliciter – et ils sont beaucoup plus à gauche que moi! Il y en a une qui m’avait dit “Mais, quelle démagogie, le PS, je ne vais plus voter pour lui, heureusement que tu es là.” C’est des gens qui sont dans Médecins du Monde, et d’autres structures comme ça, qui ne sont pas dans des salons mondains – ce n’est pas la gauche mondaine (une gauche ‘bonne conscience et petites pratiques’). Donc, moi, je suis assez fier, quand même, même si je ne l’ai pas fait exprès, d’avoir la reconnaissance et les hommages de ces personnes, tout autant que de celles qui ont essayé de m’éduquer en pensant “ce n’est qu’un vieux plouc.”

15. **À votre avis, comment fait-on pour réconcilier les demandes ponctuelles des citoyens concernant la ‘sécurité’ avec l’ambition nationale d’abolir la prostitution?**
16. Quand j’étais au conseil général, j’ai essayé d’aider au maximum les réseaux d’aides aux prostituées – qui sont des réseaux qui essaient de les faire sortir de la prostitution, donc c’est plutôt une approche personaliste que moralisante, avec beaucoup de pudeur et de recul, qui ne porte pas de jugement sur celles qui sont prostituées. Le but c’était d’aider au maximum à faire sortir les gens de cette prostitution, surtout de cette prostitution *subie*, puisqu’après tout, si c’était une prostitution volontaire, autonome, je n’y suis pas totalement hostile.
17. L’idée c’est quand même d’être présent sur le terrain, pour que les filles puissent se confier; d’intervenir par la médecine et par le social; d’intervenir avec un protocole de travail très déontologique, c’est-à-dire qui ne trahis pas l’anonymat. Donc, je privilégie cette approche personaliste. À Bordeaux, pendant mes différents mandats, les prostituées étaient très largement tolérées dans les rues où elles opéraient. Les retours que j’ai eut, étaient plutôt bienveillants – pas comme les retours que nous avons eut par rapport aux boîtes de nuit! J’ai beaucoup entendu parler des boîtes de nuit, des ‘afters’ – là il y a eut un combat permanent contre, en particulier, la jeunesse que contre la prostitution.
18. En ce qui concerne les prostituées, il y a eut Noël Mamère qui a essayé plusieurs fois de les sortir de sa ville (Bègles), et qui n’y est toujours pas parvenu. Mais il a quand même fait plusieurs approches publiques sur cette affaire là. Pour le reste, je ne sais pas si c’est le climat local, ou si c’est que les prostituées sont peu nombreuses, dans tous les cas, je n’ai pas observé, en plusieurs années de carrière, de tensions sur le trottoir et, dans les quartiers où étaient installées les prostituées, les gens qui n’étaient pas prostitués les intégraient par exemple en leur rendant des menus services – ça faisait partie de la vie du quartier, d’une quelque sorte, avec en général une assez grande bienveillance et une assez grande affection pour ces filles. C’est étonnant. J’ai appris ceci par ce qui étaient proches d’elles ou par les réseaux de prise en charge – mais, là ça concernait des histoires

¹⁶¹ La Maison des Femmes de Bordeaux: <http://maisondesfemmes.net/>

humaines beaucoup plus dures: l'histoire de filles qui étaient quand même très exploitées, parfois à la dérive...Ce sont ces services de combat social, pour lesquels j'ai le plus grand respect, qui sont sur le terrain qui, eux, m'ont félicités de mon vote.

19. Merci beaucoup pour votre temps, au revoir.

- FIN -

1. **M'autorisez-vous à enregistrer l'entretien?**
2. Oui
3. **Comment en êtes-vous arrivée à travailler sur le sujet de la prostitution?**
4. C'est un sujet sur lequel j'ai eu à faire, quand j'étais élue locale, en tant qu'un élément de discrimination envers les femmes, et en tant qu'une forme parmi d'autres de violences faites aux femmes. J'ai été élue locale à Nantes – adjointe au maire de Nantes – et, c'est vrai que nous avons vu le système prostitutionnel local évoluer (comme dans d'autres villes d'ailleurs). À l'époque, c'était un phénomène un peu plus intérieur, qui se pratiquait en particulier dans les bars. Mais nous avons vu, durant les années 2000 se développer une prostitution de rue, et à partir de 2004, une prostitution exclusivement de personnes étrangères. Donc, c'est dans ce cadre que, comme beaucoup d'autres personnes politiques, je me suis penchée sur la question, en tant qu'élue interpellée par les questions de violences faites aux femmes.
5. **Que considérez-vous avoir accompli au cours de votre travail sur ce sujet?**
6. Il est difficile de parler de 'réussites' quand on parle de ce thème-là parce qu'il est difficile de trouver quelque chose d'heureux sur ces sujets extrêmement graves, extrêmement difficiles et toujours douloureux. J'accentuerais les avancées que nous avons faites sur l'accompagnement psycho-social ou sanitaire des personnes prostituées, avec l'appui important des associations de terrain – je pense à Médecins du Monde, au Bus des Femmes, et bien d'autres. Donc: des progrès du côté de la prise en charge psycho-sociale mais aussi du point de vue de la santé. Le nouveau système d'accès sécurisant (dispositif AcSé) est aussi un progrès, il permet d'aider les personnes les plus vulnérables. Donc c'est plutôt l'angle de l'accompagnement qui peut être salué, à mon avis, ainsi que la coopération avec les associations.
7. **Quelles ont été les plus grandes difficultés auxquelles vous avez été confrontée au cours de votre travail sur ce sujet?**
8. Les plus grandes difficultés sont à repérer plutôt du côté de la dimension internationale du phénomène: les réseaux mafieux et la traite. Là on a l'impression de ne jamais pouvoir y arriver, puisqu'il suffit de mettre à mal un réseau pour que, quelques jours après, un autre apparaisse. C'est un peu comme une hydre – un monstre à plusieurs têtes: vous en sectionnez

une, et il y en a trois nouvelles qui lui repoussent. L'ampleur du phénomène international nous fait ressentir notre impuissance, on sent que l'on ne pourra pas s'en sortir tout seuls, il faut aussi une coopération aux niveaux européen et international.

9. **Vous travaillez aujourd'hui sur la proposition de loi visant à renforcer la lutte contre le système prostitutionnel actuellement en train d'être examinée par le Sénat. Pouvez vous me raconter votre rôle dans ce processus?**
10. Nous travaillons très dur pour que cette loi soit inscrite à l'ordre du jour du Sénat. Suite à la Commission Spéciale où M. Godefroy était président,¹⁶² et j'en étais la rapporteure, nous avons voté la proposition de loi en l'améliorant sur bien des aspects, mais en supprimant le quatrième pilier, qui est la pénalisation du client. Suite à ceci, nous avons demandé l'inscription de la proposition à l'ordre du jour à l'ancien président et au nouveau Président du Sénat.¹⁶³ Nous avons aussi interpellé les différents ministres, y compris le Premier Ministre, et leurs réponses ont été positives dans le sens où ils sont tous d'accord qu'il faut une inscription. Cependant, nous n'avons toujours pas de date précise.
11. L'élaboration de l'agenda se passe généralement en conférence des présidents (le Président du Sénat réunit l'ensemble des présidents de commissions et de délégations) qui organisent l'ordre du jour pour les semaines à venir. Donc, pour l'instant, en plus de l'engagement du Premier Ministre, on a aussi une parole de Pascale Boistard, qui est Secrétaire d'État chargée des questions d'égalité entre les femmes et les hommes – ils nous disent tous: premier semestre 2015.
12. Certains facteurs, comme le remaniement du gouvernement en août ou la prise du Sénat par la droite ont eu un impact sur la progression du texte, sans oublier la très grande charge de travail et d'examen du Sénat. Nous travaillons actuellement sur l'adaptation de la population et de la société au vieillissement, nous avons aussi le projet de loi sur le financement de la Sécurité Sociale qui est en cours, et bien d'autres sujets autour de l'économie, de l'entreprise, de la santé publique. Il y a bousculade et grande accumulation des projets et des propositions de loi. Ce sont tous des facteurs qui permettent d'expliquer pourquoi le Sénat met du temps à inscrire ce texte à l'ordre du jour.
13. **À votre avis, pourquoi l'Assemblée Nationale a-t-elle voté la mesure visant à pénaliser les clients mais le Sénat l'a rejetée?**
14. D'abord, nous avons eu une commission spéciale au Sénat (comme à l'Assemblée Nationale, d'ailleurs), ce qui veut dire que les points de vue

¹⁶² Commission spéciale chargée d'examiner la proposition de loi renforçant la lutte contre le système prostitutionnel – Président initial: M. Jean-Pierre Godefroy; Président après le renouvellement du 28 septembre 2014: M. Jean-Pierre Vial.

¹⁶³ Jean-Pierre Bel (2011-2014) and then Gérard Larcher (2014-...).

sont variés, puisque les membres viennent de commissions et de positions différentes. L'argument juridique et la faisabilité de la mesure visant à pénaliser le client ont pris le pas sur de nombreux sénateurs, en particulier ceux qui se veulent un peu plus 'pragmatiques' on va dire, ou en tout cas qui ont une connaissance de la gestion des collectivités et se sentent concernés par la mise en oeuvre des lois d'un point de vue de la réalité. Cette logique, je crois, a été très forte.

15. Nous pouvons aussi rajouter l'influence des associations – soit des représentants des personnes prostituées qui ont été auditionnés, et qui se disent 'professionnel/les du sexe' et qui sont organisés en syndicats professionnels. Pendant ces auditions, les Sénateurs ont pu entendre les arguments (qui sont connus, qui sont toujours les mêmes) que cette loi 'met à l'écart' et 'accroît l'insécurité des personnes prostituées', qu'elle va mettre en grande difficulté des personnes déjà vulnérables. Ça a pesé sur les esprits.
16. On a beaucoup auditionné. C'est vrai qu'il y avait des sénateurs et des sénatrices qui n'avaient pas forcément de positionnement très avéré au départ et qui, au fil des auditions, ont pu modifier ou établir leur positionnement. Il y a quelques sénateurs qui, comme ça, ont un peu transformé leur position sur le sujet. Mais quand même assez peu, finalement. Ce que l'on peut dire, c'est que le soutien pour la loi est transpartisan. Il y a les mêmes différences de positionnement à droite qu'à gauche sur ce sujet de la pénalisation du client. Il n'y a pas eu de consigne de vote. Il y avait liberté de vote. Je pense que ça sera toujours le cas.
17. **Pour vous, que signifie la prostitution, et cette conception a-t-elle évolué au fur et à mesure de votre travail sur ce sujet?**
18. D'emblée je situe la prostitution du côté des violences faites aux femmes. Pour moi, la prostitution, c'est une violence. Ce n'est pas forcément une notion évidente, puisqu'il y en a qui parlent encore de la prostitution comme étant 'le plus vieux métier du monde'. Je suis vraiment opposée à cette vision-là. J'ai une vision de la société dans laquelle je voudrais évoluer et dans laquelle je voudrais que mes enfants et petits-enfants puissent évoluer: c'est un monde sans prostitution. Je suis donc abolitionniste. Je parle de prostitution en tant que système prostitutionnel: dans un système, tous les éléments doivent compter – donc aussi bien sanctionner et pénaliser les réseaux que les clients, ou au moins que les personnes qui achètent des services sexuels puissent avoir leur part de responsabilité dans le système.
19. Ma position sur ce sujet n'a pas changé. J'avais cette position dès le début, c'était connu. Malgré – ou à cause de – ça, j'ai été nommée rapporteur de la Commission Spéciale du Sénat qui a examiné la proposition de loi visant à renforcer la lutte contre le système prostitutionnel. Mais ce n'était pas forcément la position du président de la Commission, M. Godefroy,

qui a évolué mais qui n'est pas favorable à la pénalisation du client. C'est ça le travail en Commission: c'est des positions variées.

20. Merci beaucoup pour votre temps, au revoir.

- FIN -

Transcript of Skype interview with two senior civil servants from the Direction Générale des Affaires Sociales (DGAS), Ministère des Affaires sociales, de la Santé et des Droits des femmes, April 2nd 2015.

1. **M'autorisez-vous à enregistrer l'entretien?**
2. Oui.
3. **Comment êtes-vous en êtes arrivées à travailler sur ce sujet ?**
4. Respondent 1: Alors, en fait, c'est récent parce qu'en fait, le Service des Droits des femmes, au départ, était un service autonome. Il ne faisait pas partie de la Direction générale de la cohésion sociale et, en fait, on portait le sujet d'un point de vue international, c'est-à-dire que la position abolitionniste de la France, etc., c'est quelque chose qui était défendu, alors, par le Gouvernement, mais particulièrement par la Ministre des Droits des femmes de l'époque, mais simplement, on allait dans des réunions internationales, etc. On portait cette position. Mais, on n'avait pas concrètement ni les crédits, ni un mandat particulier pour nous occuper de la question de la prostitution en France. Cela relevait, plutôt, à l'époque de la DGAS, Direction Générale de l'Action Sociale, qui a été rebaptisée en 2010 DGCF, versant hébergement et accompagnement des personnes prostituées parce que eux, ils avaient une ligne de crédit sur le programme 177 et, donc, cette ligne de crédit correspondait à des places d'hébergement qui étaient données à des personnes victimes de la prostitution et il y avait aussi des mesures d'accompagnement parce que ça nécessite un accompagnement particulier.
5. Et, à partir de 2011, on a eu le Service des Droits des femmes qui a été intégré au sein de la Direction générale de la cohésion sociale. En 2011, on a aussi eu un transfert de crédit sur les crédits d'accompagnement, des crédits qui permettaient des mesures d'accompagnement pour les personnes qui étaient, donc, victimes de la prostitution parce que ce sont des victimes de violences.
6. Donc, du coup, ces crédits continuent, alors, c'est un peu compliqué, parce qu'en fait, on avait des crédits d'accompagnement, ça c'était aux niveaux et national et local puisqu'au local, il y a des associations, aussi, qui portent des actions, et au niveau national, il y a des associations (le Mouvement du Nid, l'Amicale du Nid, le dispositif ALC Nice) qui permet donc une coordination des places qui sont octroyées aux victimes de la traite, mais, comme dans la traite, le plus gros, c'est quand même les personnes qui sont victimes d'exploitation sexuelle, et bien, en réalité, c'est pour ça qu'on le met dans cette escarcelle de la prostitution.
7. Donc, on s'est retrouvés avec des crédits au niveau national et au niveau local à gérer. Sachant que, parallèlement, c'est un peu compliqué: les

crédits hébergement qui, donc, puisque les personnes prostituées quand elles quittent la prostitution, pour des raisons de sécurité, parce que proxénètes, parce que réseaux, etc. doivent être éloignée et avoir un accueil sécurisant, donc, peuvent se retrouver dans des CHRS, des centres d'hébergement et, en fait, là, c'est toujours les crédits, -c'est un peu bizarre,- du programme 177, qui est donc le programme, donc, de la DGCS, mais, secteur hébergement.

8. Et nous, on a le programme 137 qui est donc, le programme du Service des Droits des femmes qui concerne tous les sujets de Droits des femmes, et dans ce programme, il y a une partie, donc, des crédits d'accompagnement, comme je vous le disais, pour les personnes victimes de prostitution, au niveau national et au niveau local.
9. **Et, comment ça s'est fait, justement, la répartition des tâches, des programmes et des crédits de cette façon-là puisque ça a l'air plutôt complexe. Pourquoi pas tout avoir mis ensemble ? Quelle est l'histoire derrière ce processus ?**
10. Respondent 2: Depuis 2011, je dirais que c'est plutôt les aléas de l'histoire administrative. C'est-à-dire qu'en 2011, on a estimé qu'il était légitime sur le plan stratégique de confier au Service des Droits des femmes le pilotage de ce qui était action d'accompagnement des personnes prostituées pour soutenir, en fait, cette politique, enfin, cette conception de dire: " Bon, les personnes prostituées sont des victimes, il nous faut les accompagner, les sortir de la prostitution, et soutenir la politique abolitionniste de la France".
11. Le programme 137 sur les politiques d'égalité entre les femmes et les hommes est le plus petit programme budgétaire de l'Etat. Il a plutôt vocation à servir de levier pour mobiliser d'autres acteurs institutionnels sur le terrain et pour mobiliser d'autres crédits. Le programme 177, c'est quand même des politiques très, très larges, de luttes contre l'exclusion et jusqu'à récemment, les personnes prostituées, finalement, étaient fondues dans cette politique d'aide aux plus vulnérables, aux plus démunis.
12. Alors, bon, en plus, c'est vrai que les politiques en matière d'hébergement d'urgence ne permettent pas, enfin, je dirais qu'il y a des stratégies nationales qui s'accordent pas forcément ensemble, c'est-à-dire que, pour les politiques d'hébergement, il y a une politique d'accueil généraliste, sans faire de distinction, de priorisation entre les publics. Donc, il ne s'agissait pas de distinguer les personnes prostituées, de dire: "Il y a tel nombre de places et on va transférer les crédits correspondants", si vous voulez, c'est une politique d'accueil généraliste pour les personnes les plus vulnérables, sans faire de priorisation.
13. Donc, après on se coordonne entre services, la sous-direction qui est en charge de la lutte contre la pauvreté et pour l'inclusion sociale, ce sont nos collègues de la Direction générale de la cohésion sociale, on est à proximité, on a des échanges constants, mais c'est vrai qu'en termes de

crédits, il y a ces deux volets : il y avait le volet “hébergement des personnes” et puis, nous, c’est plus sur l’accompagnement, les mesures de prévention, etc.

14. Respondent 1: Il aussi, effectivement un dispositif qu’il faut quand même que l’on vous mentionne par rapport à la lutte contre la prostitution, le fait que la prostitution soit considérée comme une violence, ça s’est traduit, en fait, par l’inscription de la thématique dans le troisième plan interministériel de lutte contre les violences faites aux femmes qui couvre la période 2011-2013. Pour la première fois, la prostitution a été inscrite en tant que tel comme une des violences identifiées qu’il fallait combattre avec des mesures spécifiques inscrites dans ce plan. Vous voyez, et c’est tout de même assez récent, tout dépend de la place, de la façon dont on l’analyse, sachant que, donc, en 2011-2013, c’est “lutte contre les violences faites aux femmes”.
15. Donc, le plan, c’est un outil au niveau national pour coordonner des actions et aujourd’hui, ça a encore changé, si vous voulez, ça se complique un petit peu, c’est-à-dire que la prostitution, maintenant, est intégrée au plan dans un cadre un petit peu plus global, dans le plan de lutte contre la traite des êtres humains 2014-2016 où, finalement, on parle de la traite dans sa globalité. Il y a la traite des êtres humains à des fins d’exploitation sexuelle mais c’est un plan qui aborde toutes les formes de traites, pas seulement la prostitution, mais aussi l’exploitation par le travail ou à des fins économiques: la servitude, l’esclavage domestique, etc. Donc, ça change encore un petit peu le prisme d’analyse, si vous voulez.
16. **Comment ce volet a-t-il évolué par rapport au rayonnement, en fait, de la position abolitionniste française à l’étranger ou même du niveau national à un niveau plus local ?**
17. Respondent 2: Alors, là, ce qu’on peut quand même souligner, c’est que les actions qui sont menées sur le terrain sont menées par les équipes territoriales des Droits des femmes. C’est vraiment elles qui, à ce jour, impulsent des finances, notamment par le biais du financement d’associations toutes les mesures de rencontres, d’accompagnement et de prise en charge des personnes prostituées, sur l’ensemble du territoire. Donc, elles ont des enveloppes de crédits qui leur sont déléguées chaque année.
18. Donc, depuis 2011, cette utilisation de crédits fait l’objet, évidemment, de remontées, d’une enquête au niveau national pour savoir exactement quels ont été les financements consacrés à ces actions, combien de bénéficiaires, une analyse qualitative, les besoins pour les années suivantes, mais, c’est vrai que ce sont elles qui, alors, pour le coup, portent ces actions, mais dans une perspective de lutte contre les violences. Ce sont des violences de genre, qui concernent majoritairement des femmes, même s’il y a évidemment une prostitution masculine. Mais, c’est sous cet angle-là

qu'elles l'abordent et puis, surtout, ça s'inscrit dans la politique plus générale de lutte contre les violences.

19. Alors, c'est vrai qu'au plan national, tout récemment, c'est le plan de lutte contre la traite des êtres humains, mais, on est encore dans une déclinaison très concrète d'actions, je dirais, portées par les équipes territoriales des Droits des femmes qui doivent convaincre aussi au niveau local de la pertinence de ces actions qui sont très clairement ... qui portent aussi la position abolitionniste de la France, qui la diffusent, alors que ça ne va pas forcément de soi ou que ce n'est pas connu, on va dire.
20. **Resentez-vous des tensions entre cette position abolitionniste nationale et les demandes peut-être plus pragmatiques et ponctuelles de résidents de villes urbaines, etc.**
21. Respondent 1: Les deux sont beaucoup en contradictions. La position abolitionniste en France, elle est, comme vous dites, portée au niveau national, sauf que le droit français n'est pas en cohérence, actuellement, avec cette position abolitionniste et c'est tout l'objet de la proposition de loi renforçant la lutte contre les systèmes prostitutionnels dont vous avez dû entendre parler qui a été votée par l'Assemblée nationale en décembre 2013, qui vient de faire l'objet, donc, d'un examen par le Sénat lundi dernier. Cette proposition illustre, en fait, toutes les difficultés du sujet parce que le texte est profondément remanié, il y a eu beaucoup de résistance..., Enfin, vous voyez qu'il y a eu quand même un délai de plus d'un an entre l'examen par l'Assemblée et le Sénat.
22. Voilà, donc, cette position abolitionniste, elle est portée par le Gouvernement, elle a été réaffirmée par l'Assemblée nationale en décembre 2011 avec l'adoption, à l'unanimité, d'une résolution qui réaffirmait la position abolitionniste de la France. Ensuite, dans les faits, c'est vrai que le droit français n'est pas totalement en cohérence avec cette position-là et ça fera peut-être l'objet d'une réforme législative. Pour l'instant celle-ci n'est pas encore intervenue et, si elle intervenait, je dirais, que ces changements-là seraient portés, ensuite, au niveau local, j'imagine par les équipes territoriales des Droits des femmes parce que la proposition de loi dans sa version initiale prévoit, - elle ne se résume pas à la pénalisation du client, même si les différents médias se sont beaucoup intéressés à ce volet-là,- c'est une proposition de loi globale pour la première fois sur la prostitution qui comprend quatre volets: le renforcement de la lutte contre les réseaux de proxénètes et de traite, le renforcement de la protection des personnes prostituées avec, surtout, la mise en place d'un dispositif de protection et de sortie de la prostitution, le troisième volet, c'est le renforcement de la prévention auprès, évidemment, des jeunes, dans la prévention des pratiques prostitutionnelles, d'une part, et la prévention du recours à la prostitution, d'autre part, et puis, le dernier volet, c'est la responsabilisation des clients, la sensibilisation des clients, etc.

23. Mais, voilà, c'est vraiment un tout, une globalité. C'est vrai que si la proposition de loi était adoptée dans l'ensemble de ces volets, et bien, la pierre angulaire de cette proposition de loi, c'est la mise en place d'un parcours de sortie de la prostitution qui serait proposé à toute personne qui souhaiterait, donc, une alternative à sa situation actuelle qui entraînerait l'ouverture de certains droits comme l'autorisation de séjour, enfin, l'obtention d'un titre de séjour pour les personnes étrangères, le versement d'une aide financière, des remises fiscales, et puis, surtout, un accompagnement par des associations spécialisées, agréées, etc.
24. Donc, je dirais qu'on en est là, voilà, c'est pour cela qu'il y a quand même une tension effectivement entre les actions qui sont aujourd'hui mises en oeuvre et puis, peut-être, la législation actuelle en la matière.
25. **Est-ce que vous échangez avec des homologues étrangers par rapport à la position de la France? Quelle image a-t-on, justement, de la politique française actuelle?**
26. Respondent 2: Alors, nous, au Service des Droits des femmes, on a des contacts, en fait. Mais, il y a un autre Bureau, au sein de la Direction, qui est le Bureau des affaires européennes et internationales qui, là, est en première ligne sur tout ce qui est débat sur ce sujet-là.
27. On n'a pas véritablement d'échanges avec nos homologues. On sait très bien quels sont les deux courants très, très antagonistes qui traversent l'Union européenne et puis, surtout, la diversité des législations relatives à la prostitution, à l'exercice de la prostitution sur la voie publique, même la façon dont le racolage est envisagé, les différentes législations qui existent au sein de l'Union européenne et puis encore plus à la pénalisation du client. C'est vrai que, bon, le modèle suédois est effectivement souvent cité.
28. Respondent 1: Je dirais que nous, on est aussi en contact, on finance des associations qui sont têtes de réseau sur la lutte contre la prostitution, l'accompagnement des personnes prostituées. On a pas mal d'échanges au niveau européen, mais on est dans une situation, en fait, un petit peu, d'attente. Je pense que la position de la France, elle est clairement abolitionniste, mais on attend l'impact de l'adoption d'éventuelles réformes, enfin, mesures législatives nouvelles permettrait certainement de clarifier les choses.
29. C'est vrai qu'au niveau européen, il y a eu aussi quand même une évolution. Le Parlement européen a adopté une résolution - alors, c'est une résolution, elle est non contraignante - mais une résolution en février 2014 qui indique clairement que la prostitution est un obstacle à l'égalité entre les femmes et les hommes et qui recommande aux Etats membres de décourager la demande en pénalisant l'achat d'actes sexuels.¹⁶⁴ Donc,

¹⁶⁴ European Parliament resolution on sexual exploitation, prostitution, and its impact on gender equality; voted in on 26th February 2014. cf.

après, c'est vrai que c'est compliqué, et puis, ça suscite quand même des réactions très antagonistes, très passionnées, c'est certain.

30. **A votre avis, pourquoi le sujet de la prostitution est-il subitement réapparu comme une question d'urgence réapparu en 2010 (et pas plus tôt, ou pas plus tard)?**
31. Respondent 1: Je pense peut-être que le fait que la LSI de M. Sarkozy, la loi de sécurité intérieure, avec le délit de racolage, etc., la prostituée est considérée comme une délinquante, et que petit à petit, aussi bien par les associations, des parlementaires, le lobbying etc. on a de plus en plus considéré que, finalement, la prostituée, franchement, c'est une victime, et ce qu'elle subissait, c'était une violence. De plus en plus, c'est rentré beaucoup plus fortement dans les esprits comme étant une violence.
32. D'ailleurs la prostitution n'a été introduite comme une 'violence' que quand on a rédigé le troisième plan "violences", alors que ça n'était pas mis dans le premier plan, ni dans le deuxième plan. Donc, il y a eu un volet "prostitution" et symboliquement c'était assez fort d'ailleurs de dire: "Voilà! le troisième plan "violences" et bien, la prostitution, c'est une violence". On ne se contente pas de le dire au niveau international, on l'intègre et on le dit haut et fort, et d'ailleurs, cela a été assez clivant avec certaines associations de santé communautaire (par exemple Médecins du monde, etc.) parce que, pour eux, la prostitution, ils l'envisageaient plutôt de l'aspect sanitaire, avec toute la problématique du Sida. Pour eux c'est quelque part adopter une position idéologique que de considérer que la prostituée est une victime et qu'elle est victime de violences. Voilà. Ca c'est une première explication, je pense.
33. Respondent 2: Oui, moi, je pensais aussi à autre chose. Peut-être que, ce qui ressort aujourd'hui, des différents travaux parlementaires, des différentes études, c'est que la prostitution a, quand même, changé de visage de façon fondamentale depuis une quinzaine d'années et c'est, peut-être, finalement, le fait que les réseaux, l'activité des réseaux est montée en puissance, puisque c'est, quand même, une activité extrêmement lucrative, qu'elle a été facilitée par l'ouverture des frontières, etc., c'est peut-être par l'analyse des services sur le terrain, des forces de l'ordre, des autorités judiciaires, de l'Office central, justement, de répression de la traite des êtres humains qui a amené au constat que c'était un phénomène qui gagnait en ampleur et que l'exploitation sexuelle prenait de plus en plus d'ampleur, et que c'est, peut-être, à partir de là que s'est posée la question du sort des personnes : qui étaient victimes de ces réseaux,? quelles nationalités? comment ça se passait? et que les parlementaires ont mené des travaux plus précis d'analyse là-dessus, enfin, des missions d'information extrêmement complexes sur le sujet.

- 34. Par rapport aux associations, justement, pourquoi s'en remettre autant aux associations de terrain plutôt que laisser l'Etat gérer entièrement la remise, peut-être, de services ?**
35. Respondent 2: Et bien, parce que ce sont des relations déjà assez anciennes, ils ont l'expertise dans l'accompagnement des personnes et je dirais que l'Etat n'est pas absent ou ne se réduit pas à son seul rôle de financeur parce que, dans la perspective de la réforme législative, ce serait vraiment un dispositif piloté par l'Etat, donc, au niveau départemental avec pilotage par le préfet, par une commission ad hoc, spécifique qui, finalement, assurerait le suivi des parcours de sortie.
36. Alors, en lien avec les associations agréées, mais au vu des droits qui seraient accordés dans le cadre de ce parcours de sortie, notamment l'obtention de titre de séjour, l'Etat est pleinement partie prenante sur cette question-là, à la fois en termes de financement, du versement de l'aide financière et de la régularisation de titres de séjour provisoires. Pour lui, l'important c'est de créer des synergies entre les équipes territoriales qui sont chez nous, en tout cas, au niveau départemental, elles sont placées au niveau des DDCS, et les associations.
37. On a des conventions d'objectifs et de moyens sur trois ans, des conventions pluriannuelles d'objectifs sur trois ans. Donc, on fixe, on leur fixe des objectifs, c'est la stratégie qui est mise en place avec elles et, évidemment, on fait le point chaque année et puis, c'est évalué, etc. Tout ceci pour dire que l'Etat est quand même pas là à se dire: "on se repose sur les associations".
38. Et l'idée d'avoir des responsables dans les directions départementales (Directions Départementales de la Cohésion Sociale, par exemple), c'est parce que toutes les régions de France et de Navarre ne sont pas impliquées de la même façon par ces questions. On a vraiment des grosses régions, comme Ile-de-France, comme Rhône-Alpes, comme PACA, l'Alsace, etc. qui sont plus impactées que certaines régions (du centre de la France, par exemple). Voilà, toutes les régions ne sont pas impactées de la même manière.
39. Respondent 1: Par rapport aux relations entre les associations et la politique nationale, mais même au sein même des partis, par rapport à la mise en oeuvre des mesures, c'est clair, c'est un sujet extrêmement clivant. Par rapport à la question de la pénalisation du client, c'est vrai que, finalement, c'est quand même un renversement de regard qui est complet. Enfin, d'envisager les trois acteurs, le système prostitutionnel, de la personne prostituée, c'est l'inversion de la charge pénale, c'est vrai que c'est ça qui bloque.
40. Moi, je dirais que c'est plus une rigidité culturelle ou, en tout cas, vraiment, de l'ordre des mentalités et qui nécessite une sensibilisation. On parle très peu de la prostitution, il y a très peu de campagnes là-dessus, vous voyez que sur l'inscription dans le cadre des politiques de lutte

contre les violences faites aux femmes, ça date d'il y a quatre ans. Donc, c'est vraiment tout neuf. C'est un travail de longue haleine, un travail de fond et il y a des positions très tranchées. C'est vrai que c'est un sujet très polémique, mais, je pense qu'avec le temps ça aboutira certainement.

41. Mais, en tout cas, le débat parlementaire qui a lieu en ce moment est vraiment symptomatique des dysfonctions qui peuvent exister au sein même, de tous les acteurs, les acteurs associatifs parce qu'il y a quand même des clivages importants entre deux grandes familles associatives qui accompagnent les personnes prostituées sur le terrain. Moi, je ne mets pas du tout en cause leur expertise, leurs compétences et les résultats, c'est pas du tout ça, c'est vraiment des façons différentes d'envisager la prostitution, avec les associations de santé communautaire qui sont plus dans la réduction des risques liés à l'activité elle-même, mais sans forcément remettre en cause le choix de vie des personnes, sans vouloir agir sur ce plan-là, et puis, les associations abolitionnistes qui considèrent la prostitution comme une violence au vu des constats qu'elles font sur le terrain mais c'est aussi un clivage au sein des parlementaires et au-delà même des familles politiques.
42. C'est pour ça que c'est quand même compliqué, mais, bon ..., enfin même au sein de l'Europe, c'est vrai que c'est quand même un petit peu compliqué: il y a des pays réglemmentaristes, des pays abolitionnistes. On a l'impression que finalement, on est dans une période un peu charnière où on verra de quel côté va pencher la balance. Alors, c'est vrai que si la France adopte cette loi et toutes ses composantes, ce sera quand même symboliquement important. Ça aura au moins eu le mérite d'institutionnaliser le sujet comme étant digne d'attention politique.
43. **Merci beaucoup pour tout votre temps.**

- FIN -

1. M'autorisez-vous à enregistrer cet entretien?

2. Oui.

3. Comment en êtes-vous arrivé à travailler sur ce sujet?

4. Après que la Ministre des Droits des Femmes, Najat Vallaud-Belkacem, ait annoncé qu'elle souhaité que nous abolissions la prostitution en juin 2012, j'ai proposé que le Sénat prépare un rapport sur la prostitution, afin de continuer le travail commencé par la mission d'information de l'Assemblée nationale.¹⁶⁵ J'ai ensuite été élu président de la commission spéciale chargée d'examiner la proposition de loi adoptée par l'Assemblée nationale renforçant la lutte contre le système prostitutionnel.

5. Quelle a été votre plus belle réussite dans ce domaine?

6. M'a plus belle réussite a été d'avoir participé à l'élaboration du rapport sur la situation sanitaire et sociale des personnes prostituées avec Mme Jouanno. Je suis fier que ce rapport ait été adopté à l'unanimité. En particulier, je pense que notre rapport met bien l'accent sur le besoin urgent de donner plus de droits et d'assistances aux personnes victimes de traite et de proxénétisme.

7. Dans ce contexte, je pense que le modèle italien est intéressant. En Italie, ils ont créé un système permettant aux personnes souhaitant sortir de la prostitution de pouvoir être aidées, et aux victimes de traite et d'exploitation de bénéficier d'un cadre de protection robuste: prise en charge et éloignement immédiats, hébergement d'urgence en centre sécurisants, aide à la réinsertion. Tout ça sans qu'elles aient besoin de dénoncer qui que ce soit. Ce qui leur permet de ne pas avoir peur.

8. Quelle a été votre plus grande difficulté?

9. Ce sur lequel j'ai eu le plus de difficulté pendant tout le débat sur cette proposition de loi, c'est de faire en sorte que l'on distingue plus clairement entre traite et prostitution. La proposition que l'on pénalise le client repose sur un amalgame: on ne fait pas la différence entre prostitution volontaire, d'un côté, et traite et proxénétisme, de l'autre. Pénaliser tous les clients,

¹⁶⁵ Godefroy, Jean-Pierre, and Chantal Jouanno, (2013), *Inverser le regard: Rapport d'information fait au nom des affaires sociales sur la situation sanitaire et sociale des personnes prostituées*. Paris: Sénat.

c'est un leurre. Ça ne va que pousser les personnes à se cacher des forces de l'ordre et, plus important, des associations et organismes qui peuvent leur venir en aide. Les personnes prostituées sont souvent dans une situation de précarité extrême, la dernière chose que nous voulons c'est empirer leur situation.

10. Il faudrait se concentrer sur mieux poursuivre les clients de personnes vulnérables, de victimes de traite. C'est ça le plus important: faire en sorte que la France soit un pays inhospitalier pour les réseaux. Ça passe autant par la lutte contre la traite et le proxénétisme que par l'apport de soutien aux victimes. Aider les victimes à s'extraire des réseaux, leur garantir protection et soutien, ça leur permettra de coopérer d'avantage et sans peur avec les autorités. C'est comme ça que l'on démantèle un réseau, pas en pénalisant les clients.
11. Ma préférence, comme le démontre mon positionnement dans tout ce débat, serait de revenir au système que l'on avait avant la loi sur la sécurité intérieure. C'est-à-dire maintenir l'infraction de racolage actif mais la retransformer en contravention de 3ème classe; se montrer intransigeant avec les personnes qui exploitent les victimes; et se concentrer sur l'accès aux soins et à l'aide sociale pour les personnes qui en ont besoin. Le sujet du racolage divise beaucoup. La suppression de tout délit de racolage sans les remplacer par des mesures complémentaires suscite des inquiétudes chez certains élus, surtout les élus locaux. Ils pourront essayer de s'adresser aux problèmes d'ordre public en utiliser des arrêtés mais, en gros, ce sera très difficiles pour eux, ils seront désarmés.
12. **Quelle est votre position sur la proposition de loi?**
13. Je pense qu'il n'y a pas eut de véritable débat de fond. Surtout, on a pas pris le temps de vraiment penser et travailler sur comment on va faire fonctionner une mesure comme la pénalisation des clients. De plus, l'idée que pénaliser les clients va nous aider à remonter les réseaux de traite est absurde. Tout ce qui va se passer c'est que la prostitution va se délocaliser en zone d'ombre.
14. Il y a aussi un problème fondamental de logique dans cette loi: on ne peut pas permettre le racolage passif et, en même temps pénaliser les clients – c'est intenable, juridiquement. Soit la prostitution est interdite, et dans ce cas les personnes prostituées sont susceptibles d'être arrêtées, soit c'est autorisé dans quel cas on ne peut pas pénaliser ceux qui y font ressort.
15. On ne fait pas une loi pour le symbole. Le but doit être de proposer des mesures concrètes, applicables, qui nous permettent réellement de combattre l'exploitation et, en même temps, de proposer des solutions et des alternatives crédibles pour celles et ceux qui souhaitent s'en sortir. Ce qu'il faut c'est un accompagnement social global, pas une loi symbolique qui aura pour effet de rendre encore plus difficile une existence déjà précaire.

16. Nous avons déjà toute une panoplie de lois qui nous permet de poursuivre ceux qui exploitent les victimes, alors pourquoi ne pas mieux s'en servir? Surtout en ce qui concerne la traite des êtres humains.
17. **Pourquoi, à votre avis, le processus législatif prend-il autant de temps pour cette loi? Et, surtout, pourquoi, à votre avis, le Sénat est-il aussi hostile à la mesure visant à pénaliser le client?**
18. Principalement, je pense que la loi divise énormément. C'est un sujet sérieux et difficile, et il n'est pas possible de trancher dessus sans travail et discussion approfondis. Je pense que la plupart des sénateurs, comme moi, trouvent que l'amalgame entre prostitution et traite est non seulement problématique d'un point de vue des principes et de l'entendement, mais ouvre aussi la porte à des mesures qui seront difficiles à appliquer et qui n'auront pas les résultats espérés.
19. Au sein du PS nous avons eu une discussion, beaucoup de mes collègues sont très investies dans cette loi. Elles ont passé beaucoup de temps à essayer d'informer les autres, d'expliquer. En fin de compte nous sommes tous d'accord qu'il est important et nécessaire de discuter de ce sujet difficile, et de réformer un certain nombre de mesures qui ne fonctionnent pas, comme le délit de racolage passif, mais nous avons eu la liberté de voter en notre conscience.
20. **Merci beaucoup pour votre temps.**

- FIN -