

Prostitution (19th-21st centuries)

From the White Slave Trade to Human Trafficking

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ABSTRACT

From 1800 prostitution (assumed only to be female) was regulated in Europe, but it was tolerated as it was deemed necessary for male sexuality. The system of regulationism, accused in the 1860s of iniquity by the abolitionist movement, was then called into question by the development of a White Slave Trade involving innocent victims. This “scourge” led states to search for a European or even international solution. Addressed by international organisations (the League of Nations and United Nations) the issue became topical again in the second half of the twentieth century owing to the influx of prostitutes from Eastern Europe. The European Union attempted to respond to the challenge posed by what was now described as human trafficking, but respected the diversity of national policies towards prostitutes and the potential normalisation of prostitutes as sex workers.



Adolphe Willette, Madeleine, Monologue and 9 drawing, Paris, D'Alignan, 1920
(one of 250 facsimile copies of a Willette notebook, dated July 1911).

Prostitution, supposedly “the world’s oldest profession,” was transformed in the nineteenth century through the combined effects of the demographic revolution, rural flight (firstly involving the unmarried), urbanisation and the transport revolution. A sudden quantitative increase in prostitution in those countries most affected by these changes was coupled with a process of Europeanization, even internationalisation, through the circulation of female prostitutes (at this time, the existence of male prostitution was denied). Even before this expansion, the

desire of states to control prostitution led to the spread of systems of state regulation throughout Europe after their first introduction in France in 1800: a European regulationist consensus based on a common ideology.

A European regulationist consensus

European regulationism varied from place to place according to the prioritisation of objectives (public health, morals, policing), the distribution of authority (national, regional, municipal) and its basis in legislation, which was usually lacking apart from in a few exceptional cases (Belgian municipal law of 1836, Hungarian national laws of 1876 and 1899). There were even differences in the way prostitution was identified: in Germany, the regulations only applied to transactional sexual relations that had been proven, while in Austria a mere suspicion was sufficient. Nevertheless, the similarities tended to outweigh the differences, evidence that the management of prostitution was shaped by a common ideology: the so-called “French system” was in fact a European system, which contributed to a European identity. It rested on four elements upon which all agreed. Firstly, nineteenth century Europe accepted prostitution. According to the vocabulary of the time, Europe was not, therefore, prohibitionist, because prostitution was considered necessary. This claim was based, secondly, on a shared understanding of masculinity. Male sexuality, it was argued, had to be satisfied in the name of physical and mental equilibrium. Prostitution thus existed in response to men’s sexual *needs*, not to satisfy their desires or pleasures. It was a “necessary evil,” a means of regulating sex. Resorting to prostitution was viewed, moreover, as part of the process by which masculinity was learned or acquired, and was therefore also a feature of male sociability. Attitudes varied from judging prostitution a necessary evil to considering it an absolute evil, a notion more common in Northern Europe. Such diversity is reflected in a veritable Europe-wide lexicon of prostitution. Representing prostitution in this way inferred that the client—though certainly reverting to a state of nature or to uncontrollable urges—was never called into question, and rarely even named. In the “bible” of European regulationism, the 1836 study *On Prostitution in the City of Paris: Considered in Relation to Public Health, Morality and the Administration* by Alexandre Parent-Duchâtelet, prostitution was referred to as “inherent to large populations”: the clients themselves barely appeared in this very neutral appellation. It was claimed that male sexuality could not be repressed and, if left unsatisfied, could overflow causing social unrest. A desire to combat this was the third element on which European support for regulationism was based.

Indeed, this system was viewed as a guarantor of law and order closely linked to moral order, and above all a guarantor of public health at a time when hygiene was becoming an essential preoccupation, even an obsession, among the authorities and the well-to-do classes out of a fear of the spread of syphilis. This prophylactic function of regulationism, fundamental when it comes to understanding the system’s expansion throughout Europe, was proclaimed in both unified Italy as well as in the German Empire. While, in Germany, the situation varied from place to place (brothels were authorised in Stuttgart and Hamburg but banned in Berlin and Munich) police controls and the sanitary inspection of declared prostitutes existed everywhere. In Russia, meanwhile, prostitution was regulated by the Medical Department of the Ministry of Interior Affairs. In England, the legislation that imposed regulationism throughout the country was simply called “The Contagious Diseases Acts.” However, only prostitutes were blamed for spreading venereal diseases: in no European country were clients subjected to medical inspections.

This position allowed prostitution to be tolerated while prostitutes were rejected from society. Although this rejection was not new, regulationism modified it by creating a new legal category, outside the common law, as regulation, repression, police controls, sanitary inspections and brothels only concerned women.

This discriminating consensus, the fourth common element in the European approach to prostitution, was only made possible through the existence of an archetype—the Prostitute—to which all governments and societies adhered. This was the final element that allowed for the European success of regulationism. In slang and vulgar forms, “prostitute” was an insult in itself, which had degrading or dehumanising associations, even when the term

was used by feminists (conjuring up images of filth, sewers, gangrene, the dregs of society...) This denigrating consensus combined amorality and decline ("fall") according to a set of gendered values: knowledge and power intertwined to transform "the oldest profession in the world"—most often generated by poverty—into an abject act resulting from vice, while sparing the clients, procurers and pimps from such accusations. In 1896 these sexual double standards were reinforced by the Europe-wide success of the pseudo-scientific theory of the Born Prostitute, supposedly identifiable by her physique and her sexual organs: a state of nature that justified her separate treatment and her confinement within a brothel (Lombroso and Ferrero, *The Criminal Woman and the Prostitute*, 1896).

Prostitution is obviously a bodily issue but, throughout Europe, paid sexual relations were also a gender issue: as visible in the denial surrounding male prostitution and female needs or in the positive reading of the virile client and the negative reading of the debased prostitute who was held responsible for the spread of syphilis, an obsession among the ruling classes who saw in it the threat of national decline through hereditary transmission. It was also a class issue: Europeans were careful not to confuse the *demimondaine* with the card-carrying, clandestine or occasional prostitute.

In this way, the shared ideology underpinning regulationism seems to have been stronger than any cultural differences. Cultural differences were of course also political ones, because state power carries more weight than the influence of attitudes: but even when regimes changed, or democratised, regulationism persisted. Henceforth its opponents could highlight this breach of fundamental rights, provided that such rights were either the basis of the current political system or at least among the demands of their political opponents. This movement against regulationism had its roots in England and France, but it was European in its ambitions.

Abolitionism: a movement with European ambitions

Abolitionism is defined as a movement working for the abolition of regulationism: it is not, therefore, the same as prohibitionism. Founded in 1875 by an Englishwoman, Josephine Butler, the "British, Continental and General Federation for the Abolition of Regulated Prostitution" proclaimed its European ambitions, based on the conviction that a European solution was needed in response to a European practice. It functioned, accordingly, through a network of national branches. In 1877, at the Congress of Geneva, it became the International Abolitionist Federation against Regulated Prostitution (IAF). Nevertheless its main activities, the publication of the *Continental Bulletin*, its seat and its congresses were all based in Europe, principally in Switzerland.

Abolitionism condemned regulationism for the way it crushed women, but it reflected little, in its early days, on the phenomenon of prostitution; its primary concern in opposing the "French system" were the prostitutes themselves and how, as women and therefore as human beings, they were treated by the system. Hence it had a strong feminist colouring, as well as a political one: the abolitionists evoked the respect of rights, free will and, therefore, universalism. Abolitionism's main activities were concentrated in countries where such rights were being demanded or where opposition to arbitrary rule was the most active.

Alongside this politico-legal approach centred on the universal notion of the individual, there were also other interpretations, adding arguments in favour of abolitionism. A moral interpretation accused regulationism of spreading vice. An ethical interpretation accused regulationism of trampling on human dignity. Finally, a liberal interpretation, which also easily connected with universalism, defended all freedoms and opposed any kind of coercion, even going so far as to proclaim the right of all women to do as they wished with their own bodies (in a contract between consenting adults in which the state should not interfere). This questioning of gender norms generated opposition from numerous militants, including feminists, moral arguments in this case winning out over legal ones.

Such an argument was present on both sides, but its content differed: the regulationists condemned the

prostitutes for their immorality, without looking beyond their supposed personal failings when seeking the cause of their actions. The abolitionists, for their part, identified poverty and the condition of the female working-class as the main causes of prostitution. However, their language was rather similar to that of the regulationists when it came to the supposedly depraved nature of prostitution: while abolitionists advocated the suppression of the system in order to limit the number of “fallen” women, regulationists also participated in the work of “saving” prostitutes carried out by philanthropic, religious and feminist associations, opting for the prevention of prostitution rather than the abolition of the system itself.

This confrontation between regulationists and abolitionists could be found throughout Europe. Within this conflict, the balance of power was unfavourable to the IAF and other private organisations, as it set them in opposition to the states themselves, which they accused of being liberticidal or even acting as a procurer of prostitution. Press campaigns were therefore suppressed by state power. Yet the actions of the IAF were also weakened by internal divisions that cut across the divisions between national branches. To maintain its fragile unity, the organisation did not impose a strict line on its members, instead relying merely on recommendations. One point of agreement nevertheless emerged: the necessity of tackling a European problem with a European solution. But such a project came up against issues of sovereignty and national independence, which were obstacles to even imagining a common legislative approach: the bodies of prostitutes were, in some ways, nationalised, their treatment a matter of internal policy in each country. All this would change, however, when the existence of the white slave trade was brought to light by a series of scandals.

Towards a European policy on the White Slave Trade

The precise scale of trafficking in the 1880s was, like today, a matter of much debate. Nevertheless, one can identify a clear shift in representations and practices. In the first half of the nineteenth century, the expression “White Slave Trade” (use of the French term “*traite des Blanches*”, for example, was recorded in the 1830s) was a synonym for prostitution; its implicit reference to the black slave trade was merely intended to underline its commercial dimensions. Thus, the first definition of “*la traite des blanches*” in French dictionaries in 1846 was “the trade in women for prostitution”. From the 1880s, the white slave trade came to be seen as separate from prostitution, referring to the existence of vast intra-European, and later international, networks of prostitution, facilitated by the transport revolution.

As in the case of black slaves, the term underlined the privation of liberty. This kind of liberty was very different from that proclaimed by the regulationists, who accused prostitutes of freely choosing to engage in prostitution and, therefore, of being responsible for their condition. It was also very different from the kind of liberty espoused by the abolitionists, who accused the French system of being liberticidal and sometimes even proclaimed the freedom of women to engage in prostitution if they so wished.

In the context of the white slave trade, women—especially minors—were all viewed as innocent victims, as virgins caught up in a system against their will (Yves Guyot, *La traite des vierges à Londres*, 1883). Trafficking was therefore a threat to all women, seen as fragile by nature, and whose naivety could lead them to believe false promises of quality employment. The guilty party was the pimps, the procurers—more often male than female—but also brothel owners and madams. Therefore, unlike prostitution, trafficking was viewed as unacceptable and the press denounced scandals which involved, or even implicated, European states. In 1879, ten years after the birth of abolitionism, the case known in French as “*l’affaire des petites Anglaises*” and in English as “the Belgian traffic” revealed the existence of a network of prostitution between Great Britain and Belgium which had led young virgins, against their will, into prostitution in brothels. From then on all Europe was passionate about the issue, shocked by the kidnapping of European girls, all young and innocent, and their transportation to South America, especially Brazil.

This rumour, as unfounded as it was, caused a unanimous outcry against white slavery in Europe, ranging from scandalised fathers opposed to abolitionists to the most radical liberals (Campaign of the *Pall Mall Gazette*, London, 1880). While increased in terms of membership, the IAF was weakened by the ideological divisions between its members: there were moralists, who advocated raising the morality of the “fallen women” who they condemned; feminists, who were concerned about putting their “sisters” back on the right path without condemning them, and who opened houses for reformed prostitutes; liberals, who defended the liberty of women to do as they wish with their own bodies; and prohibitionists, who sought to eradicate prostitution through repressive measures against this “depravity.” Nevertheless, the fight against the white slave trade strengthened the abolitionist argument, which asserted that trafficking networks existed primarily to supply brothels. Recognising and denouncing this connection increased support for the abolitionists and, more than all previous campaigns, made their appeal to governments audible. Thus, in England on 17 August 1880, the Committee for the Suppression of the White Slave Trade asked the Foreign Office to modify English and Belgian laws to make the “imprisonment” of women for debased purposes impossible. A consensus was reached around 1900 on the necessity to appeal for the “assistance of all governments where the trade exists” (London Conference, 1899)

Ultimately, the white slave trade led to government intervention and for a number of countries to be called into question the regulationist system that was accused of inciting the trade to supply brothels. While the first measures were taken on a national level, their perspective was European, thus reflecting an awareness of the need to respond to a transnational problem through cooperation between states and even through common policies on the European level. The struggle against white slavery seemed to put an end to the “each to his own” approach of European regulationism and to the argument of respecting national sovereignty. The “*affaire des petites Anglaises*” offered the first example of parallel, even concerted, action: the trial in Belgium of the main protagonists between December 1880 and 1881 and the dismissal of the Chief of Police in Brussels; the nomination by the British government of a committee to examine legislation on “the protection of young girls” on 30 May 1881; the repeal of the Contagious Diseases Acts in 1883 combined with an immediate increase in repressive measures against prostitution (the trial of the best known madam of the Victorian era, Mrs Jeffries, known in France as “*la reine des proxénètes*”) and trafficking by the Criminal Law Amendment Act of 1885—an English inquiry in Belgium and Holland that confirmed the “trafficking of young girls.”

The acceptance of official investigations or private inquiries by organisations created in opposition to trafficking (such as the International Bureau for the Suppression of Traffic in Women and Children, founded in England in 1899), or by those that added this cause to their aims, marked a new step towards a European approach to the issue through widespread cooperation between private organisations and states. Their results changed the nature of trafficking around 1900: the figures proved that the abduction of women, of young virgins, was an exception if not a myth: this reality acutely raised the question of consent, and thereby the question of the age of sexual consent, on which it was necessary for all European states to agree, which in turn required agreement on the definition of “being a woman,” linked until this point to puberty that inferred active sexuality. This definition—a necessity for men too—crossed gender and class divisions: the age of sexual maturity was, according to some, earlier among the working class, a preoccupation for the states which feared that these networks or the emigration of female labour would bring about an increase in the number of prostitutes, the cause of so many ills. Through the issue of the white slave trade, the social question was internationalised and a supranational law came to be seen as desirable.

In July 1902 the first conference on the white slave trade was held in Paris; the decade before the First World War was marked by common declarations and embryonic agreements: on 18 May 1904 the Convention Establishing International Measures for the Suppression of the White Slave Trade was signed: its Administrative Arrangement organised the defence of victims—a crucial designation—and their return to their country of origin. For this, central offices were created for police and judicial cooperation against trafficking, outlined by the convention of 4 May 1910, although many countries were slow to sign it or did not implement it.

However, in 1913, a large-scale investigation published by Abraham Flexner (*The White Slave Trade in Europe*), undertaken on Rothschild's initiative, claimed that white slavery had disappeared from the continent and that regulationism was moribund.

The fight against Trafficking: a European chronology

The First World War, which saw the opening of military brothels, and the Russian Revolution, which broke with the Tsarist policy towards prostitution, changed the way prostitution was viewed. The USSR adopted an extremely repressive policy (in 1929 prostitutes were interned as "deviants" in re-education centres, which would be integrated into the Gulag in 1937). The League of Nations, which the USSR did not join until 1934, was charged from 1919 with the "general control of the agreements regarding the trafficking of women and children," thus avoiding a restrictive racial category and taking into account changes to the age of sexual consent. European delegates were the majority on the Consultative Commission on the Trafficking of Women and Children, but the discourse of the first generation of abolitionists gave way to a moralising tone. In June 1921 the new category of "children" was extended to include boys. On 30 September the International Convention for the Suppression of the Traffic in Women and Children was signed. The publication in 1924 of the report by experts charged with its application imposed a moralising, gendered vision of the division of labour in the sex trade. In occupied Europe during the Second World War brothels were set up for the exclusive use of the Wehrmacht on the orders of the German Army High Command, which was opposed to unregulated prostitution. The end of the conflict spelled the end of the French system, except in a few exceptional cases. In 1949, the United Nations International Convention "For the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others" declared that "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person." This universalist definition was contested in the 1970s by prostitutes, whose voices were finally heard after centuries of silence. Some declared themselves "sex workers" and demanded the same rights as any other workers (International Committee for Prostitutes' Rights, 1975). Without a common policy, Europe became a patchwork of different laws and opposing systems. At the end of the 20th century, the increase in human trafficking—80% of those involved were Europeans, mostly from Eastern Europe—led the European Union to legislate against this transnational criminal activity, while at the same time staying true to its motto 'unity in diversity' (*Joint Action to Combat Trafficking in Human Beings and Sexual Exploitation of Children*, 1997), a position reaffirmed in 2000 when trafficking was increasingly affecting African women and European sex tourism in Asia was complicating the problem. The Council Framework Decision of 19 July 2002 on combatting trafficking in human beings made the question of consent its central issue, arguing that trafficking did not exist without coercion. At the same time, the right of European Union member states to diversity allowed for a wide range of different approaches to prostitution (the Swedish model known as the "Women's Peace," the "realism" of the Netherlands), which is reflected in on-going debates on the nature of prostitution, the status of female and male prostitutes and the possibility of prosecuting clients, as well as in the European lexicon of prostitution and in the call by the European women's lobby to fight "Together for a Europe free from Prostitution" (Brussels Appeal, 4 December 2012).

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