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The future of an institution from the past: accommodating regulationism in Bolivia, from the nineteenth to the twenty-first century¹

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Translated by Sara Shields

Since the end of the 2000s, under the banner of the Bolivian prostitutes' organization (ONAEM²), a group of women has been fighting for recognition as sex workers.³ All of them work – or used to work – in a house of prostitution (*lenocinio*) that is regulated and controlled by municipal government authorities. Nobody appears to be concerned by the contradiction between the operation of these establishments and the criminal code, which expressly condemns the running of a brothel and the earning of money from another person's prostitution.

The legal framework governing prostitution in Bolivia is an eclectic mix of traditional European-style regulationism and abolitionist laws inspired by United Nations conventions, especially the New York Convention and the Palermo Protocol. In their day-to-day actions, the police, the health services and the municipal government alternate between using the tools of regulationism and abolitionism to organize prostitution, while at the same time cracking down on its most unacceptable facets (especially when there are minors involved). Nobody – either from the state or on the side of the prostitutes and the institutions that work with their sector – currently seems willing to tackle this contradiction in the law. There is nothing to indicate that the situation will change if ONAEM obtains official recognition of sex work.

¹ An initial version of my analysis of regulationism in Bolivia was published in Pascale Absi, "Femmes de maison. Les avatars boliviens du réglementarisme", *Actes de la Recherche en Sciences Sociales*, 198 (2013), pp. 78-93.

² Organización Nacional para la Emancipación de la Mujer (National Organization for the Emancipation of Women).

³ Until 2009, ONAEM's leaders were not in favour of professionalization. The shift is largely due to the work they did together with the Danish NGO IBIS-HIVOS, which manages the funds allocated to Bolivia by the Global Fund to fight AIDS, and the TraSex Network (*Red de mujeres trabajadoras sexuales de América Latina y el Caribe*). Since it was set up in 1997 under the auspices of UNAIDS and HIVOS, this network has been campaigning for prostitution to be recognized as a profession.

⁴ This situation may be somewhat similar to certain other countries such as Belgium, which tolerates the existence of prostitution establishments despite its abolitionist legislation. However, in Belgium these establishments are not regulated as houses of prostitution as they are in Bolivia.

After describing how regulationism was introduced in Bolivia, I will attempt to understand the reasons for its survival. I will look at how the weakening of coercion and the improvement of working conditions in brothels allowed the system to become even more legitimate. This chapter therefore proposes to contribute to the comparative discussion of historical forms of the sex trade by looking at the particular evolution of the classical way of managing prostitution exported by France in the nineteenth century, as well as examining the conditions that lead to certain arrangements being seen as more positive (or less negative) by the people involved in it.

It would not make much sense to go further back in time. Very little (not to say nothing) has been written about the history of prostitution in Bolivia. That said, it is clear that prostitution took off after the Spanish conquest, together with the arrival of the market, money, wage labour, industrialization and the concentration of the workforce in urban areas. References to previous practices of providing sexual services in exchange for goods can be read between the lines in the earliest chronicles.⁵ However, exchanging sex for something else is not the same as prostitution,⁶ and an understanding of what was going on before the conquest cannot be gleaned from these writings. Neither do the Spanish courtesans or the indigenous and mestizo women who became prostitutes during the colonial period help much to understand the situation today. As we will see, the way in which ethnic categories influence the practice of prostitution offers not even a glimpse of a structural inheritance from colonial times. On the contrary, the way in which prostitution is organized today is entirely consistent with the modernizing project of the republican state that followed independence in 1825. If the colonial period has left any trace other than the formation of an urban proletariat that provides today's brothels with their workers, we would have to look for it in the sphere of morals.

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⁵ In the sixteenth century, for example, a scandalized Father Álvarez recounts how women from the *Altiplano* would have sexual relations with coca growers in the Andean foothills in exchange for the highly prized leaf. One wonders, however, whether what the priest calls the "sale" of sex might in fact be the transfer of women – a practice typical of the inter-ethnic alliances in the prehispanic Andean region. Cf. Bartolomé Álvarez, *De las costumbres y conversión de los indios del Perú. Mémorial a Felipe II* (1588), (Madrid, 1998), p. 608, 337-338.

⁶ Paola Tabet, *La grande arnaque. Sexualité des femmes et échange économico-sexuel*, (Paris, 2004), p.207.

⁷ In what is now Peru, Garcilaso de la Vega mentioned the existence of "public women" called *pampairunas*, who lived in hovels outside villages during Inca times. Unfortunately little is known about where these women came from or what they actually did. Cf. Garcilaso Inca de la Vega, *Comentarios reales de los Incas* (1609), (Madrid, 2004), p. 320, bk. IV. ch. XVI.

Rooting out the worship of idols went hand in hand with reforming the sexuality of the indigenous peoples along with introducing the Catholic institution of monogamous marriage, condemning premarital sex and polygamy. This is the context in which the boundary between acceptable and unacceptable female behaviour was drawn, giving rise to the stigmatization of the *puta* (whore) as the opposite of the decent woman. At least since the eighteen century, the words "ramera" and "puta" have been used in Bolivia to disparage women - including indigenous women - who are of dubious character. In more contemporary terms, we are talking about women who in one way or another challenge men's patriarchal right over women and their productive and reproductive capacities. 10 Today, in the Bolivian working classes, those women who work outside the home, thereby threatening male hegemony by generating their own income outside the family sphere, are particularly exposed to being classified as putas. In fact, selling their bodies or making themselves available to the public for sex is not the worst thing that the prostitutes perceive about their activity. Instead of talking about the sanctity of the body or monogamous marriage, they constantly refer back to their domination+n of male clients and their money. It is considered the very epitome of women's naked ambition to refuse to accept low incomes in work traditionally done by women and/or bestowed on a woman by her husband. 11 These same women reject being called prostitutas and prefer to be known as meretrices or more recently as "sex workers." They consider "prostitutes" to be women who have the bad habit of sleeping around without being paid. As they tell their clients, "The puta is your wife who has sex with other men while you're working."

The qualitative data have been taken from a classical ethnographic study carried out between 2005 and 2009 in legal brothels in Bolivian cities, particularly the mining city of Potosí in the Andean highlands. Because I was living in Bolivia at the time, I was able to visit the brothels almost every week. I began by making contacts in the health centres where the women go for their weekly medical check-up. In time, I gained the acceptance of the brothel owners, their clients and the women who worked there (or

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⁸ Fernando Armas Asín, "Religión, género y construcción de una sexualidad en los Andes (ss. XVI y XVII)", *Revista de Indias*, 61 (223), (Madrid, 2001), pp. 673-700.

⁹ Ward Stavig, Amor y violencia sexual. Valores indígenas en la sociedad colonial, (Lima, 1995), p. 93, 57

¹⁰ Tabet, *La grande arnaque*, p. 207. See also Gail Pheterson, *The Whore Stigma: Female Dishonor and Male Unworthiness*, (La Haye, 1986), p. 116.

¹¹ Pascale Absi, "La professionnalisation de la prostitution : le travail des femmes (aussi) en question", *L'Homme et la Société*, 176-177, (Paris, 2010), pp. 193-212.

perhaps they just became resigned to my presence). As a result, I was able to conduct more formal interviews with over a hundred women in their rooms or houses or in my own. The quantitative data in the section on the women's social background are taken from a study done with the geographer Hubert Mazurek and Noemi Chipana.¹²

From French-style regulationism to its Bolivian avatar

As is the case in abolitionist countries, Bolivian law is silent about prostitution itself. The 1972 Criminal Code (updated in 2010) limits itself to condemning procuring, people trafficking and the corruption of minors, expressed in terms inspired by the abolitionist United Nations conventions to which Bolivia is a signatory: the New York Convention (1949, ratified in 1983) and the Palermo Protocol to combat people trafficking (2000, ratified in 2001). If this adaptation reflected a real desire to change things, it has come up against the inertia of custom.

Thus, municipal bye-laws easily coexist today with the 1949 Convention's provision ordering states not to regulate prostitution and to punish those who profit from it (who would include brothel owners and Bolivia's public administration - through operating licences, fines, and – until recently – obligatory payments to health services and the police). And while Article 321 of the Criminal Code condemns "anyone who, on their own account or on behalf of someone else, openly or secretly runs a house of prostitution or meeting place for lewd purposes", municipal governments continue to issue operating licences to establishments classified as "lenocinios". A parliamentary proposal to restrict the exploitation of prostitution is currently completely blocked due to the health-oriented rationale of regulationism. Instead of being considered procurers, the owners of the establishments are seen as playing an essential role in ensuring that the women go for their medical check-ups. Consequently, it is no surprise that in 2011 the Bolivian police registered just twenty-two cases of alleged procuring and only nine in 2010!¹³ These figures are derisory in comparison with the number of officially recognized establishments - ranging from a dozen to more than fifty in each of the country's large cities – not to mention the clandestine ones.

¹² Pascale Absi, Hubert Mazurek, Noemi Chipana, "La categoría 'prostituta' a prueba de las estadísticas en Bolivia ". *Migración y Desarollo*, vol. 10, n°18, (Mexico, 2012), pp. 5-39.

David Chacon Mendoza, "Modificación al art. 281bis del código-penal-boliviano", http://www.monografias.com/trabajos93/modificacion-al-art-281-bis-del-codigo-penal-boliviano6.shtml (2011, accessed 3 May 2013).

The law against people trafficking enacted in 2006 is likewise inapplicable in this context. In keeping with the Palermo Protocol, Article 281 bis of this law condemns anyone who, "by means of deception, coercion, threats, the use of force or the abuse of a position of vulnerability, even with the consent of the victim, directly or through a third party brings about, carries out or promotes the transport or recruitment, deprivation of liberty, harbouring or receipt of human beings, within or outside the territory of this country", particularly for the purposes of prostitution. Similarly to the condemnation of all forms of intermediation, ruling out the idea that a person may consent to be recruited for prostitution makes no sense here. The existence of the health card is proof of the official recognition of voluntary prostitution dependent on a third party. When the health card is first issued, there is no interview to assess the beginner's motives, whether she gave her consent, or the way in which she was recruited. Determining whether or not she was in a vulnerable position would also be complicated to say the least. Despite its abolitionist orientation, in its application Bolivian law therefore accepts the existence of non-criminal procuring and recruitment. Indeed, a review of press reports shows that, similarly to the condemnation of procuring, the possibility of consent is only ruled out when the procuring and recruitment practices defined in the regulations too evidently come into conflict with morals and are compounded by other crimes (the corrupting of minors or the presence of undocumented foreigners). But recourse to the law mainly takes place when there is a failure to comply with the health checks on prostitutes.

Thus, the practice of prostitution appears trapped between official abolitionism and de facto regulationism, with national laws doing nothing to disturb the operations of brothels. Furthermore, most of the municipal bye-laws that regulate these establishments have not been updated for more than a hundred years. They rule on the location of brothels and the health-related obligations of their residents, as well as the role of public officials and medical services, abiding by the same concerns with hygiene and morals as the regulations in France¹⁴ (Corbin, 1982), which they copy chapter and verse.¹⁵

According to Paredes Candia, 16 the first brothel, in the modern sense of the word, opened in 1870 in the city of La Paz. Less than one hundred years after

¹⁴ Alain Corbin, *Les Filles de noces. Misère sexuelle et prostitution au XIX*^e siècle, (Paris, 1982), p.470.

¹⁵ Probably via the regulations introduced in Argentina in 1875 (see Cristiana Schettini in this volume).

¹⁶ Antonio Paredes Candia, De Rameras, Burdeles y Proxenetas. (La Paz, 1998), p. 114, 28.

independence, the prevailing concerns of eugenicists at the time confused the future of the country with the reproductive capacity of women, and prostitution became a political concern from the beginning of the twentieth century.¹⁷ With growing urbanization and the rise to power of the proletariat of indigenous and mestizo origins,¹⁸ one can assume that legislation was designed to take back power from the working classes where recent unionization and social mobilization destabilized the old order of class and sexes.

As with the 1906 "Regulation regarding *lenocinios* in La Paz", ¹⁹ the first municipal bye-laws regulated the confinement of women (called *asiladas*), mandated gynaecological check-ups, prohibited minors below the age of seventeen from entering, and placed the sick in a *lazaretto*. The women had to register with the local government, the madams presented their new recruits to the police, and the doctor kept a register of his patients. From 1938, the Ministry of Hygiene and Health and the municipality were in charge of overseeing these regulations. ²⁰ In 1957, a Supreme Decree opened the doors of the brothels to the national police force and put them in charge of enforcing the law that prohibited minors from entering and staying in brothels. ²¹ In 1962, the police's jurisdiction was expanded with the creation of the *matrículas* office which registers prostitutes and controls their places of work. ²²

Up until the early 2000s, life in the brothels was organized by a system of confinement. As in the previous century, the *asiladas* could not leave the brothel, move from one brothel to another or change city without a pass issued by the police. Registered women had to get a stamp every week and pay to be registered and for their check-ups. The principal way for a woman to remove her name from the register of prostitutes was for her to get married.

Brothels must still register with the municipal government today. It issues the licences that authorize prostitution establishments, discotheques, and any other type of premises that serves alcoholic drinks to operate. These permits are sent to the Environmental Health Office, which is responsible for ensuring compliance with hygiene regulations. Its officers make regular checks on these establishments.

¹⁷ Ann Zulawski, Unequal cures: Public health and political change in Bolivia, 1900-1950, (Durham, 2007), p.264, 119 and 141.

¹⁸ Herbert S. Klein, *Historia de Bolivia*, (La Paz, 1987), p. 361, 233.

¹⁹ Paredes Candia, *De Rameras, Burdeles y Proxenetas*, p. 114, 87-108.

²⁰ Feliciano Peña Berazaín, *Estudio social y legal de la prostitución en Bolivia*. (Graduation thesis, UMSA, La Paz, 2001).

²¹ Peña Berazaín, Estudio social y legal de la prostitución.

²² Peña Berazaín, Estudio social y legal de la prostitución.

Meanwhile, the Public Entertainments Department is in charge of enforcing compliance with opening hours (usually between 8pm and 4am). In an establishment that is also a place where people live, this is complicated to say the least. During the day, the ballroom and the bar are closed, but the women's bedrooms are not, and they continue to receive their clients there. But keeping the operating licence depends above all on the women and the male waiters having an up-to-date health card, and medical officers check this during their visits. Failure to present the cards leads to a fine, and the establishment ought to be closed down were it not for corruption. Each week, everyone must therefore undergo a gynaecological check-up in the health centre that runs the departmental government's STD/AIDS programme.

Relaxing the rules

The confinement regime has gradually fallen into disuse since the 1990s. Women are now free to move around and switch brothel, city, or way of life. In the past, the women residents used to eat, sleep, and spend their leisure time within the four walls of the house, where their children sometimes used to live as well. Door-to-door vendors would call regularly to offer food, clothes, and hygiene products. The only occasion when the women were automatically allowed out was for the visit to the doctor. Otherwise, they had to negotiate permission by paying the police and the brothel owner.

The increase in the number of players involved in the control system (the police, the municipal government, the health services) offered many opportunities for corruption and the abuse of power. The fines and temporary arrests (lasting from twenty-four to seventy-two hours) with which women found outside without permission were threatened could be avoided by offering bribes as well as domestic and sexual services free of charge. The medical officers who came to check the health cards were not slow to take advantage of such opportunities either. Their surprise visits often ended with them sitting at the bar drinking the round they had been invited by the owner or her asiladas. The house itself was far from being a refuge. Food, showers, television, permission to go out, the sale of articles at inflated prices, dodgy accounting... everything served as a pretext for the owners to make deductions from the women's pay and build up debts that kept them locked in even more securely. Meanwhile, the captive workers also had to put up with pressure regarding the number of services they should undertake to provide. A closed working and living space, in which the inmates' day-to-

day lives were completely dependent on the good will of the owners, the brothel operated as one of those "total institutions" described by Erving Goffman.²³ Despite the opening up of the brothels, the lack of distinction between private and public life, together with the confusion between personal and working relationships, has left a lasting mark, visible still today in the way they operate.

Ill-treatment, abuses of power, corruption, videos filmed and broadcast by the media without authorization: all these complaints were presented by the women to the *Defensor del Pueblo*²⁴ or Human Rights Defender's Office during the first meeting of Bolivian sex workers in 1998. Following an investigation, at the end of 2000 the *Defensor del Pueblo* managed to get individual registration abolished and the health card institutionalized at the national level (rather than by locality). The police found that their power was reduced to acting against people trafficking – especially involving minors – and the presence of illegal immigrants, as well as punishing public order disturbances near brothels. This victory consolidated the process of organizing Bolivian sex workers, promoted two years earlier by the *Defensor del Pueblo* itself. Today, ONAEM has become the legitimate interlocutor for the institutions working with the prostitution sector.²⁵ Another achievement in 2004 was that medical check-ups would henceforth be free of charge.

I have not been able to determine the exact circumstances in which the confinement regime came to an end. "One day I went to *matrículas* [the police registration office] and they just said to me, 'no, we're not doing that any more,'" is how Cristina, who was working in Cochabamba at the time, laconically sums it up. The opening up of the brothels does not seem to have been accompanied by a public debate. Neither has it given rise to changes in the law. This is understandable, because the municipal bye-laws I was able to examine (La Paz 1906, La Paz 1927, Potosí 1997) never mention the ban on the women's freedom of movement. They only stipulate that women are obliged to inform the health services of any change of address and if they leave prostitution. This means that the women's confinement and control by brothel

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²³ Erving Goffman, Asiles, (Paris, 1968), p. 452.

²⁴ A public institution that mediates between citizens and state institutions.

The project for an organization of Bolivian prostitutes arose as a result of the "Second Meeting of Latin American Female Sex Workers in Bolivia" organized in 1998 and supported by USAID, which at the time was funding the health centres where the prostitutes go to have their medical check-ups. By 2005, local organizations had been set up with the support of the Bolivian Trade Union Confederation (*Central Obrera Boliviana* - COB) in all the large cities. Inspired by the Argentinean precedent, the objective was to set up a national organization of sex workers with a view to their affiliation to the COB. However the organization never joined the COB (due to personal conflicts).

owners and the police was determined by custom, not the law. In one of my interviews, Betty Pintos, who worked for the Vice-Ministry of Gender Affairs at the time, also described a growing concern with the situation of the *asiladas* as a result of the World Conference on Women held in Beijing in 1995.

Paradoxically, the AIDS epidemic, which reinforced the legitimacy of the health check-ups, also strengthened criticisms of the confinement regime. Dr Rengifo, who has been in charge of the medical control of prostitutes in Potosí since 1991, recalls that in those days the health authorities saw promiscuity as a factor in the spread of the disease. After a transition period, during which the women were allowed to go out if they obtained the agreement of the brothel owners, the lifting of the requirement to register with the police put an end to the confinement system at the start of the 2000s. Today it is possible to work in a brothel without living there, although in practice most women are still resident and restrict their movements for fear of bumping into someone they know. Internalization of the stigma has replaced the physical boundaries of regulationism.

Since the establishments have ceased to lock up their staff, the legitimacy of the practice of prostitution no longer concerns the locale and now centres on the women themselves. For an adult, having an up-to-date health card is all that is needed to practise legitimately anywhere.²⁶ The concerns that justify the continuation of regulationism are no longer so much moral as hygiene-related; the authority of the doctor has replaced that of the police.

The consequence of the end of the confinement regime and the restriction of police powers has been that the sex trade has diversified outside the traditional establishments: newspaper advertisements, massage parlours, karaokes, the internet, escort agencies... A parallel market has always existed, but now it has been legalized in practice. These days, many women move from one form of prostitution to another, going back and forth between the different types of establishment, working as call-girls and picking up clients in discotheques. These pathways are evidently guided by the extent to which what the women have to offer (their physical appearance, their age, their level of schooling, their background) fits with the prostitution venue's particular specialization. But whether they come from the highlands or the tropical lowlands, they

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²⁶ At least in the large cities. In the provinces, brothel workers are often not controlled.

are always women from a low-income background who were recruited by means of similar mechanisms.

Arriving in the brothel

Trafficking in the strict sense of the term does exist in Bolivia: girls who have suffered abuse have their identity documents taken away and are locked up and threatened in order to force them to prostitute themselves, at least until they pay back – with interest – their travel costs and the advances they were given under the pretext of being found a job in another occupation, especially the restaurant trade. Nevertheless, even though the recruitment methods identified may coincide with what international abolitionist conventions understand by trafficking, once they have embarked upon prostitution the women are silent about the existence of coercion. Their discourses insist that it did not deprive them of all choice or room for manoeuvre, and they may even go so far as to present their introduction to prostitution as an opportunity. It must be assumed that this is not the case when the coercion is more openly violent, but the random ethnographic survey and the particular context of the official brothels did not allow me to gather testimonies of that type.

Most of the recruiters are informal intermediaries. They work in a brothel themselves or are known to the owner (taxi drivers, for example). They are opportunists rather than professionals. The women they target may be a neighbour, an old schoolfriend, a waitress in the restaurant where they have lunch, or girls they met at a party or a discotheque – in most cases domestic workers going out to have fun on their day off. These intermediaries often – but not always – charge a commission. Many sincerely believe that they are doing the women a favour. Helping an acquaintance or a relative, sometimes even their own sister, to get out of a run of bad luck is also the main motive mentioned by the women from the brothels themselves who, at the end of the day, are their main recruiters. Professional recruiters are less numerous. They have a good knowledge of the market and offer their services to different establishments around the country. They may even be the owners of such establishments themselves. They operate mainly in brothels (whose staff they poach) and entertainment venues, but they also hang around in bus stations – where migrants are arriving every day in search of work – and outside employment agencies (where they may also place advertisements). They quickly identify women who appear to be on their own or a little lost (especially young

runaways), those who cannot make ends meet until the next month's wages, or those who seem daring.

The revelation that takes place upon arrival at the house of prostitution tends to be brutal for those who were not expecting it. The owners usually try to prolong the illusion created by the recruiter, switching between coercion (scolding, confiscating identity documents, demanding to be paid back for travel and accommodation costs...) and showing what prostitution promises. The new recruit tends to be invited to start as an escort who has a drink with the men, promising her that she will not be obliged to sleep with them. The testimonies reveal an ambivalent process in which the seduction of quick money is an essential driver leading women to perceive the pressure they are under from the owners – but also from the other women, who urge them to take the step – as mild. Deceptions and pressures are recounted in an informative, never vengeful tone. Other testimonies indicate that the decision was taken more quickly, linked to the urgent need for money due to the loss of a job, the illness of a family member, or a debt. Then, once the routine becomes established, and regardless of the degree of coercion that has been exerted on them, the women's accounts coincide in reinterpreting their entry into prostitution in terms of an encounter with a welcome mediator.

Presenting the recruiter as a helper, while concealing coercion in order to highlight freedom and choice, is a classical idealization process in the life stories. The influence of regulationism and its practices probably also restrains the emergence of the figure of the victim introduced by the abolitionist discourse. But neither the legal environment nor the narrative procedures that arise from the speaker's psychological make-up can fully account for this. Instead of mentioning deceit to justify their entry into prostitution, most of my interviewees systematically placed the emphasis on their decision to continue with it. They state that they could have turned back, but they decided otherwise. Of course, the possibility of escape is made more complicated by the fact that their papers were confiscated or the shame of having had sexual relations in exchange for payment, as well as the pressure from the owners to pay back advances. The younger women, especially the underage girls, often do not have the resources both psychological and financial – to resist their influence. But what about the others, the older ones, who started when they were twenty or more and constitute the vast majority of my interviewees? They usually had a period of latency before they became active, a time when, once they had understood what awaited them, they could have decided to leave. Indeed, some do leave. Health service records show that some women ask medical staff for help to get out. In this way, the obligatory health check-ups curb the ability of the owners of official establishments to keep the women there against their will.

If the description of the processes of enlistment in prostitution in the particular context of Bolivia contributes to thinking about the internalization of coercion which leads to consent, it is because it shows that the process is not unequivocal. Contradictory feelings come and go. We see women resisting, then giving in to pressure before presenting themselves as consenting and, finally, if not exactly happy with it, at least accepting being where they are. Of course, reinterpretations after the fact tend to be appeasing. But we need to admit that the decision to remain in prostitution implies that women do have real room for manoeuvre. The fact that many abandon the work when they have achieved certain objectives (accumulating capital, buying a home, finding a man to support them, etc.) refutes the hypothesis that degradation (physical and psychological) and social exclusion do not allow them to even think about leaving. Indeed, since the brothels were opened up most women live a double life, spending long periods of time with their family and their children, to whom they lie about where their money has come from. Others own a shop or raise livestock. The women's young age, between twenty and thirty on average, also shows that there is life after prostitution. The comings and goings that characterize some career paths (where women return to prostitution following the failure of a business, to increase their capital, or to cope with other expenses) complicate the analysis still further. In these cases, the women undoubtedly knew what they were getting into. Considering the lack of positive professional and economic alternatives, there is clearly a limited degree of consent within the range of options available. But choice is not totally absent and the decision they make is understandable because, once the resistance has been overcome, in the women's eyes the benefits outweigh the losses it implies (in terms of their day-to-day lives, their view of themselves and the burden of secrecy). Understanding this means considering what their lives could have been like outside prostitution, as they themselves do. Devoting a few lines to the socio-demographic profile and life paths of the women who work in Bolivian brothels will enable us to understand the position from where prostitution may become an alternative.

Prostitution and migration pathways

The statistical data presented here are drawn from a review of the medical records of 2,474 sex workers registered between 2003 and 2005 in the ten main cities of Bolivia.²⁷ Most of them work in brothels but some work on the streets or advertise their services in the newspaper and undergo health checks. Forty-one life stories reconstructed from the information in the ethnographic survey complement the analysis. The typical portrait that emerges from the two approaches is of a young woman who lives in a city, has secondary school education, and supports family members.

The average age of the people registered in the health centres covered by the study is 23.9. There are few underage girls registered in the legal brothels (they have to keep out of sight of the health services or falsify their papers), and older "less profitable" women are usually turned away. Almost all of them are women. We only recorded thirty-five men. Along with the transvestites who work on specific streets, there are also homosexual waiters in the brothels who will trade sex for cash with men. It is exceedingly rare for transvestites to work as prostitutes in the brothels.

Most of the registered sex workers were born in urban areas. 41% came from municipalities with more than 500,000 inhabitants and 70% came from municipalities with a population of over 50,000, which are considered large in the Bolivian context. Very few sex workers come from far away from the large urban centres. This leads one to assume that one factor that influences entry into prostitution is the proximity of a market. For half of the women registered, working as a prostitute implies living somewhere larger than their hometown. This confirms that prostitution is essentially an urban-based profession. It also reveals a key link between migration and prostitution: 68% of the women work as prostitutes in a department other than the one where they were born. A further 17.9% were born in the same department but not in the city where they are working.²⁸

Now that the seclusion regime has come to an end, many women adopt a nomadic lifestyle. When business wanes, when clients get bored of the same faces or for a change of scenery they move to other cities in search of better opportunities. Nevertheless, migration tends to be an experience that precedes prostitution. Of the forty-one life pathways documented, thirty-one attest that our interviewees (one of

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²⁷ Absi, Mazurek, and Chipana, "La categoría "prostituta", pp. 5-39. The sample does not aim to reflect the number of people working as prostitutes in Bolivia as it is impossible to attempt to quantify it because many people are not registered and some only work intermittently, clandestinely or in provinces far from the STD/AIDS programme offices.

²⁸ Bolivia has ten million inhabitants living in nine departments.

whom is Chilean and another Ecuadorean) were no longer living in the place where they grew up when they began working as prostitutes. They left home to join other relatives or because they got a live-in job as domestic workers with a family or in a restaurant far from their home. Few had no prior contacts in the place they moved to. Migration is part of the economic strategies of Bolivian women in general, especially the younger ones. It may be the result of a desire to break away from parents or a difficult family situation, but leaving home is mainly motivated by a search for economic independence. Entering prostitution may be an indication of how difficult women migrants find it to achieve their employment and economic goals. At the same time, it reflects the vulnerability, but also the freedom, of young women who have escaped from parental surveillance. Having migrated beforehand provides the sense of anonymity that is so important for sex work.

This migration is understood to take place principally within Bolivia. In recent years, Bolivian women have migrated abroad in large numbers, especially to Spain, but they do not appear to be a significant group in studies on the European prostitution market.²⁹ Neither is Bolivia today an attractive destination for foreigners looking for work, including in prostitution.

The boom in the Bolivian mining industry at the beginning of the twentieth century attracted an influx of foreign prostitutes. In the 1930s, the mining cities were home to Chilean and Peruvian prostitutes whose male compatriots replaced the Bolivian miners enlisted to fight during the Chaco War against Paraguay. These foreign prostitutes were joined by Argentinean and French women, who had probably come through Buenos Aires. Nowadays, however, our sample showed that only 8.5% of the prostitutes came from abroad. Over half were Brazilian women working in the border city of Cobija. The rest also came from South American countries, especially Argentina, Peru, Ecuador and Paraguay. Most report having worked as prostitutes before entering Bolivia.

As well as physical appearance, age, and level of schooling, geographical origin and ethnic identity influence the women's career paths in the segregated and hierarchical sex market. Websites, escort agencies, massage parlours and the most prestigious nightclubs pride themselves on offering young women who meet the criteria

14

²⁹ Laura Oso Casas, « Prostitution et immigration des femmes latino-américaines en Espagne », *Cahiers du Genre*, 40 (2006), pp. 91-113.

³⁰ Paredes Candia, De Rameras, Burdeles y Proxenetas, p. 114, 26.

for being models, are able to converse easily and, in the case of the nightclubs, know how to perform a striptease. They include foreign women and black women (from the small Afro-Bolivian community, and from Ecuador and Colombia). The owners therefore use intermediaries to poach staff from establishments in neighbouring countries, especially Brazil. However, their workers do not include women from an indigenous background wearing the traditional dress of the highlands (the so-called *cholitas*), who work in lower-category establishments.³¹ But, even though *cholitas* are rarely present in the fantasies of more well-to-do men and those from the lowlands, they are so highly sought after in the rich mining regions of the highlands that some women there will dress like *cholitas* to attract clients. They are known as *transformers*.

Education, career pathways and family lives

Prostitution is not, then, the first choice of occupation. Testimonies show women who started to work when they were very young, at twelve or thirteen years old, which is still common in Bolivia. Many knew poverty when they were children. Their parents generally worked in the informal sector as small traders, often on the street, or had a workshop or, less frequently, were farmers or miners. Two thirds of the women interviewed reported having worked as a live-in maid with a family or in a restaurant. These employment opportunities are highly sought after because they require no funding or special skills, and migrants receive lodging and support (cash advances, gifts) from their employer. These conditions are similar to those offered in the brothels, which facilitates the move from domestic employment to prostitution.

32% of the sex workers covered by our study have only attended primary school, which is the same rate for all Bolivian women. Over 50% have attended secondary school. The same levels can be found for further education, proving that there is no significant difference between the education level of prostitutes and the overall female population of the same age group. This disproves the general view that the level of education is a factor that conditions women's entry into prostitution.

Almost half of the women interviewed became prostitutes before their youngest child turned three. These are very young mothers, who were often underage when they

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³¹ There are also indigenous women from the lowlands who work as prostitutes in the cities in eastern Bolivia. However, these women account for a very small percentage of the prostitutes working in the country.

became pregnant for the first time. As well as not being supported by the father of the child, many were rejected by their families because they were pregnant, at least to begin with. Because they did not have the money to pay a nanny, they had to leave their job (although the maternal grandparents often take charge of raising the children, after the mother's entry into prostitution). To be able to live with their children under the same roof and earn money quickly to pay somebody else to look after them is an advantage that prostitution offers whereas live-in domestic service often does not.

Once women become prostitutes, they usually work full time. Their spending habits reflect the first objective of their entry into prostitution. Their first wages are certainly not spent on luxury items. They often buy goods that they lacked previously and that mark their independence: clothes, bed, wardrobe, television, a cooker. Being able to pay someone to do housework is another luxury for women who are more used to being servants than employers. Once they have satisfied their basic needs they look towards improving their family's house and/or buy a piece of land and set up a business of their own. Many of the women yearn to find a stable partner and (re)build a family, although few consider it to be a good idea to look for a husband among their clients.

The place of prostitution in the life stories

The small number of women working as prostitutes who come from the poorest areas of the country contradicts the hypothesis that prostitution goes hand in hand with extreme poverty. Our study shows that background and, even less so, level of education, have little to do with a person's decision to become a prostitute. Coming from a poor family or not having studied beyond primary level do not have a knock-on effect, as seen by the fact that the majority of female prostitutes grew up in cities and have a similar level of education to the national averages. Prostitution seems to arise as a backlash against social frustration (the labour market cannot cope with the expectations created by achieving a higher level of education and migration) rather than poverty, and does not lead to the constitution of a marginalized population (meaning that it can be recognized by social characteristics taken into account in our study).

Difficult family situations, a succession of poorly paid short-term jobs, migration in search of better prospects, the lure of independence and leisure activities for young people, an early pregnancy – all are recurrent links in the chain of events involved in prostitution pathways. Nevertheless, the women rarely identify these factors

as having motivated them to take the first step towards prostitution. Instead, the fact that they needed money and a roof over their head was more often cited. The lure of the big city, such as the promise of money and increased social position, also play an important role.

Prostitution may make it possible to achieve a life project rarely accessible from the kinds of jobs traditionally reserved for women with their social characteristics. Having worked from an early age, the women in the brothels are well aware of their position in the labour market. Although the income from prostitution is insecure – varying from day to day and dependent on how dynamic the city's economy is – it is quite a lot higher than the wages received by a domestic worker (less than 100 Euros per month), and the dream of "a good night's takings" constantly renews the women's motivation. Thanks to their work they also meet men – sometimes comfortably-off – who are willing to give them a helping hand, or even to maintain them. And, in a country where assistance from the state (in terms of childcare, support for single mothers, and welfare benefits in general) is more than deficient, people can only depend on the market to achieve their objectives.

Thus, when I spoke of the women having a certain attachment, this should not be understood as an attachment to prostitution itself so much as to the possibilities it offers for achieving a type of social ascent that would hardly be viable in other circumstances. As Paola Tabet argues, comparing "degrees of coercion or the women's level of autonomy in the different forms of relationship has a specific purpose: to respect, try to understand, and analyse the choices the women themselves make, even if all these choices remain within the systems of male domination and do not allow them to escape from these". 32 In a world with limited opportunities, at the end of the day the women are exchanging one form of domination – that of the coercions involved in prostitution work – for another: that of resigning themselves to spending their whole lives being subaltern employees or depending on a spouse. Once they enter a relationship, women from working-class backgrounds in Bolivia are generally excluded from the labour market by the men whose role as provider ensures their domination over women. This economic dependence is the main cause of domestic violence against women. The money they earn from prostitution, in contrast, allows them to pay for their children's schooling, buy a house, invest in a business, and renegotiate their place in society and

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³² Tabet, *La grande arnaque*, p.116, 118.

within the family. Thus, some girls have regained the respect of their parents – with whom they had quarrelled – by paying for things they need. Yuli, a mature woman who entered prostitution relatively late in life, eloquently compares the violence she suffered as a wife with her new position: "Before I started this work, my husband never stopped calling me 'puta'. Now the clients say to me: 'Hello princess, I fancy you, would you like a drink?"" The women's stories are rife with sexual, physical and emotional abuses and emotional and economic privations, but these did not begin when they entered prostitution. In fact, many remark that they feel less invisible and marginalized than when they were domestic workers and enjoy manipulating men who are from the same social class as their former employers.

Working in a brothel

There are all sorts of brothels. Some are more expensive than others, or more luxurious. Many operate at the same time as bars, some offer shows, and others look like dingy dives (most of the field work was carried out in these). Finally, in others the women work without leaving their rooms, receiving one client after another. A base rate (three to ten Euros on average) is negotiated with the client and approximately one Euro is withheld to be paid to the owner of the establishment for providing the room reserved for sexual relations. Because they are considered to be "unnatural", anal and oral sex cost more. When a client is taking too long, a waiter will knock on the door, allowing the prostitute to charge a second time. Clients may also request company outside the establishment, for several hours or for the night, paying the owner and the woman for the time spent outside. The women also receive a commission for the drinks consumed by their clients while they are talking and dancing.

In return for complying with fixed working hours (five to seven hours per night, six days a week), women may benefit from being allowed to use a shared room inside the establishment. There they can keep their belongings, sleep, cook some food, or receive certain privileged clients. Most of the younger women still practise this custom inherited from the days of the seclusion regime. But the opening up of the brothels has led to the emergence of a new type of prostitute: one who lives elsewhere and decides whether or not to come to work, and when. This is the best position to be in if the aim is to prepare for a change of course. Living outside the four walls of the brothel allows women to have a family life, sometimes another job, or to continue

studying – something that is impossible for those who have to stay up and get drunk almost every night. It also favours a more distanced relationship with the establishment's owners and administrators.

Mamas grandes, owners and administrators

In the brothels, the women work under the supervision of an administrator (who may be the owner of the establishment him or herself, a relative of theirs or an employee). From behind the counter, the administrator takes the payments, keeps a note of the drinks consumed as well as the use of the rooms set aside for sexual relations, and hands out the bracelets that indicate the commission due to the women for the drinks they have sold. These will be exchanged for cash the following day. Owners and administrators are careful to keep order day and night. Inside, a system of fines regulates the work: when women arrive late, get into fights or fail to attend the meetings called to deal with routine matters. Outside, the administrators ensure that good relations are maintained with the police, the health services, municipal authorities, etc. A few male waiters, likewise paid on a commission basis, also work in the establishment.

In lower-class brothels, the owners are usually women, probably because of time-honoured rules (the regulations from the last century only mention madams, calling them *regentas*). The majority are ex-prostitutes who have climbed the social ladder but in the more upmarket establishments in the large cities the owners are generally men, sometimes with connections to the drugs trade and mafia networks.

Administrators or owners are invariably addressed as "Don" and "Doña", followed by their first name, and are spoken to with the respect which they say is necessary to ensure the order that is constantly under threat from alcohol consumption. Their authority is maintained primarily through their manipulation – not necessarily cynical – of affections in their relationship with their residents. Their behaviour is typical of procurers, alternating between displays of maternalism (paternalism) and enforcing discipline, meting out punishments and rewards (financial and emotional), which evokes the mechanisms of the mistress/maid relationship in the Latin American context of domestic labour. This is what the madams' nickname of *mama grande* refers back to. In counterpoint to this figure – and what she represents in terms of the infantilization of the women, typical of regulationism – they are always referred to as *las chicas* (the girls), even by public officials.

Thus, the brothel functions as a surrogate family around the *mama grande* (or another maternal figure, such as a long-standing trusted worker), especially for the younger women. The position of the madam is linked to her capacity to create debts, both financial and affective. She takes charge of the arrival and sometimes the travel costs of new recruits and gives them cash advances. Later, she dispenses her favours by providing money, a private room, a night off, permission to take a client to the prostitute's room, special help in case of sickness or pregnancy, etc. She also gives advice on various subjects such as relations with men, organised theft, or how to bring up children. On bank holidays the owners or madams will organize an outing, a barbecue, etc. Some of the women choose to cement this relationship by designating them as godparent of their children.

All this does not prevent conflicts, of course. The women's main complaints hardly ever concern the existence of the owners, who are not seen as pimps. They mainly complain about not being paid on time or being cheated in the accounts, unsanitary conditions, extra charges for electricity, water, television, showers, etc., and extended working hours. They also fear being fired when they are no longer deemed profitable (usually because of their age). However, an establishment that has a lot of workers is much more attractive, and the lack of women is a recurrent problem. This is why, since the opening up of the brothels, the risk of seeing their workers run away obliges administrators to treat the women with more respect and be more honest with the accounts. "If you don't like it, you grab your card [identity documents] and you leave," explains Carlos, a homosexual waiter who occasionally works as a prostitute. For this same reason, the women tend to be allowed to refuse certain sexual services and clients. The appearance of the prostitutes' organizations raises the possibility that conflicts with management will no longer be resolved solely between individuals. After their initial opposition, the proprietors have resigned themselves to the existence of ONAEM. They did not have much choice, as the survival of their business depends on the health institutions that support these organizations. Now that prostitutes are no longer kept locked up to preserve the moral order, the owners' social legitimacy is based solely on their ability to ensure compliance with regulationism's health objectives. They are therefore the first to remind the women to go for their medical check-ups and they obsequiously attend the meetings convened by the health staff. The demands regarding the recognition of sex work are likewise to their advantage. Turning prostitutes into workers would institutionalize their status as micro-entrepreneurs.

Thus, the opening up of the brothels has reconfigured the power relations between the women and the owners without so far having displaced the primacy of the inter-personal dimension in work relationships which, in the absence of written contracts, continue to be governed by custom. The loyalty or even affection that the women often show toward the owners – "He/she treats us with respect / gives us advice / gives us a helping hand"; "He/she is a good person" – has been interpreted as a sort of Stockholm syndrome – a traumatic bonding created by the alternation between good and bad treatment.³³ The interpretation that has been criticized by Dominique Vidal,³⁴ according to which servants in Latin America are said to be reproducing a traditional model whereby the subaltern submits to the master in exchange for protection, is equally reductionist for prostitutes too. Of course, some women are emotionally vulnerable and, in a context where social security is not provided by the state, they all appreciate the assistance they get from the owners. Nevertheless, like the simplistic image of the heteronomous victim, these explanations ignore the economic project involved in prostitution and the weight it carries in the way women experience their presence in the brothel. Indeed, when the behaviour of the owners – their honesty, how quickly they pay, their solidarity - does not serve the women's objective of social ascent, they do not hesitate to go elsewhere, even when the madam is godmother to their children.

Clients and prostitutes

In the lower-class establishments where the ethnographic study was carried out, the women and their clients come from the same social background, while higher-class clients have been soaked up by the increasing number of alternative venues such as karaokes, together with the small ads in the press. This favours the establishment of individual relationships, orchestrated by the women, who try to neutralize the power of the clients and their money through what they call their domination over the men.³⁵

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³³ Donald Dutton, Suzanne Painter, "Traumatic bonding: the development of emotional attachments in battered women and other relationships of intermittent abuse", *Victimology: an International Journal*, 6 (1981), pp. 139-155.

Dominique Vidal, Les Bonnes de Rio. Emploi domestique et société démocratique au Brésil, (Lille, 2007), 312 p.

Pascale Absi, "De la subversion à la transgression. La valeur de l'argent dans les maisons closes de Bolivie", in Catherine Deschamps, Christophe Brocqua and Cinthia Kraus (eds.), *Transactions sexuelles*, forthcoming, (Paris, 2014).

Domination, as the prostitutes understand it, involves obliging clients to spend their money by whatever means necessary, including theft. As a result, this constructs the sexual-financial exchange as an unlimited debt which cancels out the idea of a price. "Domination" also consists of humiliating the clients. It is enough for a man to enter a brothel alone or be a little shy for him to find himself the butt of jokes about his appearance, his clothes, his way of speaking... Laughter is an incredibly powerful weapon to annihilate the power men attribute to their money. They must never think that they are doing the prostitute a favour. Men always have to take the first step and the women see it as their prerogative to be able to negotiate their price loudly or send the client packing: "A discount? Are you kidding me? Anyway, with a dick that size you must be looking for a miracle. You'd be better off going to church!" By being bawdy with their clients the women rebel not only against traditional gender stereotypes but also against society's concept of a submissive, seductive prostitute willing to do anything for money. The group effect is clearly in operation here; when they are on their own, the women are often more relaxed and can act the seducer (or let themselves be seduced). Even so, this is not the ideal basis on which to conduct the relationship with clients.

The women's behaviour is facilitated by the way in which the brothels are organized: the owner's constant surveillance allows them to pile on the provocations and abuses fearlessly (the more prestigious establishments are probably not quite as tolerant). Unlike methods used to control situations physically and emotionally (restraining a drunk or potentially violent client, hiding certain emotions, etc.), the interactions described previously also imply a tacit acceptance on the part of the men who recognize that they do not always have the upper hand. This switch in position has a positive effect on the women who become aware that gender roles can be bent. The question of violence on the part of clients, regularly discussed in the press, is met with the automatic response of "You have to know how to make them respect you."

Guided by the norm of domination, regulation of the relationship between prostitute and client also involves the collective use of coercive mechanisms. Those who do not play the game of domination or who put themselves forward (hooking clients too blatantly or lowering prices) are immediately accused of being easy women and risk physical punishment. The main targets for collective beatings are the new recruits. "When you first get here, they all have the right to smash your face," one woman explains. This initiation rite punishes the new women for behaving seductively

with the men until they take their place, through charisma or through violence, within the hierarchy that distinguishes the novices from the experienced women. These norms that the women themselves impose and enforce serve to fill the gaps left by regulationism, which is only interested in how prostitution relates to society rather than the prostitutes' living and working conditions.

Concluding remarks

A few years ago, Bolivia's brothels became famous for being the target of a wave of violence on the part of local residents in the city of El Alto.³⁶ Less violently, people in other cities have been asking repeatedly for the establishments to be moved further away from residential neighbourhoods. But they are not demanding that they be closed down. There is a consensus about the current system, both from the state and society and among NGOs, international funders³⁷ and the prostitutes themselves. The demand for recognition as professionals has not changed the prostitutes' campaign objectives, which are aimed at safeguarding or improving the practice of prostitution without questioning regulationism or the existence of the owners of houses of prostitution. Although some of the organization's leaders have expressed mild criticism of the health card, most grassroots members continue to be in favour of it. This card, which functions like a work permit, is resignified as a professional licence that formalizes what the women see as their particular skills and their role in society. Thus, on ONAEM's website, the online newsletter Emancipación announces: "Sex Workers are combating the STD/AIDS epidemic openly and head-on, both in our role as activists and promoters of condom use, and in our day-to-day dealings with clients."38 The women are therefore showing themselves willing to act as guarantors of the system,

³⁶ In October 2007, the locals (artisans, traders, low-ranking civil servants...), both male and female, looted over twenty establishments (legal and illegal) and justified their actions by saying they were a result of the crimes and displays of public disorder generated by the establishments. The belongings of those working in the establishments attacked were burnt and some people were physically harassed, although not to a great extent. The police waited for several hours to intervene, once again proving the workers' vulnerability to local people's increasing tendency to take justice into their own hands, given the state's lack of response to growing demands for increased citizen security.

Only a feminist collective, *Mujeres Creando*, is calling strongly for an end to compulsory health checkups. Meanwhile, although the international policies of the WHO, UNAIDS or the Global Fund to fight AIDS criticize the health card for being contrary to universal public health and view it as an ultimately unproductive prevention measure, these same organizations manage to accommodate it when they provide funding to Bolivia.

The quote is from issue 1 (2011), 18. The newsletter is available on the website www.onaem.org.

providing that the pact with the authorities is not broken. When a conflict arises with a public authority, they invariably threaten to stop complying with the health check-ups and to carry on working as prostitutes clandestinely, using the press as their witness. This blackmail is a reminder of how much regulationism depends for its survival on the good will of official prostitutes. At the same time, and although they complain about abuses in the current system, they do not unanimously agree with the idea of becoming workers legally recognized as being governed by the Labour Code. They recognize the importance of having rights as workers, but they fear that having formal employment contracts will restrict the autonomy they enjoy at the moment: the freedom to choose from a range of benefits and working hours, the possibility of moving to another establishment from one day to the next, the ability to refuse clients and services, etc. This room for manoeuvre that has been available to them since the opening up of the brothels is a contributory factor in prostitution coming to be thought of as an opportunity in a quest for social ascent. Thus, Bolivian regulationism operates today as a joint construction in which regulationism's inheritance combines with the prostitutes' reinterpretations of it to serve their own purposes. The threat to refuse to comply with health checks is tangible proof of how the women subvert a system whose original aim was to deprive them of their agency as subjects.

Abstract

In Bolivia, prostitution in brothels continues to predominate in the sex market. These establishments operate on the basis of the vestiges of a regulatory system imported from Europe between the end of the nineteenth century and the beginning of the twentieth. Today, however, the concerns of public institutions are no longer so much moral as hygiene-related. For about the last fifteen years, the strict rules have been relaxed. Nowadays, women prostitutes enjoy much more autonomy in terms of choosing their clients and the services they are willing to provide, access to benefits, and the possibility of moving to another establishment or leaving prostitution. This reconfiguration of sex work contributes to its reinterpretation as an opportunity in a world where possibilities for women are limited.