Policing Commercial Sex in 1970s France: Regulating the Racialized Sexual Order

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Abstract
Based on multi-sited archival research, this article examines the racialized regulation of commercial sex in 1970s France, and whether and how this was intertwined with the protection of a racialized, gendered, and class-based sexual order. In doing so, this article contributes to a contextualized and historicized analysis of the construction of race and colour-blindness in French legislation and law enforcement. During and after the Algerian War, colonial anxieties about sexual threats posed by North African male labour migrants in the French metropole played a role in the discussion on commercial sex and motivated politicians, policymakers and journalists to argue for its selective tolerance. The author argues that the indirect legislation on commercial sex granted discretionary power to the police to protect the sexual order through colourblind justifications. This enabled law enforcement to implement and enforce universalist legislation ‘from below’ in a racially particularistic way.

Keywords
Prostitution, sex work, labour migration, gender, interracial intimacies, police, discretion, France, critical race studies, colour-blindness

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Introduction

‘Fortunately, there are these houses [brothels]; without these you would be raped! [...] We need these [prostitutes sic] for all these men!’

Police officer (Goutte d’Or, 1977)

The above quote illustrates the attitude of the French police toward the regulation of commercial sex in the 1970s. At that time in France, pimping and soliciting, including the operation of brothels, were criminalized. Yet, in response to a question from a white female reporter from the local newspaper, a white police officer operating in the working-class neighbourhood of La Goutte d’Or in Paris exclaimed that the existence of brothels should be tolerated. The policeman was implicitly referring to the activities of single male migrant workers from the former French colonies in North Africa. The French authorities and wider society were concerned about the presence of these single men from the African continent. Anxieties expressed about the deviant and excessive sexuality of racialized men were used to justify such anti-immigrant rhetoric (Shepard, 2012, 2018). At the time, the French government was enforcing a relatively open immigration regime because the economy required cheap, temporary, male migrant labour (Weil, 1995; Sayad, 1980; Sayad, 1997). In this context, prostitution became a central discursive and regulatory issue that mitigated and articulated these anxieties. This paper examines the importance of race in the interplay between gender and class in the control of commercial sex in France in the 1970s by looking at the policing and regulation of commercial sex for post-colonial North African migrants.

It does this by investigating how the regulation of commercial sex was also a form of regulation of interracialized intimacies. Thompson (2009) has argued that interracialized intimacies are not necessarily just regulated through prohibition but also through indirect forms of control. This article draws upon insights from scholars on gender, intimacy and colonialism who have argued that the regulation of interracialized sex and intimacy has been integral to constructing and protecting racial hierarchies within the colonial sexual order (Stoler, 2010; Stoler, 1989; Stoler, 1995; Ray, 2015). Thus, to manage interracialized heterosexual contact, the colonial administration regulated prostitution to ensure that colonized men did not have access to commercial sex with white women (Howell, 2000; Razack, 1998; Staszak, 2014; Taraud, 2003). Research on the regulation of interracialized intimacies should be attuned to such indirect types of regulation that aim to make possible some forms of intimacy while preventing or restricting others.

Before proceeding, a note on terminology is warranted. I use the concept ‘interracialized intimacies’ to underline the processes of racialization involved in the designation of certain intimacies as interracial, based on Jin Haritaworn’s (2007) understanding of inter-raciality. Moreover, I will use the term ‘prostitute’ (in quotation marks) in direct quotes and use ‘prostitution’ to reflect the historical discourse because this was the term in use at the time. However, I use ‘commercial sex’, ‘sex worker’ and ‘sex buyer’ as preferred current terminology.

Looking at the regulation of commercial sex contributes more generally to research on the construction of race in French society and law. In the United States, the field of critical
Race studies has looked at the law’s involvement in constructing and perpetuating racial economic and social hierarchies (Möschel, 2011). This scholarship has, in particular, demonstrated that the contemporary paradigm of colour-blindness that normalizes the (selective) denial of race contributes to racial inequalities by obscuring racial logics (Delgado and Stefancic, 2017; Bell, 2005). Despite differences between the US and Europe, researchers on race have highlighted the urgency of critical race studies and the study of colour-blindness in continental Europe (Staiano, 2015; Moschel, 2007; Beaman and Petts, 2020). The French case is particularly interesting because of the political, academic, and societal rejection of research into race and racialization as ‘un-French’—despite the long tradition of anticolonial and decolonial resistance and scholarship across the (former) French colonial field (Fanon, 2002; Fanon, 1952; Césaire, 1989).

However, recently, interest in critical race studies and a so-called colonial turn in France have been gaining ground (Mack, 2021; Saada, 2014; Fassin and Fassin, 2013). Critical researchers on race in France have argued that French republican universalism has always coexisted with colonialism: the ideal of republican universalism was made possible through geographical particularism that renders the explicit mentioning of race invisible (Stovall and Van den Abbeele, 2003; Cooper, 2009; Zevounou, 2021b). In a recent special issue of La Revue des Droits de l’Homme [The Human Rights Review] on race and law, Zevounou (2021a; 2021b) argues for the need to uncover the specific historical and contemporary mechanisms that have led to the silencing of race in French law and in the administrative apparatus in order to help understand the experiences of formerly colonized people living in the metropole. This paper contributes to this call: it gives a contextualized and historicized analysis of the construction of race in French law and law enforcement by looking at the regulation of indirectly targeted postcolonial migrants in the wake of decolonization.

In so doing, this paper also speaks to critical race feminist scholarship on commercial sex. Researchers have argued that the regulation of commercial sex can reveal underlying concerns about the social order (Mainsant, 2013a; Phoenix, 2009). More specifically, scholars have used a critical race (feminist) perspective to show how the regulation of the social order is dependent on the intersections of race, gender, class and migration-status of people selling sex (McClintock, 1992; Benoit et al., 2019b; Benoit et al., 2019a; Butler, 2015). In contemporary discussions, this line of argument takes a position on commercial sex as either exploitation or work, based on contesting concerns about sex, women’s bodies, morality and labour/exploitation (Scoular, 2010). This scholarship, however, does not sufficiently explore the intersectional identities of those buying sex and the impact of these characteristics on regulation. Some work does look at sex buyers, but it focuses on their experiences and/or their objectification of people selling sex rather than on a critical race perspective on the law (Coy et al., 2019; Coy, 2008; Ondrášek et al., 2018). However, this article contributes to this area of research by specifically exploring how law enforcement has targeted sex buyers through regulation of the social order.

The sex buyers upon which this paper focuses were postcolonial labour migrants from North Africa, who lived and worked in France after the political decolonization of the former French territories and protectorates in North Africa. I will demonstrate
how racialized and gendered sexual anxieties about migrant workers played a role in the police regulation of commercial sex and how this impacted through racialization of legislation and enforcement. In order to do so, I first set out the archival research methodology on which this paper is based. Then, I show how the discursive problematization of North African migrant workers in France as sexual threats played a role in ongoing discussions about commercial sex. I demonstrate how this in turn impacted upon the regulation of commercial sex and, specifically, the actions of the police. By looking at the societal and political discursive context, I argue that the outcome of the police’s approach was to reproduce sexual hierarchies that regarded prostitution as a solution to the problematization of North African migrant men’s presence in France and as a way of indirectly regulating interracialized intimacies.

**Methodology**

This article is based on original archival research conducted for my PhD study of the regulation of interracialized intimacies in France which was ethically approved by the Ethics Committee of Juridical and Criminological Research of the VU University of Amsterdam on 16 July 2018. I consulted both state and non-state archives that dealt with immigration and prostitution in France from 1956 to 1979. Specifically, I consulted the Ministry of Justice archives at the national archives and administrative police archives in the departmental archives of the Bouches-du-Rhône department. Parts of these archives were consulted with special permission under the 213-2 of the Code du Patrimoine.

I conducted my examination of these state archives based on a keyword search on ‘prostitution’ and criminalized acts concerning prostitution, such as ‘soliciting’, ‘procurement’, ‘attacks against morality’. I also used different keywords referring to migrants from North Africa: namely, ‘Algerians’, ‘North Africans’, ‘migrant workers’, ‘French Muslims’, ‘Tunisians’ and ‘Moroccans’. Based on these results, I then searched the inventories compiled by archivists on certain state services, ministries, or themes to obtain a comprehensive overview of the structure of the archive, which helps trace the interconnections between prostitution and migration.

These archives give an insight into state practices on law enforcement on prostitution in the context of postcolonial migration. The national archives provide an understanding of the broader regulation of the presence of North African migrants in the metropole. The archives of the Ministry of Justice shine a light on the higher decision-making processes of policing prostitution, whereas the administrative police archives of the department of the Bouches-du-Rhône contribute to an understanding of enforcement by local police. At that time, the Bouches-du-Rhône department had a relatively high concentration of North African migrants and migrant workers, given that its main city of Marseille functioned as the central port between France and North Africa (Londres, 2013).

To analyse societal and state discourse on prostitution, I also consulted the Institut National de l’Audiovisuel: the audio-visual archive of France that stores all television broadcasts aired on French television. Television emerged in the 1960s and 70s as the dominant medium in France with a civic and educational mission (Cohen & Levy, 2007). The national agency charged with radio and television, until 1974 the
Radiodiffusion-Télévision Française, was under the authority of the Minister of Information. A law of 7 August 1974 reformed and liberalized television, placing it outside of strict state control but still remaining ‘less liberal’ than in other European democracies (Blum, 1984). These broadcasts are therefore illustrative of state-sanctioned discourse on prostitution and immigration.

Furthermore, I also consulted private and media archives to retrieve media coverage on the two above-intertwined topics. I consulted the private archives of Father Roger de La Pommeraye, an abolitionist priest who worked at the organization Les Amicales du Nid. The latter was a prominent Catholic abolitionist organization that offered support to women selling sex who wanted to leave their situation. These archives give an overview of written media coverage on sex work in the 1960s and 1970s in the mainstream and abolitionist press. Moreover, I consulted the private archives of professor and deputy Mayor of Marseille Jean Chélini, who had a prominent voice in the Marseille area on issues of immigration. His archives include a collection of articles classified under ‘the polemic on North African immigration after the murder of a bus driver in Marseille 1973’. I also examined the online archives of the local neighbourhood newspaper Goutte d’Or of the working-class immigrant neighbourhood of the same name in Paris, which aimed to represent the perspective of its residents on local issues. I also consulted feminist media at the Bibliothèque Marguerite Durand [Marguerite Durand Library]. Even though these archives are not exhaustive, they enable an analysis of a range of media that was discussing the interconnections between prostitution and North African migration from different perspectives.

To understand the racial formations in France and elsewhere, Ann Laura Stoler has made a case for the necessity to ‘ask who and what are made into “problems”’, how certain narratives are made “easy to think”, and what “common sense” such formulations have fostered and continue to serve’ (Stoler, 2011). This is because the workings of race and racism are made implicit rather than explicit in the logic and rhetoric of colourblind universalism in France (Beaman and Petts, 2020). Connecting this to regulation and legislation, I build on work of the legal historian R A Gordon who has argued that the ‘power of legal regimes’ lies not necessarily in the disciplining of violators, but rather in ‘its capacity to persuade that the world described in its image and categories is the only attainable world’ (Gordon, 1984: 109). Therefore, I look at the regulation of prostitution not as (only) imposing legislation, but rather, as presenting it as the ‘natural order of things’.

To this end, I build upon critical interventions in archival studies to approach the archives not as historical facts but as creators of the narratives they conserve. Subaltern studies, and postcolonial theory scholars more generally (Chakrabarty, 2015; Chakrabarty, 2000; Guha, 1983), have called for interrogation of the archive as a technology of power that creates rather than reflects forms of knowledge. Following these interventions, researchers have argued for reading the archives ‘against the grain’ to uncover the unsaid, or a ‘reading along the grain’ to trace rationales that structure colonial governance, rather than a more conventional ‘mining’ of the archives (Stoler, 2002; Burton, 2006). In order to do this, the tracing of inconsistencies, silences, visibilities, assumptions, and self-evidences is essential to an understanding of the underlying governmental rationales and to uncover the construction and force of race.
Besides tracing racialization in the archives, archival research on sex and commercial sex should be critical of the identification of the object of study in the archive. The law and law enforcement transform commercial sex into the problem of prostitution (Mainsant, 2013b; Scoular, 2015). What is defined and understood as ‘prostitution’ is dependent on the politicized and moralistic meaning of the term which makes it impossible to uncover the truth about prostitution and the lives and work of sex workers (Gilfoyle, 1994). In this article, I am not so much looking into the nature of commercial sex and its lived experiences, but rather at how forms of commercial sex are made into either problems or solutions.

**Migrant Workers and Sex Workers**

Before investigating legislation and law enforcement, I will first set out the societal context in which the policing of prostitution took place at the time. Whereas the histories of the reconstructions of sexual and gender norms are often treated separately from the histories of immigration in Europe, this paper recognizes that these developments were entangled (Shield, 2017; Gordon, 2012). Spearheaded by the societal upheaval of May ’68, different societal groups, such as the feminist and gay movements, renegotiated gender and sexual norms over the course of the 1970s (Ross, 2008; Fishman, 2017). At the same time, the authorities started to increase immigration control to limit labour migration. The oil crisis of the 1970s and the subsequent economic downturn led to widespread unemployment, including of migrant workers, and this in turn fuelled a backlash against immigration.

The historian Todd Shepard (2018) demonstrated that media outlets, politicians and policymakers articulated anti-immigration sentiments through discursive constructions that smeared North African men as threats to French women and, accordingly, the French population. During the Algerian war of independence, discourse on Algerians (re)activated gendered and sexualized imaginaries that had served to legitimize colonial hierarchies in the colonial context (Shepard, 2017; André, 2016). These stereotypes framed North African men as sexually deviant: both as hyper-masculine threats and also as overly ‘feminine’ men who transgressed heteronormative gender roles through homo-social behaviour (Blanchard, 2008; Blanchard, 2012). These discursive constructions were thus colonial continuities that outlived the Algerian war and became increasingly mainstream in the 1970s.

Various societal groups and political figures from the left of the political spectrum criticized the framing of sexually dangerous North African men based on arguments on so-called sexual misery. The sexual revolution had opened up the discussion on recreational sex, especially among those on the (far) left, making them more attuned to arguments on sexual misery. As a result, they raised concerns about the unfulfilled so-called sexual needs of North African migrant workers, as explained in the book *La plus haute des solitudes*. The Moroccan writer and researcher Ben Jelloun (1977) argued that North African male migrant workers were victims of an alienating migration experience resulting in loneliness and sexual frustration. He explicitly situated his argument in an anti-racist discourse because he understood sexual exclusion to be a ‘colonial wound’. In line with this argument, some left-wing commentators criticized white French women
for refusing to sleep with Arab men, calling the refusal a form of sexual racism (Shepard, 2017; Shepard, 2012; Bourg, 2009). The argument on sexual misery is thus explicitly anti-racist but at the same time constructs a male entitlement to sex.

Arguments on sexual misery also functioned to justify the problematization of North African male migrants’ presence in the French metropole. This was, for example, illustrated in a television broadcast that aired in 1975 which discussed ‘The Problem of Racism in the South’ in the aftermath of racist attacks against Algerians in the South of France (Mise au Point, 1975). The broadcast stated that ‘Arabs are systematically singled out as perpetrators of all sexual assaults committed against women […] We think they live amongst men and are therefore in a state of sexual misery’ (Mise au Point, 1975). The discourse on both sexual misery and sexual violence reiterated both the sexual exclusion and sexual deviancy of North African single men.

In this context, prostitution emerged as an issue that linked concerns about migrant workers to anxieties about sexual norms and morality. Politicians and commentators discussed female prostitution both as a consequence and as a solution to the sexual misery of North African men and the risks posed by their sexual aggression. Generally, the provision of commercial sex for migrant workers was considered the lowest and most inhumane form of sex work. Media and commentators referred to it as the ‘prostitution de la misère’ [prostitution of misery], alluding to both migrant workers and sex workers living in misery. In media outlets, cheap brothels that had, or were considered to have, a majority of North African clientele and where women had a daily ‘passage’ [number of clients] of 150 men were called ‘maison d’abattage’ [slaughterhouses]. This was a term used in the 18th century to designate fast and cheap brothels and was widely used in the colonial context in North Africa (Taraud, 2003). In discussions of commercial sex, the media labelled certain neighbourhoods with many migrant residents, such as La Goutte d’Or in Paris, as the ultimate hotbeds of prostitution. These brothels and neighbourhoods exemplified the problem of prostitution in France in its most exploitative form.

Whereas politicians, journalists, the abolitionist movement, and other actors continuously underlined the migrant identity of sex buyers, they did not systematically discuss or even mention the migrant status of a proportion of the sex workers. The majority of sex workers in the metropole in the 1960s and 1970s were white French, or other Europeans. During the Algerian war (1956–1962), police, politicians and commentators focused on the suppression of North African sex workers because they worried that Algerian networks of prostitution in metropolitan France were funding the Algerian nationalist movement Front de Liberation National [National Liberation Front] (FLN) (André, 2016; André, 2017; Gobin, 2017). After Algerian independence, however, the existence of North African sex workers was no longer discussed in public discourse and politics; even though police reports still mentioned the existence of North African sex workers. Authorities and social commentators were not concerned with the marginalized position of such individuals as they were considered disposable. Instead, discussions about sex work focused on North African migrant men and white women.

Moreover, white sex workers themselves referred to the discourse on North African men and interracialized sex to affirm their own belonging to French society (Shepard, 218). During the sex workers’ protests of 1975, a group of 150 sex workers organized to claim their rights and protest about arbitrary arrests, corruption, harassment, and
prosecution (Mathieu, 1999; Aroney, 2018). This offered some space in societal debates for sex workers, who claimed their agency by arguing that they could reject North African clients. An article published in an abolitionist magazine of the time noted the ‘racist attitudes of prostitutes’ but also asserted that they were no more racist than the rest of the French population (Leconte-Souchet, 1977). Moreover, sex workers contextualized their refusal of North African clients: they argued that they had to turn away these men because having such a clientele would deter French clients who pay more (Mathieu, 2003; Shepard, 2018). The rejection of North African clientele was both symbolic and economic. White sex workers could thus claim respectability by not engaging in interracialized commercial sex while at the same time being criticized for sexual racism if they did not do so. Having set out the discursive connection between migrant workers and sex workers, I will now turn to legislation and law enforcement.

Policing Prostitution

The law did not criminalize sex work directly but criminalized soliciting and procuring prostitution. The implementation of the so-called Marthe Richard law in 1946 abolished the state administration of prostitution. It criminalized all sorts of procuring under the penal code, including soliciting and keeping brothels, abolished the administrative registry of sex workers and established ‘re-education centres for prostitutes’. The legislation was brought in just after the end of World War II because its proponents connected the administration of prostitution with the Vichy government and the recent German occupiers and therefore argued for the necessity of reorganizing the moral order (Corbin, 1990). The brigade des moeurs, [vice squad], renamed the brigade de répression du proxénétisme [brigade for the repression of pimping] in 1975, was and still is mandated with the enforcement of laws that are related to ‘public morality’. Even though sex work was not a direct offence, the legislative and regulatory framework of the sex industry was abolitionist – i.e. aimed at eradicating prostitution.

The brigade des moeurs had a relatively wide discretionary power to carry out its mandate (Mainsant 2012), giving it the ability to target specific populations and activities. Critical race researchers on policing have argued that policing practices constitute a form of ‘internal colonialism’ to the extent that they involve the exertion of power over racialized populations with the aim of control (Gutiérrez, 2004). With particular relevance to France, they have argued that the police treat North African migrants as internal enemies, employing colonial techniques of policing that outlived independence (Rigouste, 2014; Prakash, 2013). Especially during the Algerian war, the French police in the metropole employed extensive violence and torture against Algerians (House, 2004; House and MacMaster, 2006). And in the abovementioned television broadcast about ‘The Problems of Racism in the South’, two prosecutors stated that ‘most policemen have a hatred towards North Africans’ and that some police were racist (Mise au Point, 1975). It follows therefore that research on law enforcement should explore the racialized enforcement of broad legislation through the discretionary power of the police.

Even though legislation gives an impression of rational and orderly regulation of commercial sex, legal regimes are characterized by the discretionary power of local police who determine who is policed and when (Agustín, 2008; Mainsant, 2013b). I reviewed
trimestral reports on the ‘fight against procuring’ in the Bouches-du-Rhône department between 1972 and 1978 to the director of the National Police of the Ministry of Interior. In these reports, the police attributed the presence of sex workers to the population of North Africans:

It is to be feared that the increase in the floating population, due to the infrastructure of the industrial area of Fos-Sur-Mer, and the large North African cell of the Berre region will have the effect of maintaining or even raising the figures for prostitution and pimping.³

Whereas the reports contained detailed statistics of the numbers of arrest, cases of syphilis, and other quantifiable indicators concerning policing commercial sex, no numerical proof was given for the a priori assumed relationship between the occurrence of sex work and the presence of North African immigrants. This finding indicates the selective problematization of North Africans as sex buyers.

Furthermore, the selective problematization was racialized: concerns were mostly if not exclusively directed at North African migrants. The semesterly activity reports show that the police were explicitly worried about North African migrants in their efforts to enforce the legislation concerning prostitution. In the reports, police identified commercial sex for North African migrants under the header ‘difficulties stemming from particular problems’. Both police powers of discretion and their discourse on suspicion enable racial profiling (Delgado, 2018; Longazel, 2013). The selective focus is based on the discursive construction of migrant workers as sex buyers, rather than on suspicion of the criminal behaviour of sex workers. Even though police at times used the category ‘foreigner’ in the reports, they used ‘North African’ in many other passages while not mentioning any other racialized groups of sex buyers specifically. Police action thus focused on North African male migrants as a specific racialized group, even when the legislation did not. This formed the basis of particularistic enforcement, as I demonstrate below.

The regulation of prostitution in the context of North African migrants should be understood within a longer history of the regulation of prostitution under French colonialism. Across the French colonial field, French colonial administrations regulated prostitution to protect colonial hierarchies within the system of state-administered prostitution (Taraud, 2003; Shepard, 2018). Making commercial sex available to fulfil white men’s so-called sexual needs while at the same time discouraging formal unions (such as marriage) was one of the ways through which the colonial order was upheld (Staszak, 2014). Moreover, the regulation of prostitution allowed the colonial government to ensure that non-white men did not go to white sex workers (Staszak, 2014). Even after abolishing state administration of prostitution in 1946, the French administration still controlled and regulated military brothels to ensure that colonial troops did not have interracialized transactional sex (Taraud, 2003). Regulation of prostitution in the colonial field thus revolved around protecting gendered racial hierarchies. With the presence of former colonial migrants in the metropole, racialized regulation was also implemented in the post-colonial metropolitan context.
Selective Tolerance

In the metropole in the 1970s, police failed to universally enforce the legislation on prostitution. Instead, they selectively tolerated soliciting and brothels in neighbourhoods where many North African workers lived and visited, based on the selective problematization of a racialized group of sex buyers. Local residents’ letters of complaint illustrate the selective nature of this tolerance: residents of La Goutte d’Or in Paris complained to the local politicians about the selective tolerance of brothels for North Africans, calling on the authorities to address the problem (Goutte d’Or 1979a). Similarly, a residents’ group of the neighbourhoods of the city centre of Marseille complained to the police about their tolerance towards brothels with a North African client base, demanding increased police surveillance.4

Selective tolerance was spatial: neighbourhoods racialized as ‘North African’ were spaces in the city where commercial sex was available, establishing ‘zones of degeneracy’ with different ‘social and legal conventions’ (Razack, 1998). This reinforced the public image of these districts as dangerous and morally transgressive spaces, marked by the presence of racialized men and sex workers. News outlets, for example, often referred to La Goutte d’Or as ‘La Casbah’ or ‘La Medina’, which were colonial terms used to signify unruly ‘indigenous’ neighbourhoods. The local neighbourhood newspaper Goutte d’Or (1979a: 19) accused police of ‘having tolerated these activities, if not having nurtured them, in order to deform the reputation of the neighbourhood that is very connected to immigration’. The selective tolerance contributed to the framing of neighbourhoods where North African men lived and visited as morally transgressive and unruly colonial dislocated spaces marked out by the presence of North African men and sex workers in the French postcolonial metropolitan city.

The vilification of certain neighbourhoods as dangerous in turn legitimized the policing of migrants: the Prefect of the Bouches-du-Rhône, for example, wrote back to the residents’ committee of a district in Marseille that the authorities would reinforce the fight against brothels and ‘increase surveillance of North Africans living in and frequenting this area’.5 By contrast, however, as I will illustrate below, the police continued to tolerate brothels. The Goutte d’Or journal (1979b: 1) argued that the ‘excuse’ of ‘increasing security in the neighbourhood’ enabled stop-and-search practices to be imposed which were aimed at expelling migrants from French territory. The tolerance of prostitution thus enabled police to increase surveillance and control of migrants.

The spatial dimension of selective tolerance also contributed to marking out these places as dangerous to white women. In one illustrative example from research on ‘public opinion on North Africans’ carried out by the national police, the authors presented anxieties about possible sexual aggression on the part of North African migrants towards white women being common knowledge regarding North African men’s presence in the metropole:

[There is] a psychosis of fear in the neighbourhoods close to the ‘casbah’s’ [...] usually celibate or having left their wives behind, North Africans display sexual aggression in the form of rape, indecent assault or, more often than not, obscene verbal provocation, which […]
creates a feeling of fear among French women who have to go through or visit the ‘Arab
neighbourhoods’.6

This shows how North Africans were considered to be a particular problem in police
strategies against prostitution and procurement because of anxieties about sexual violence
and sexual needs.

These anxieties about sexual violence motivated police to tolerate procuring and solici-
tating and, selectively, certain brothels. This impacted upon the police stance on prosti-
tution of both high-ranked and local officers. In 1956 the Director of the judicial police
service had already argued that legislation concerning prostitution necessitated tolerance:

[Pre]stitution then becomes a lesser evil because it avoids more serious crimes, such as rapes
and assaults on young girls or children, as we had to lament in some cities with a high con-
centration of North African or foreign workforce.7

This reasoning continued throughout the 1970s. The Préfet ['head'] of the police of
the Bouches-du-Rhône wrote in a semestery report in 1972 that it was not desirable to
repress prostitution in its entirety in neighbourhoods where many single foreign
workers lived, because ‘the majority represent a potential danger of sexual violence’.8
Police thus considered North African and other migrant workers sexual threats to
women – and even children – for which the solution was to tolerate commercial sex.

Whereas police thought of North African men as sex buyers – a particular issue of concern
that necessitated selective tolerance – they did not in a similar way selectively tolerate North
African female sex workers. The police categorized North African women separately but did
not explicitly count North African sex workers in crime statistics for soliciting. For example,
in the last trimester of 1972, the police reported the rise of a ‘new form of prostitution’ in
‘North African neighbourhoods’, which they described as Moroccan and Algerian female
‘tourists working as prostitutes’. They noted that these women were unknown to them.
The following year, the police force undertook targeted action and surveillance of young
North African sex workers to expel them from French territory.

Given that law enforcement selectively tolerated brothels and soliciting for North
African migrant male sex buyers, it is telling that the authorities at the same time expelled
North African female sex workers. As I have argued, politicians, media outlets and com-
mentators did not discuss the presence of North African female sex workers in the societal
discourse on commercial sex. In fact, police could have decided to selectively tolerate
North African female sex workers to respond to North African men’s sexual needs.
Instead, they expelled North African women who worked as sex workers in order to
banish ‘undesirable migrants’. This shows a discontinuity within the colonial context,
in which the administration was attempting to ensure that North African men had
access to North African sex workers. Instead, law enforcement in the postcolonial metropo-
latin context was concerned with protecting a sexual order that viewed white sex
workers a societal sacrifice, as I illustrate below.

The Sexual Order

To understand how police tolerance of commercial sex indirectly regulated interracia-
lized intimacies, it is important to explore how the police argument on the necessity of
prostitution was part of a wider discourse in French society. Politicians, journalists and public commentators also considered the availability of commercial sex as a solution to the presence of North African migrant workers, and specifically to the sexual violence allegedly perpetrated by North Africans. For example, the deputy Mayor of Marseille, Professor Chélini, argued in an interview on the ‘problem of North African immigration’ in the left-leaning newspaper *Le Provençal* (1973) that reopening brothels was ‘a delicate issue. Personally, I would give priority to a married man to immigrate to France. […] However, for single men, the question is there. The issue is moral, but also social. We cannot evade the question.’ He argued that matrimony between French women and Algerian men was not a viable possibility, stating that marriages were few in number and almost always failed. Chélini did not explain why this should be so, assuming that the reasons were self-evident. He proposed family migration and commercial sex to respond to the so-called sexual misery of North African men, but not mixed marriage. The arguments for the ‘necessity of prostitution’ revolved around interracialized intimacies because their proponents did not consider consensual and non-commercial relationships between migrant men and French women a possibility.

Abolitionist groups, both Catholic and feminist, denounced arguments on the necessity of prostitution. The prominent Catholic abolitionist movement *Les Amicales du Nid* was aimed at abolishing prostitution. Its members saw both North African men and sex workers as victims of their economic, social, and psychological situation, but also framed sex workers as victims of North African men. They invoked the failure of relationships between French women and North African men as one of the causes of women ‘falling into prostitution’. For example, a course for Christian social workers, given at the Christian university by the head of *Les Amicales du Nid*, discussed different scenarios of ‘women falling into prostitution’. In these scenarios, cohabitation and marriage with North African men were illustrated as a gateway into prostitution, thus perpetuating the notion that prostitution was caused by migrant men.

At the same time, from a position of Catholic, leftist working-class solidarity, Catholic abolitionist groups underlined the necessity of alleviating the solitude of migrants. Articles in their magazine *Femmes et monde* argued that prostitution was not the fault of North African migrants because these men themselves were victims of solitude and racism (Leconte-Souchet, 1977). For example, the magazine featured an interview with Ben Jelloun as an expert on the issue, in which he argued that prostitution could only relieve the sexual needs, not the affective needs (Delorme, 1977). As a solution, Ben Jelloun proposed family migration, thereby encouraging marriage endogamy as the dominant sexual and domestic paradigm.

Some feminists criticized the conflation between sexual misery and sexual violence and the proposed necessity of prostitution as the solution. The second-wave feminist movement of the 1970s was concerned with themes that touched upon sexuality and bodily integrity but was divided on the issue of commercial sex: some argued for abolition, others supported sex workers’ rights. Indeed, abolitionist feminists rejected arguments on sexual misery and sexual racism. For example, a feminist wrote the following in the feminist magazine *Choisir*: 

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* Franco 107*
Also, in the name of an ambiguous humanism, to say the least, we suddenly think of migrant workers. However, could we not bring their families instead of granting them five minutes of sex per week and organizing these meetings of the rootless and the excluded? (Go for a walk on rue St Denis [a street infamous for sex work]!) (1980).

The author criticized the toleration of prostitution as a means of preventing sexual crime by North Africans against white women and thereby catering to the sexual needs of migrants. Instead, she made the case for the possibility of family reunification for all migrants. Yet, she still did not envisage non-commercial and consensual interracialized intimacies as a possible way to respond to the problematization of North African men’s presence.

Thus, the various commentators, activists and politicians promoted either commercial sex or racialized endogamy through the call for family reunification. These discussions constructed and perpetuated a sexual order that placed French sex workers and North African migrant men at the lower end of the gender, race, and class hierarchies. These hierarchies distinguished sex workers from ‘respectable’ French women and girls. This is crystallized in the argument made by the Prefect of the department of the Rhône during a press conference in 1972. He stated that North African men should have sexual relations with ‘prostitutes’ rather than running the risk that they rape ‘our girls’.11 Discursively, sex workers were characterised as ‘sacrifices’: in this way, the ‘prostitute’ was to be sacrificed for the sake of respectable French women, and by extension of French public morality.

The belief of prostitution as sacrifice stands in a long historical tradition. In Thomas Aquinas’ work, an added footnote drew the parallel of the necessity of prostitution as similar to the necessity of ‘the sewer in the palace’ (Ditmore, 2006). Sex work was the lesser evil solution to protect the public order of heteronormative society: this constructed a social order that needed both sex workers and migrant workers for their labour while legally and discursively excluding them from state protection and care. This is illustrated in a television programme entitled ‘Is Prostitution Necessary?’ aired in February 1976, in which a sex worker appeared as a guest. When she argued that no one cares about ‘the death of a prostitute’, the host intervened to relativize the marginalization of sex workers (De Vive Voix, 1976). He claimed that if a migrant worker gets run over by a car, no one cares either. Notably, other guests on the television show did not react. The message therefore seems clear: sex workers and North African men are sit together at the lowest end of the social hierarchy within the sexual order. Migrant workers were building the palace; sex workers were holding it up from below in the sewer.

The discussions on the necessity of sex work constructed and reproduced a sexual order and political economy that required sex workers’ labour to fill the so-called sexual needs of dehumanized migrant workers in a migration context that did not want durable family migration from the African continent. The sexual political economy served the French interest that necessitated cheap migrant labour to do low-paid menial work, while, at the same time, the French administration deterred the men who provided this labour from settling and making a life in France (Silverman, 2002; Weil, 1995).

The sexual order was patriarchal and heteronormative: stereotypes of Arab men as both rapists and victims of sexual misery present male sexuality as uncontrollable and
innate. This perpetuated the understanding that women’s bodies are either at men’s disposal to alleviate this pressure or under constant threat of male sexuality. Moreover, arguments for the tolerance of prostitution assume that women’s sexuality is subordinate to men’s. The construction and protection of the sexual order contributed to avoiding other forms of more durable and productive interracialized intimacies, such as marriage. This resulted in the sexual order and political economy being racialized, heteronormative and gendered: thus, serving French capitalist interests.

Racialization and Colour-Blindness

In tolerating the criminalized acts of procurement, soliciting and the running of brothels for North African workers as sex buyers, law enforcement was primarily concerned with the protection of the sexual order. In taking this approach, the particularistic enforcement of the legislation revolved around the regulation of interracialized intimacies and was therefore racial. Yet, the semesterly activity reports of the administrative police describe police action and the underlying motivations in a seemingly universalist way:

There is a large colony of immigrant workers of North African origin in Marseille, mainly located in the so-called ‘cage’ district. The expansion of these neighbourhoods is quite sensitive, mainly towards La Canebière.

Tolerance in prostitution seems difficult to apply because of the principle of equality of citizens in criminal law; a principle to which the population of Marseille is particularly sensitive. Indeed, many protest letters were sent to the Service asking why such establishments are not the subject of legal proceedings and demanding an explanation for such discrimination.

The only possible tolerance is practical and meets the state of necessity: the workforce does not allow the conduct of large-scale operations. The Section is therefore obliged to make choices based on the notion of public disorder or social or human considerations.12

This passage illustrates how law enforcement was concerned with protecting the so-called ‘public order’ rather than the French legal principle of equality. The police approach to anti-procuring and anti-soliciting took the meanings of ‘public order’ and ‘social or human considerations’ for granted, and the police did not explain what they might look like and why they should be that way. Instead, it was implied that the authorities considered the selective tolerance of procuring, soliciting and the operation of brothels as a solution to the problem of the presence of single North African migrant men in certain neighbourhoods in the French metropole.

Even though selective tolerance was not in line with the republican legislation that called for, on paper, universal law enforcement, it was motivated by particularistic implementation through arguments on public order. In the context of empire, the language of universalism was contingent on geographical particularism that allowed for racial differentiation (Zevounou, 2021b). In the postcolonial context, former colonial subjects had moved into European-France as migrants, making geographical particularism obsolete in the metropole. The legislation in question did not stipulate the selective tolerance of prostitution for racialized groups of sex buyers, as this would constitute discrimination.
However, to justify racially particularistic implementation, police tolerance for racialized groups *ex post facto* was justified as a ‘practical decision’ and necessary for public order. This negates the saliency of race while simultaneously articulating and justifying racialized concerns in colourblind language.

The legislative framework enabled the authorities to regulate the racialized, class-based, and gendered sexual order because it allowed for the police’s selective tolerance, even though this was not formulated in law. Mainsant (2013a) argues that law is made ‘from below’ in the regulation of sex work, which means that ‘law in the book’ differs from ‘law in action’. Police action gives meaning to the legislation through discretionary surveillance and discretionary tolerance (Mainsant, 2012). This paper has argued that police attributed meaning to anti-procurement and anti-soliciting legislation in a racialized way to regulate interracialized intimacies: an approach that is thus not contrary to the law, but rather, a function stemming from it.

**Conclusion**

In this article, I have shown how the police approach to commercial sex during the period in question was invested in protecting the racialized sexual order. Societal and political discourse on labour migration from North Africa constructed and perpetuated a sexual order that encouraged commercial sex over consensual and non-transactional forms of interracialized intimacies. Set against this context, I have argued that police enforced universalist legislation in a racially particularistic way to ensure the availability of commercial sex for North African labour migrants. The selective tolerance of procurement, soliciting, and the running of brothels was made possible through discretionary police power and racialized knowledge of North African migrants as sex buyers. This demonstrates that seemingly colourblind legislation could be enforced in a racialized way to indirectly regulate interracialized intimacies.

The insights from this paper show that paying attention to racialized categorizations and problematizations of sex buyers can help understand racialized regulation of commercial sex. Whereas research on sex work and prostitution tends to focus on the impact of the race and migration status of sex workers on legislation and law enforcement, this paper has built upon insights from the colonial context to argue that looking at workers and buyers together shows that commercial sex is also about the regulation of interracialized intimacies. By making commercial sex not only an allowable intimacy but also a preferable intimate relationship, the regulation of commercial sex was one of the ways in which the authorities could control interracialized intimacies. To understand the regulation of interracialized intimacies, attention to tolerance can contribute to revealing which intimate relationships are favoured over others and how. Pursuing this line of inquiry helps shed light on how the regulation of commercial sex is concerned with intersections of race, gender and migration status in more complex ways.

This article has given a historically specific analysis of the construction of race and racialized logics in French law and law enforcement. This contributes to critical race studies in Europe in general, and France in particular, with insights from feminist scholarship on the colonial context to show how the regulation of commercial sex was integral to the protection of the racial sexual order. As colonial migrants moved to the French
metropole before and after the independence of the former colonies, the French authorities and the white French community increasingly articulated racial concerns through sexual anxieties. These anxieties were mitigated through police action on commercial sex. The specificity of constructions of race in universalist and colourblind legislation in France reveals the saliency of colonial continuities in the postcolonial context. This shows how historical and context-specific particularities can help us more fully understand the working of colour-blindness in both a local and global perspective.

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Legislation
Assemblée Nationale, Loi, « Marthe Richard tendant a la fermeture des maisons de tolerance et au renforcement de la lutte contre le proxénétisme » 46-685, 13/04/1946

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Notes
1. Oral history Yvon Thomas, interview by E. Blanchard, « Récits de vie de policiers 1992-2005 », 13 July 2004, l’IHESI-INHES, in Bibliothèque Nationale de France DONAUD0601.
2. Le Préfet délégué pour la Police à Monsieur le ministe de l’interieur, direction générale de la police nationale, direction de la réglementation, Lutte contre le proxénétisme, 1972, 1650 W 1 in Archives Départementales du Bouches-du-Rhône.
3. Le Préfet délégué pour la Police à Monsieur le Ministre de l’Interieur, direction générale de la police nationale, direction de la réglementation, Lutte contre le proxénétisme, 1972, 1650 W 1 in Archives Départementales du Bouches-du-Rhône.
4. Préfet du Bouches-du-Rhône à le President du comité d’interet des quartiers Belzunce Bourse Canabiere, 17/08/1973, 135 W 326, In Archives Départementales du Bouches-du-Rhône.
5. Préfet du Bouches-du-Rhône à le President du comité d’interet des quartiers Belzunce Bourse Canabiere, 17/08/1973. 135 W 326, In Archives Départementales du Bouches-du-Rhône
6. Direction centrale des renseignements généraux, section étranger et minorités in the folder « les travailleurs arabes en France généralités », 19850087/156, in Archives Nationales.
7. Note le directeur des services de police judiciaire à l’attention de Monsieur le Directeur Général de la sureté national, 25/03/1959, in Archives Nationales 19910852/8. Consulted with special permission.
8. Le Préfet délégué pour la Police à Monsieur le Ministre de l’Interieur, direction generale de la police nationale, direction de la reglementation, Lutte contre le proxénétisme, 1972, 1650 W 1, in Archives Départementales du Bouches-du-Rhône.
9. Mouvement du Nid, lettre d’information, not dated, 38 J 1, in Archives Départementales du Bouches-du-Rhône.
10. l’Oeuvre du Nid, Brochure ‘Camps de concentration modernes’, not dated, 38 J 1, in Archives Départementales du Bouches-du-Rhône.
11. Groupe d’information sur la prostitution, Prostitution Vérité lettre d’information, 1972., 38 J 1, in private archives of Frère de la Pommeraye, in Archives Departmentales du Bouches-du-Rhône.
12. Le Préfet délégué pour la Police à Monsieur le Ministre de l’Interieur, direction générale de la police nationale, direction de la réglementation, Lutte contre le proxénétisme, 16/08/1973, 1650 W 1, in Archives Départementales du Bouches-du-Rhône

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