

---

# Excluding Online Sex Work in a Neo-Abolitionist State: Prostitution According to the French Cour de Cassation

AG AboutGender  
2024, 13(26), 165-186  
CC BY

**Salomé Lannier**

University of Luxembourg, Luxembourg

## Abstract

Within a neo-abolitionist framework, the state seeks to eliminate prostitution through the broad criminalisation of all involved parties, including traffickers, pimps, clients, and, indirectly, sex workers themselves. However, in France, the category of sex workers extends beyond just prostitutes. This article examines a 2022 decision by the French High Court that introduces a narrow definition of prostitution, explicitly excluding webcamming. This definition is crucial for delineating the scope of neo-abolitionist measures. While some scholars have criticised the decision on moral grounds or for creating inconsistencies within criminal law, a broader critical perspective suggests that it allows certain sex workers to navigate around an ineffective model.

**Keywords:** online sex work, webcamming, prostitution, France, neo-abolitionism.

## 1. Introduction

Sex work has undergone significant evolution and diversification alongside the globalization of the Internet (Bernstein, 2007; Cunningham & Kendall, 2011). Recent research has increasingly focused on “gig-based sex work” (Berg, 2022) and “online sex work” (H. M. Rand & Stegeman, 2023). This has led to the identification of two distinct forms of online sex work: “Direct Internet-based or enabled sex work” (from now on identified as DIESW) which involves in-person commercial sex activities that are advertised and arranged online; and “Indirect Internet-enabled

---

### Corresponding Author:

Salomé Lannier  
salome.lannier@uni.lu

DOI: 10.15167/2279-5057/AG2024.13.26.2326

sex work” (from now on identified as IIESW) which encompasses activities that are both facilitated and conducted within an online or virtual environment (Sanders et al., 2017). Although the advent of online tools has introduced new risks and harms, such as cyber harassment and content counterfeiting, it has also created opportunities for sex workers, including greater control over working conditions, the ability to screen clients, and enhanced collective organisation (Campbell et al., 2019; Cunningham et al., 2018; Jones, 2016; H. Rand, 2018; Sanders et al., 2016; Stuart, 2022; Jones, 2020, p. 120-131).

IIESW includes sexual content creators, such as those offering webcamming services, an entrepreneurial activity (Bleakley, 2014). Webcammers, also known as webcam models or camgirls/boys, are defined as ‘people who use webcams to stream themselves stripping and/or performing autoerotic stimulation and/or penetration via sex toys’ (Henry & Farvid, 2017, p. 119). More broadly, they are individuals who ‘operate their own webcams to communicate with a broad audience online, often engaging with sexually explicit behaviour in real-time in return for financial compensation’ (Bleakley, 2014, p. 893). In essence, “The camming field, like other sex work industries, monetizes human desires for sex, intimacy, and pleasure” (Jones, 2020, p. 1).

Bleakley (2014) emphasises that webcamming is distinct from traditional pornography, particularly in its interactive nature and the autonomy it provides performers, who can operate without the need for a production company. Webcamming has emerged as an attractive option for two main groups. Firstly, more individuals may be drawn to IIESW due to the physical safety and independence offered by the online environment. Secondly, those who have faced barriers in other forms of sex work, whether due to their gender, race, sexual orientation, age, disability, or body type, can find opportunities within the growing camming industry (Jones, 2020, p. 3).

In recent years, webcamming has gained significant attention, particularly due to the rise of platforms like OnlyFans. Its appeal stems from several factors: increased societal visibility and mainstream acceptance, platform designs that enhance boundaries and privacy, and the impact of the pandemic (Hamilton et al., 2023). Although major platforms dominate the industry, research has revealed considerable diversity in webcamming practices, showcasing the creators’ agency while acknowledging the constraints imposed by external factors such as societal norms, geography, and legal frameworks (Attwood, 2011; DeLacey, 2024; Vlase & Preoteasa, 2022).

The literature has explored how platform terms of service and affordances shape the legal and technical framework of webcamming (DeLacey, 2024; Jokubauskaitė et al., 2023; Stegeman, 2024). However, state law, whether through legislation enacted by Parliament or judicial interpretation, also plays a crucial role in influencing the experiences of webcammers, and people engaging in IIESW generally. As noted by Henry and Farvid (2017, p. 119), “camming frequently operates in a legal grey area”, particularly on whether it is classified as prostitution and the specific national legal regimes governing prostitution (Green, 2016).

This article critically examines the 2022 French High Court decision that excluded webcamming from the legal definition of prostitution, relying on a narrow interpretation of what constitutes a sexual service (Cour de cassation, 2022). By focusing on France as a case study, the article explores the definition of prostitution and sex work within a neo-abolitionist framework, particularly in the context of its online evolution and judicial interpretation. The research addresses key questions: Who is classified as a prostitute in France? What are the implications for sex workers who fall outside this definition under the French neo-abolitionist model?

In the French context, sex workers not classified as prostitutes may avoid the criminalisation of their clients and of their social and work environment. However, this exclusion might also deny them protection and legal recognition in cases of abuse or exploitation. Research on webcamming in France is limited, as most studies focus on male online sex workers (Lavergne, 2021; Pajnik et al., 2016; Rubio, 2013). National commentaries on the court's decision have largely adopted a narrow criminal law perspective, overlooking the broader implications of this strict interpretation in a global context. This study aims to fill that gap, contributing to both national and international discussions on the legal definition of sex work and prostitution and its broader consequences.

To address the research questions, the article firstly provides an overview of international and comparative perspectives on the definitions and distinctions between sex work and prostitution, as well as the different regulatory approaches to prostitution. Secondly, it delves into the French definition of prostitution, examining both legislative texts and High Court rulings. The third section explores the legal implications for sex workers, specifically webcammers and individuals engaging in IIESW, who do not fall under the classification of prostitutes within the French neo-abolitionist framework. Finally, the paper concludes by considering the broader, global implications of creating legal distinctions among sex workers.

## **2. Defining and regulating sex work/prostitution: international elements**

### ***2.1. The legal definition of sex work/prostitution***

Unlike the concept of sex work, the notion of prostitution has been recognised in international law for over a century, beginning with the 1904 International Agreement for the Suppression of the 'White Slave Traffic.' Prostitution has then been vaguely defined in the 1950 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others as the gratification of another's passion (article 1). More recently, the exploitation of prostitution is

addressed in the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. During the negotiations of this protocol, those directly affected, who had limited representation (Doezema, 2005), advocated for the broader umbrella concept of ‘sex work’ (Leigh, 1998; Dunn, 2022). Research, particularly in Canada, has shown that these two terms are not synonymous, and are not consistently used in the legal field (Haak, 2019). At the supranational level, Amnesty International defines sex work as the “exchange of sexual services, involving sexual acts, between consenting adults for remuneration, with terms agreed between seller and buyer” (Amnesty International, 2016, p. 6).

Beyond labels, “the question of paid sexuality is not only taken into account by the law: it is constructed through it” (Lê, 2014, p. 141). Different countries where sexual services are legally regulated often provide varying yet related definitions of the activity. For instance, in New Zealand, sexual services “(a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and (b) are provided for payment or other reward” (Prostitution Reform Act, Section 4(1)). In Germany, prostitution implies “a sexual act by at least one person on or in front of at least one other person who is directly present for a fee or allowing a sexual act on or in front of oneself for a fee” (Prostituiertenschutzgesetz, Section 1 §2). Both definitions involve sexual acts, an exchange, and the presence of another person. However, New Zealand’s definition highlights “physical participation” in sexual acts, suggesting direct physical involvement. In contrast, Germany’s definition is broader, including sexual acts performed “on or in front of” another person, which could encompass a wider range of activities, potentially including non-physical acts such as performances or displays. Additionally, the German definition does not specify a requirement for sexual gratification, whereas New Zealand’s definition explicitly links the act to the purpose of providing gratification. Finally, the German definition limits the exchange to a fee, specifically a monetary payment, while New Zealand’s allows for compensation in various forms, whether monetary or otherwise.

This study focuses on the French definition of prostitution. Following the Marthe Richard Law No. 46-685 of 13 April 1946, which closed brothels and strengthened the fight against pimping, the Law No. 46-795 of 24 April 1946 established a health and social register for prostitutes. This latter law was implemented by Decree No. 47-2253 of 5 November 1947, which defined a prostitute as “any woman who consents to sexual intercourse, with an indeterminate number of individuals, for remuneration” (article 1). As this definition was repealed by Ordinance No. 60-1246 of 25 November 1960, the current neo-abolitionist French law does not provide for a definition of prostitution.

Thus, despite its seemingly straightforward nature, the definition of sex work is inherently complex. Sexuality is multifaceted, manifesting in various forms and settings. For example, Harcourt and Donovan (2005) identified eleven types of “direct” sex work, including brothel and

street workers, as well as fourteen types of “indirect” sex work, such as lap dancers or BDSM professionals<sup>1</sup>. The issue of remuneration further complicates the definition. The traditional binary distinction between paid and unpaid sexual activity, often tied to the recognition of the reproductive sphere, has been critiqued by feminist scholars (Federici, 2004, 2021; Fraser, 2017; Fraser & Jaeggi, 2018). In essence, as Henry and Farvid point out the “discursive constructions of sex work are inextricably intertwined with the broader sociocultural positionings of gender, sex, and sexuality” in a given context (2017, p. 114).

## **2.2. Legal approaches to prostitution**

The law further participates in defining prostitution through the way the activity is regulated. Legal approaches to prostitution have historically been framed through various models. Typically, three main models are discussed (Lavaud-Legendre, 2009). The regulationist model imposes strict conditions on the practice of prostitution. In France, this approach was in place from 1802 to 1946, during which brothels were regulated, prostitutes were required to register in a national database, and were subject to regular medical examinations (Corbin, 1986). The abolitionist model, which emerged as a response to the regulationist approach, seeks to dismantle such regulatory frameworks. This model was notably adopted in the United Kingdom in opposition to the 1860 Contagious Diseases Acts, which were modelled after French regulations and led to the increased policing of women by law enforcement and health officials (Walkowitz, 1980a). Finally, the prohibitionist model seeks to criminalise most participants in the prostitution sector, including the sex workers themselves.

Recent developments have significantly transformed these historical categories. Since the 1980s, perspectives on sex work have been influenced by two main feminist approaches: structuralist (or radical) feminism and liberal or ‘sex positive’ feminism (Ferguson, 1984, Rubin 2011). Radical feminism typically views sex work through a lens of coercive exploitation, whereas liberal feminism differentiates between coercive sexual exploitation and consensual sex work (Jolin, 1994; Walkowitz, 1980b). Liberal feminists advocate for the recognition of sex work as legitimate labour and its decriminalisation. They argue that this would grant rights to those involved and help reduce stigma, while still ensuring protections against exploitation (Bateman, 2021).

In contrast, radical feminism views prostitution (and pornography) as inherently exploitative, arguing that it undermines women’s dignity within a patriarchal system that objectifies and sexualises women (MacKinnon, 1993, 2005, 2011). Radical feminists advocate for the

---

<sup>1</sup> Bondage/Discipline, Domination/Submission, Sadism/Masochism.

criminalisation of prostitution (Dworkin, 1991). This can involve direct criminalisation, such as prohibiting the sale of sexual acts or penalising the act of loitering in public for prostitution. Alternatively, indirect criminalisation targets those associated with the prostitution sector. This includes pimps and traffickers who coerce individuals into or keep them in prostitution. However, laws against pimping or trafficking can be broad enough to also impact sex workers themselves as well as persons from their social and work environment, as in France (see section 4.1). Additionally, the Nordic or end-demand model (Bullock, 2023) focuses on criminalising clients of prostitution. These policies are referred to as neo-abolitionist because they aim to eliminate ('abolish') the practice of prostitution rather than any specific legal framework. The term 'abolitionism' or 'neo-abolitionism' can be misleading when applied to jurisdictions without existing prostitution-related laws (Py, 2022, para. 78). In legal terms, abolition refers to the removal of a legal framework—in this case, a law regulating prostitution as work. However, a 'neo-abolitionist' country now refers to one that not only refrains from regulating prostitution as work but also seeks to eradicate the practice altogether. This approach conflates all sex workers with victims of exploitation, leading to the creation of a 'rescue industry' that, while purportedly combating human trafficking, frequently results in human rights violations to both trafficked survivors and sex workers (Agustín, 2008; Ahmed & Seshu, 2012).

The neo-abolitionist model has been enacted in France through Law No. 2016-444 of 13 April 2016 aimed at stepping up the fight against the prostitution system and supporting prostitutes. This framework has been upheld by the European Court of Human Rights, within the scope of States' margin of appreciation, aligning with France's political goal to 'abolish' prostitution and reflecting the absence of a unified European stance on the issue. However, the Court has also recognized the potential negative impact of such policies on sex workers and has requested States to monitor their application of the law on these topics (European Court of Human Rights, 2024). At the national level, the neo-abolitionist stance has been reaffirmed by the 2024 Strategy to Combat Prostitution and Sexual Exploitation (Gouvernement, 2024). From a criminal justice perspective, the 2016 law introduced penalties for clients of adult<sup>2</sup> prostitutes and repealed the criminalisation of prostitutes for public loitering (formerly article 225-10-1 of the Criminal Code). From a social perspective, this law established a programme aimed at helping individuals exit prostitution and facilitating their social and professional reintegration (article L. 121-9 of the Social Action and Family Code). This programme includes improvements in housing rights and access to residence permits for participants. Despite these measures, the precise definition of prostitution remains undefined in the text of the law. Consequently, its interpretation is left to the French High Court, particularly in the context of enforcing offences related to pimping.

---

<sup>2</sup> Persons soliciting or obtaining sexual services for a fee from minors were already criminalised at article 225-12-1 of the Criminal Code.

### 3. The definition of prostitution in France

#### 3.1. Framing prostitution through pimping

Under the current French framework, individuals who support prostitution in any capacity can be prosecuted for pimping. The Criminal Code outlines three categories of pimping offences. Firstly, article 225-5 addresses coercive and supportive pimping, which includes: assisting, protecting, or supporting someone else's prostitution; profiting from or sharing in the proceeds of another's prostitution; and recruiting, training, or pressuring someone into prostitution or to continue engaging in it (Vernier, 2005). Secondly, article 225-6 covers pimping in a broader sense, criminalising activities such as: acting as an intermediary between a prostitute and a client or another pimp; aiding a pimp in concealing illegal income; cohabiting with a prostitute without a legitimate source of income matching one's lifestyle; and obstructing institutional efforts to control or assist prostitutes. Thirdly, article 225-10 criminalises real estate-related pimping, which involves facilitating the use of property or vehicles for prostitution. The law does not require proof of coercion against the prostitute, though such coercion would result in more severe penalties (article 225-7.8°). The prostitute's consent to provide sexual services is irrelevant. Despite these extensive provisions, the law does not define prostitution.

Consequently, the French High Court has provided a definition of prostitution. According to the Court, prostitution is characterised as the "lending of oneself, in exchange for payment, to physical contact of any kind, in order to satisfy the sexual needs of others" (Cour de cassation, 1996). The essential aspect of this definition is that the client must compensate the prostitute, though the payment is not necessarily monetary. The term *rémunération* aligns with the offence of pimping (article 225-6.1°) but does not encompass any type of advantages, unlike in the broader definition of human trafficking (article 225-4-1.1.4°). Additionally, the payment must be exchanged for physical contact, a criterion that will be explored further in the next section. This contact must have a specific purpose: fulfilling the sexual needs of the client. In contrast, the offence of rape (article 222-23) requires a sexual nature of contact, initially defined as penile-vaginal penetration but later expanded by the High Court to include any sexual organ (Darsonville, 2022, paras 15-20).

It remains unclear whether the sexual need in the context of prostitution refers to the interaction of sexual organs, individual sexual pleasure, orgasm, ejaculation, or a broader collective notion of sexual satisfaction. This criterion may reflect a particular understanding of sexuality, particularly the notion that men have inherent sexual needs that must be met, which historically justified early regulationist frameworks (Walkowitz, 1982). While many clients seek

sexual relief (Pitts et al., 2004), feminist scholars have long criticised the concept of sexual needs as an oppressive and reductive view of sexuality (hooks, 2015; Tabet, 2005). From a biological perspective, the notion of ‘needs’ is debated, particularly in distinguishing between absolute and instrumental needs. Absolute needs, when unmet for a prolonged period, can harm the organism (McLeod, 2014). In contrast, a lack of sexual interactions with another person does not have such detrimental effects and is better understood as a social or cultural rather than purely biological issue (Jones, 2020, pp. 29-30).

Consequently, Lê contends that “prostitution is not considered by the [case] law as the activity of the prostitute but as a stereotyped relationship between a client and a prostitute” (Lê, 2014, p. 157).

### ***3.2. Excluding online sex work from prostitution***

Despite a broad definition of prostitution, the French High Court has questioned whether IIESW falls under this category.

In 2010, the National Confederation of Catholic Family Associations filed a complaint against French camming websites, accusing them of pimping (Le Monde avec AFP, 2022). The High Court had to determine whether camming constituted ‘prostitution’ as a prerequisite for charges of pimping (Cour de cassation, 2022, § 9; Mayaud, 2022). It clarified that physical contact between the person engaging in prostitution and the person soliciting it is required for the activity to be classified as prostitution (Cour de cassation, 2022, § 12). Consequently, DIESW, such as an online advertisement leading to a physical contact between the prostitute and the client, is classified as prostitution, with any intermediaries, including online platforms, being liable for aggravated pimping (article 225-7.10°). Conversely, IIESW, such as camming, does not qualify as prostitution (Cour de cassation, 2022, § 18). However, this distinction is not without complications. For instance, a sex worker might perform an in-person service where they engage in masturbation on themselves without physical contact with the client. Similarly, certain BDSM practices, such as whipping, can result in sexual satisfaction without direct physical contact.

The High Court justified its decision by adhering to the principle of strict interpretation of criminal law (Cour de cassation, 2022, § 17; Beccaria, 1995). When the law does not explicitly define ‘prostitution’, the Court’s interpretation relies on inferring legislative intent of the 2016 law (Mayaud, 2022), which did not revise the 1996 jurisprudential definition (Cour de cassation, 2022, § 16). According to Dreyer (2022), this approach reflects the Court’s reluctance to broaden its definition. However, this stance has faced criticism from some scholars.

Firstly, the Court references provisions that criminalise clients of adult prostitutes (article 611-1 and 225-12-1) (Cour de cassation, 2022, § 14), stipulating that individuals soliciting,



accepting, or obtaining sexual relations for remuneration may be fined. According to the Court (Cour de cassation, 2022, § 12) and Mésa (2022, p. 29), a sexual relation must involve physical contact between at least two individuals. In contrast, Conte (2022) and Le Dévédec (2022) argue that physical contact is not a prerequisite for defining a sexual relationship. Indeed, research indicates that communication technologies have expanded the range of sexual practices (Amsellem-Mainguy & Vuattoux, 2020; Weeks, 2023). The High Court might have alternatively interpreted that sexual acts under rape or sexual assault laws (articles 222-23 and 222-22-2) no longer require physical contact, as victims can be coerced into performing acts on themselves (Mésa, 2022, p. 29).

Secondly, the Court's reasoning includes article 227-23-1, which addresses online solicitation of sexual content from minors, whether paid or not, introduced in 2021 (Cour de cassation, 2022, § 15). The Court determined that such activities should not be classified as 'prostitution'. However, as noted by Jouenne-Peyrat (2022), in camming, individuals might passively access or pay for sexual content without actively soliciting it, challenging this comparison.

Nevertheless, French scholars rarely critically examine these interpretations within the context of the neo-abolitionist framework. The focus remains predominantly on legal analysis, leaving any "consideration of a moral or criminological nature" seemingly off the table (Dreyer, 2022).

## **4. Sex workers who are not prostitutes: French consequences**

### ***4.1. Circumventing the neo-abolitionist framework***

As IIESW, particularly webcamming, is not classified as prostitution in France, sex workers who engage in such activities are not subject to the French neo-abolitionist framework.

Firstly, companies that own platforms hosting IIESW-related content are not held liable for pimping and, consequently, cannot be seized. This was a central finding of the 2022 French High Court decision, which aimed to condemn one such platform. Nevertheless, these platforms may still be liable for other offences. For instance, they could be held accountable for disseminating child sexual abuse material (CSAM) under article 227-23 or for allowing minors to access pornography under article 227-24 of the Criminal Code. However, IIESW-related content produced and displayed by consenting adults does not fall into the category of illegal content. Provided platforms adhere to regulations designed to protect minors, hosting webcamming content remains legal. This stance from the French High Court contrasts with the current legal grey area

in the United States, where many platforms hosting online sex work content are headquartered. Originally, US platforms were protected by the safe harbour provision of the 47 US Code § 230, which shielded them from liability for user-generated content. However, following the enactment of the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) in 2016, platforms can now be held liable if they own, manage, or operate an interactive computer service to promote prostitution (47 US Code §230.e.5.C in conjunction with 18 US Code §2421A). Despite this, the definition of ‘prostitution’ remains vague under U.S. federal law, with limited clarification from the courts (Albert et al., 2021, p. 1148). Consequently, research indicates that FOSTA has led many platforms to remove sex work-related content to avoid liability (Blunt & Stardust, 2021). This law has also adversely affected webcammers, with reports of account suspensions and email lockouts due to the presence of pornographic content (Jones, 2020, p. 232). The lack of a clear definition of prostitution or webcamming has led some platforms to equate these concepts out of fear of legal repercussions, resulting in restricted rights and opportunities for sex workers, including webcammers. Conversely, in France, the online environment for webcammers is safeguarded, as it is legally distinguished from prostitution, and thus, does not face criminal liability for pimping.

Secondly, sex workers who are not categorised as prostitutes, as well as their social circles, cannot be convicted for pimping under the current framework. Historically, the broad definition of pimping has led to the criminalisation of sex workers and their close associates. Since 1980, intimate partners of prostitutes have faced charges for pimping if they benefited from or used proceeds from the sex worker’s activities to support their household (Cour de cassation, 1980, 1995). Strict interpretations of the law even suggested that a sex worker’s child, supported by their income, could be deemed a pimp (Papillon, 2021, p. 268). Furthermore, sex workers have been convicted for pimping for actions such as lending their vehicle to another sex worker whose car had broken down (Cour de cassation, 1994), for ‘protecting’ another sex worker from criticism (Rassat, 2022, para. 23), or for managing a bar or driving a car while another sex worker performed sexual services (Rassat, 2022, para. 25). As Papillon notes, “pimping comes in all its forms and the vagueness of the term leaves room for potentially infinite interpretation” (Papillon, 2021, p. 165). Through an entire review of the Criminal Code, this author considers that, by relying on other offences such as forced labour or coercion to commit an offence (in this case, rape), the offence of pimping could be abolished (Papillon, 2021, p. 366), in the correct meaning of the word.

Since the enactment of Law No. 2016-444, the High Court has not encountered similar cases involving the criminalisation of sex workers as pimps. The application of these provisions to sex workers by lower courts remains unclear due to a lack of comprehensive access to their decisions. Yet, non-governmental associations have been criticizing the use of the pimping offence to

prosecute sex workers themselves in front of lower courts (ACCEPTESS-T et al., 2020). With the 2016 law designating all prostitutes as victims of a 'prostitution system' (Casado, 2016), it follows that they should not be subject to criminal charges. Recently, the High Court has ruled that "an act of mutual aid intended to preserve respect for the dignity of the individual" does not constitute pimping (Cour de cassation, 2023), which complicates the interpretation of cases where sex workers organise themselves.

Moreover, the offence of pimping can extend beyond close relationships to criminalize landlords who rent to sex workers, individuals who assist in creating websites for sex workers, or any third parties involved in their activities. The French High Court frequently addresses the criminalisation of property owners who allow or know that their premises are used by sex workers (Cour de cassation, 2015, 2016, 2019a, 2019b).

On the contrary, sex workers who do not fall under the French case law definition of prostitution, such as webcammers, and their associated environments are shielded from pimping prosecutions. This legal protection allows them to organise their activities more securely without the fear of criminalising their social or professional networks. Specifically, close relatives, managers, web designers, landlords, and other third parties who support webcamming activities are not subject to pimping charges, given that webcamming does not meet the criteria for prostitution in France. Consequently, webcammers can engage more confidently with external support, provided their activities remain classified as IIESW and involve no direct physical contact with clients. However, this clear legal distinction may become problematic in practice for sex workers who engage in a mix of online and in-person services, potentially blurring the lines between different types of sex work.

Thirdly, as IIESW is not classified as prostitution according to the French High Court, clients of sex workers who are not considered prostitutes will not face criminalisation, effectively circumventing the central tenets of the neo-abolitionist framework. Viewers and purchasers of webcamming services, provided that the webcammers are adults and consenting, are not subject to criminal penalties. In France, since 2016, clients of prostitutes face fines of up to €1,500 or €3,750 for repeat offences (articles 611-1 and 225-12-1 of the Criminal Code). This policy aims to reduce demand in prostitution, equating it with sexual exploitation. However, extensive research indicates that such models may exacerbate stigma and threaten the human rights of sex workers. In Sweden, the first country to implement this end-demand policy, data does not clearly show a reduction in prostitution, but there is evidence of increased risks and conflicts with immigration and law enforcement authorities (Levy & Jakobsson, 2014; Östergren, 2019; Vuolajärvi, 2019). Similar findings have emerged in Canada, where violence against sex workers, impediments to safety and health, and discriminatory policing have persisted or worsened (Crago et al., 2022; McBride et al., 2022; McDermid et al., 2022; Pearson et al., 2023). In France, research indicates

that the law has led to harsher and less negotiated working conditions, deteriorating health and safety, and increased police surveillance and violence against sex workers (Koenig et al., 2022; Le Bail et al., 2019). By not being categorised as prostitutes, sex workers engaged in IIESW, such as webcammers, avoid the threat of client criminalisation, which may allow them to better control their working conditions and retain negotiating power unaffected by the 2016 law.

#### **4.2. Losing protective rights?**

While sex workers who are not classified as prostitutes can avoid the constraints of the French neo-abolitionist framework and therefore may operate with greater legal safety, this status also means they are not provided with the limited protective rights afforded to prostitutes.

The only provision benefiting prostitutes is a programme designed to help them exit the prostitution sector (article L. 121-9 of the Social Action and Family Code). This is among the few legal protections offered to prostitutes in France. However, the programme faces significant criticism regarding its implementation. There are stringent, yet vague, eligibility criteria that must be met for entry into the program, which are not automatically granted but depend on their practical interpretation by the different selecting committees, such as not engaging in prostitution anymore at the time of application (Alix, 2022). The prefect who decides on the initial application, or the judge in case of appeal, “must verify the reality of the person’s commitment to leave prostitution” (Conseil d’Etat, 2021), leaving much room for an arbitrary assessment. As a result, a vast majority of Nigerian women have been rejected from the exit program (Giametta et al., 2023). Once admitted, participants can receive a residence permit with work rights and a small allowance. This allowance is only granted if the person does not receive other forms of financial aid, such as asylum seeker support or active solidarity income. The latter, available to adults over 25 with low income—less than €1,907.10 over the past three months—and who are “residing in France in a stable and effective manner” (article L262-2 of the Social Action and Family Code), amounts to €635.70 in 2024. The allowance for program participants is €330, which has been criticised as insufficient to adequately support them (GRETA, 2022, paras 200, 226). Moreover, to be accepted into this programme, individuals must be recognised as victims of prostitution. Given the restrictive interpretation of ‘prostitution’ by the High Court, those engaged in camming or other forms of IIESW would not qualify as ‘victims of prostitution’ and thus would be excluded from this programme and its associated rights. However, webcammers could potentially apply for the programme if they are identified as victims of pimping or human trafficking, though the applicability of these offences is examined further below.

If camming is not considered prostitution, then abuses occurring in these situations cannot be prosecuted as pimping according to the French High Court's interpretation. This raises the question: can webcammers rely on other criminal provisions for state protection in cases of abuse?

According to Le Dévédec (2022), the Court's interpretation effectively prevents the prosecution of organised networks exploiting individuals through IIESW. However, other provisions could still address the sexual exploitation of minors online. For instance, individuals forcing minors to produce sexual content could be prosecuted under article 227-23 of the Criminal Code (child pornography), article 227-22 (sexual corruption of minors), or article 227-22-2 (sextortion) (Jouenne-Peyrat, 2022; Mésa, 2022, p. 30). The latter, introduced in 2021, criminalises any adult who “incites a minor, by electronic means of communication, to commit any act of a sexual nature, either on themselves or on others”.

The issue is more complex for adults engaging in IIESW who are victims of abuse. This is not a theoretical concern. In France, prosecutions are ongoing for abuse within the pornography sector, where victims, often lured online due to economic hardship, were coerced into performing sexual acts under false pretences regarding work conditions and compensation (Chapuis et al., 2021a; de Foucher, 2023; de Foucher et al., 2021). In this scenario, a producer forces a victim to engage in sexual contact with a third person to produce pornography. In this case, while there is physical contact between the victim and the actor, theoretically, there is no physical contact between the producer and the victim, between whom the monetary exchange takes place. According to the French High Court's case law, this situation may not be classified as prostitution, hence it does not qualify as pimping. Consequently, the offence of pimping cannot be used to address abuses within the realm of IIESW, particularly, in the pornography sector.

In contrast, individuals facing abuse in the realm of IIESW might seek recourse through the offence of human trafficking (article 225-4-1). This offence involves transporting, transferring, accommodating, receiving a person, or placing them at the disposal of the perpetrator or a third party, under conditions that negate their consent, for the purpose of exploitation. The French Criminal Code enumerates various forms of exploitation, including pimping, sexual offenses (such as rape or sexual assault), and forced labour. Given that the High Court's interpretation excludes abuses in IIESW from qualifying as pimping, the question arises: can sexual content creators, including those in mainstream pornography, be protected against abuse and exploitation under the offense of rape? Practically, there have been instances where police initially dismissed victims' complaints in such cases, reflecting a bias that “you can't rape a porn actress” (Chapuis et al., 2021b).

Despite such prejudices, the legal definition of rape includes any sexual penetration “committed on another person or on the victim by violence, coercion, threat, or surprise”

(article 222-23). Since 2021, this definition no longer requires direct physical contact between the offender and the victim. Consequently, if violence, coercion, threat, or surprise can be demonstrated, individuals engaged in IIESW may seek state protection under the rape statute. However, the offence of rape does not cover work-related abuse. Online sex workers may not be coerced into performing camming per se, but they might face exploitation through third-party control over their activities and income. In such cases, where no direct “violence, coercion, threat, or surprise” can be proven, seeking legal protection under the rape statute might be challenging.

Work-related abuses in IIESW could potentially be addressed under the offences of forced labour (article 225-14-1) or working or living conditions contrary to human dignity (article 225-14), with any preceding recruitment and transportation processes falling under human trafficking (article 225-4-1). The French High Court’s decision suggests that IIESW should be recognised as a legitimate form of labour, in contrast to prostitution. However, given the French neo-abolitionist policy, which extends politically to pornography and other forms of sex work not legally defined as prostitution (Billon et al., 2022; Casado, 2022), prosecution services may not consider IIESW as labour, potentially overlooking abuses within this sector of erotic labour.

If this challenge is overcome and IIESW is acknowledged as labour, work-related abuses could indeed be classified as criminal offences. Yet, the current criminal provisions may not fully address all forms of abuse within the IIESW industry. For instance, the offence of working or living conditions contrary to human dignity remains vague and relies heavily on judicial interpretation. Moreover, victims must be either vulnerable or dependent persons, concepts that lack precise legal definitions. Similarly, the offence of forced labour requires proof of violence or threats, akin to the requirements for prosecuting rape. Therefore, if IIESW is recognized as labour, French criminal law may offer protection to sex workers who are not considered prostitutes only against the most severe forms of abuse. Consequently, webcammers might need to leverage civil law, especially regarding intellectual property rights and data protection, and potentially labour law, to address work-related abuses effectively.

## **5. Division among sex workers: Increased stigmatisation or relief from a harmful model?**

In France, the High Court’s requirement for physical contact between sex workers and their clients to classify an activity as prostitution means that websites hosting camming practices are

not prosecuted for pimping. This strict definition limits the scope of the neo-abolitionist framework, which typically criminalises those facilitating prostitution and stigmatises and endangers sex workers.

While IIESW appears to circumvent this framework, French scholars have largely analysed the 2022 High Court decision in terms of its coherence with the Criminal Code. From a broader and more critical perspective, this decision can be seen as a counterbalance to France's dominant neo-abolitionist ideology. This "ideology" (Casado, 2022) victimises any sex worker, and qualifies as criminal both the "prostitution system" and the pornography industry, to justify broader policies of surveillance and immigration control (Calderaro & Giametta, 2019). On the one hand, sex workers engaged in IIESW avoid the harsh legal consequences of the neo-abolitionist framework: their clients are not penalised, and they and their social and professional circles are not criminalised through pimping if they organise among themselves, rent spaces, hire accountants, or share proceeds with their families. On the other hand, they lose few protective rights, as the existing programme for exiting prostitution offers minimal assistance. In cases of serious abuses, they could seek protection under sexual offenses such as rape, labour-related offenses, or human trafficking. By maintaining a very narrow definition of prostitution, the French High Court effectively excludes a significant portion of sex work from the indirect criminalisation imposed by the neo-abolitionist framework.

This distinction between sex workers and prostitutes in French jurisprudence underscores the limitations of the neo-abolitionist framework. Legally and practically, not all sex workers are recognised as victims, and only very few, 845 since 2016 (Gouvernement, 2024), who are labelled as 'victims of prostitution' receive state support. The police, as observed in both the pornography sector and on the streets, often fail to acknowledge sex workers as victims of abuse (Mainsant, 2021). The state's moralistic approach avoids addressing the collateral damage inflicted on sex workers by the neo-abolitionist model. This model barely engages with harm reduction strategies or heeds the perspectives of those affected.

By sharply categorising between victims of prostitution and sex workers, the High Court perpetuates a "hierarchisation of whores", a social hierarchy that ranks sex workers based on perceived respectability and dignity. This "whorearchy" fails to consider the complex, intersecting nature of various sex work activities (Tan, 2022, pp. 318-319). Additionally, the Court's focus on physical contact in defining prostitution reflects a hierarchy of sexualities (Rubin, 2011), suggesting that webcam sex does not count as real sex. This interpretation is at odds with the evolving definition of rape, which no longer requires physical contact. The emphasis on physical contact subtly reinforces heteronormative and phallogocentric views of sexuality, privileging penetration as the defining act.

When IIESW is not classified as prostitution, another consequence of circumventing the neo-abolitionist framework is the recognition of sex work as a legitimate form of labour, even within such a system. Specifically, this labour is often mediated by platforms that dictate the working conditions for content creators (Easterbrook-Smith, 2023; Jokubauskaitė et al., 2023; H. M. Rand & Stegeman, 2023). Webcam platforms and other sites hosting sexual content establish rules through their terms of service and contractual agreements, outlining acceptable practices and regulating content through moderation. Often, these decisions are enforced with limited recourse for affected individuals.

Efforts are underway at the EU level to address these issues and empower users in digital spaces. However, sex workers remain largely invisible in discussions about digital labour (H. M. Rand, 2019) and broader digital politics. The impact of the European Commission's 2021 Proposal for a Directive on improving working conditions in platform work is uncertain. It remains to be seen whether platforms facilitating camming will be classified as digital labour platforms, which would determine if sex workers will be recognised as persons performing work or platform workers with corresponding rights. Additionally, the EU's proactive stance on regulating online spaces is shaping new standards for online sex work. Under Regulation (EU) 2022/2065, also known as the Digital Services Act, some pornography platforms are categorised as very large online platforms, which imposes stricter compliance obligations. Thus, the role of EU digital law in regulating online sex work remains to be unfolded.

## References

- ACCEPTESS-T, AIDES, ARCAT, Autres Regards, Bus des femmes, Cabiria, Collectif des femmes de Strasbourg Saint-Denis, Fédération Parapluie Rouge, Griséliadis, Médecins du Monde, Paloma, Les Roses d'acier, and STRASS (2020), *Réponses à l'évaluation de la loi de 2016*, <https://www.medecinsdumonde.org/app/uploads/2023/04/Shadow-Report-2020.pdf> (retrieved on 15 October 2024).
- Agustín, L. M. (2008), *Sex at the margins: Migration, labour markets and the rescue industry*, 2nd ed., Zed Books.
- Ahmed, A., and Seshu, M. (2012), "We have the right not to be 'rescued'...": When Anti-Trafficking Programmes Undermine the Health and Well-Being of Sex Workers, in *Anti-Trafficking Review*, no. 1, <https://doi.org/10.14197/atr.201219>.
- Albert, K., Armbruster, E., Brundige, E., Denning, E., Kim, K., Lee, L., Ruff, L., Simon, K., and Yang, Y. (2021), FOSTA in legal context, in *Columbia Human Rights Law Review*, vol. 52. no. 3, <https://doi.org/10.3316/agispt.20210513046493>.
- Alix, C. (2022), *Le parcours de sortie de la prostitution. Étude de cas de la mise en œuvre d'un dispositif public*, Public Policy Master Thesis, Sciences Po.



- Amnesty International. (2016), *Sex workers at risk—A research summary on human rights abuses against sex workers*.
- Amsellem-Mainguy, Y., and Vuattoux, A. (2020), *Les jeunes, la sexualité et internet*, Éditions François Bourin.
- Attwood, F. (2011), Through the Looking Glass? Sexual Agency and Subjectification Online, in R. Gill and C. Scharff (eds. by), *New Femininities: Postfeminism, Neoliberalism and Subjectivity*, Palgrave Macmillan UK, pp. 203-214, [https://doi.org/10.1057/9780230294523\\_14](https://doi.org/10.1057/9780230294523_14).
- Bateman, V. (2021), How Decriminalisation Reduces Harm Within and Beyond Sex Work: Sex Work Abolitionism as the “Cult of Female Modesty” in Feminist Form, in *Sexuality Research and Social Policy*, vol. 18, no. 4, pp. 819-836, <https://doi.org/10.1007/s13178-021-00612-8>.
- Beccaria, C. (1995), *On crimes and punishments, and other writings*, University Press.
- Berg, H. (2022), Reading Gigs Dialectically, in *Critical Historical Studies*, vol. 9, no. 1, pp. 35-61, <https://doi.org/10.1086/719123>.
- Bernstein, E. (2007), Sex Work for the Middle Classes, in *Sexualities*, vol. 10, no. 4, pp. 473-488, <https://doi.org/10.1177/1363460707080984>.
- Billon, A., Borchio Fontimp, A., Cohen, L., and Rossignol, L. (2022), *Rapport d’information sur l’industrie de la pornographie*, no. 900, Sénat, France.
- Bleakley, P. (2014), “500 Tokens to Go Private”: Camgirls, Cybersex and Feminist Entrepreneurship, in *Sexuality & Culture*, vol. 18, no. 4, pp. 892-910, <https://doi.org/10.1007/s12119-014-9228-3>.
- Blunt, D., and Stardust, Z. (2021), Automating whorephobia: Sex, technology and the violence of deplatforming, in *Porn Studies*, vol. 8, no. 4, pp. 350-366, <https://doi.org/10.1080/23268743.2021.1947883>.
- Bullock, L. (2023), Exporting Sexköpslagen: Sweden, Sex Work, and the Moral Stakes of Externalizing Feminist Policy, in *Sexuality Research and Social Policy*, vol. 21, pp. 503-513, <https://doi.org/10.1007/s13178-023-00855-7>.
- Calderaro, C., and Giametta, C. (2019), ‘The Problem of Prostitution’: Repressive policies in the name of migration control, public order, and women’s rights in France, *Anti-Trafficking Review*, no. 12, pp. 155-171, <https://doi.org/10.14197/atr.2012191210>.
- Campbell, R., Sanders, T., Scoular, J., Pitcher, J., and Cunningham, S. (2019), Risking safety and rights: Online sex work, crimes and ‘blended safety repertoires’, in *The British Journal of Sociology*, vol. 70, no. 4, pp. 1539-1560, <https://doi.org/10.1111/1468-4446.12493>.
- Casado, A. (2016), Brèves remarques à la lecture de la loi n° 2016-444 du 13 avril 2016, in *Droit Pénal*, no. 6, p. 12.
- Casado, A. (2022), Pornographie : L’enfer de l’idéologie, in *Recueil Dalloz*, p. 1897.
- Chapuis, N., de Foucher, L., and Laurent, S. (2021a), Dans le porno français, une mécanique des larmes et de la violence, in *Le Monde.fr*, [https://www.lemonde.fr/police-justice/article/2021/12/16/dans-le-porno-francais-une-mecanique-des-larmes-et-de-la-violence\\_6106296\\_1653578.html](https://www.lemonde.fr/police-justice/article/2021/12/16/dans-le-porno-francais-une-mecanique-des-larmes-et-de-la-violence_6106296_1653578.html) (retrieved on 15 October 2024).
- Chapuis, N., de Foucher, L., and Laurent, S. (2021b), «Tout le monde m’a renvoyée à l’idée qu’on ne violait pas une actrice porno»: La lanceuse d’alerte et les ratés judiciaires, in *Le Monde.fr*, [https://www.lemonde.fr/police-justice/article/2021/12/18/derriere-toi-il-y-a-52-autres-victimes-les-reactions-en-chaine-d-un-metoo-du-porno\\_6106610\\_1653578.html](https://www.lemonde.fr/police-justice/article/2021/12/18/derriere-toi-il-y-a-52-autres-victimes-les-reactions-en-chaine-d-un-metoo-du-porno_6106610_1653578.html) (retrieved on 15 October 2024).
- Conte, P. (2022), Notion de prostitution, in *Droit Pénal*, no. 7-8, p. 121.

- Conseil d'État (19 November 2021), no. 440802, [https://www.legifrance.gouv.fr/ceta/id/CETATEXT000044346459?init=true&page=1&query=440802+&searchField=ALL&tab\\_selection=all](https://www.legifrance.gouv.fr/ceta/id/CETATEXT000044346459?init=true&page=1&query=440802+&searchField=ALL&tab_selection=all).
- Corbin, A. (1986), Commercial Sexuality in Nineteenth-Century France: A System of Images and Regulations, in *Representations*, no. 14, pp. 209-219, <https://doi.org/10.2307/2928440>.
- Cour de cassation (4 June 1980), no. 79-93998, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000007062326/>.
- Cour de cassation (12 October 1994), no. 93-85340, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000007577808>.
- Cour de cassation (18 October 1995), no. 94-85036, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000007559605>.
- Cour de Cassation (27 March 1996), no. 95-82016, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000007068342>.
- Cour de cassation (18 May 2022), no. 21-82283, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000045823016>.
- Cour de cassation (9 August 2023), no. 23-80437, <https://www.courdecassation.fr/decision/6585566a673fa80008f8d9d9>.
- Cour de cassation (28 October 2015), no. 14-85.251, <https://www.legifrance.gouv.fr/juri/id/JURITEXT000031406437>.
- Cour de cassation (22 June 2016), no. 15-83.344, <https://www.courdecassation.fr/decision/5fd92cf14c187d0c33a679ee>.
- Cour de cassation (25 September 2019), no. 18-85.211, <https://www.courdecassation.fr/decision/5fca66fe64038950443c86fd>.
- Cour de cassation (25 September 2019), no. 18-85.216, <https://www.courdecassation.fr/decision/5fca66fe64038950443c86fe>.
- Crago, A.-L., Bruckert, C., Braschel, M., and Shannon, K. (2022), Violence against sex workers: Correlates and Changes under 'End-Demand' legislation in Canada: A five city study in *Global Public Health*, vol. 17, no. 12, pp. 3557-3567, <https://doi.org/10.1080/17441692.2022.2092181>.
- Cunningham, S., and Kendall, T. D. (2011), Prostitution 2.0: The changing face of sex work, in *Journal of Urban Economics*, vol. 69, no. 3, pp. 273-287, <https://doi.org/10.1016/j.jue.2010.12.001>.
- Cunningham, S., Sanders, T., Scoular, J., Campbell, R., Pitcher, J., Hill, K., Valentine-Chase, M., Melissa, C., Aydin, Y., and Hamer, R. (2018), Behind the screen: Commercial sex, digital spaces and working online, in *Technology in Society*, no. 53, pp. 47-54, <https://doi.org/10.1016/j.techsoc.2017.11.004>.
- DeLacey, H. (2024), The Boundaries of Business and Pleasure: How Personal, Social, and Legal Factors Influence Webcam Models' Boundaries, in *The Journal of Sex Research*, pp. 1-14, <https://doi.org/10.1080/00224499.2024.2314068>.
- Darsonville, A. (2022), Viol - Éléments constitutifs du viol, in *Répertoire de Droit Pénal et de Procédure Pénale*.
- de Foucher, L. (2023), Affaire «French Bukkake »: Procès requis pour «viols», «proxénétisme» et «traite d'êtres humains», in *Le Monde.fr*, [https://www.lemonde.fr/societe/article/2023/07/19/affaire-french-bukkake-proces-requis-pour-viols-proxenetisme-et-traite-d-etres-humains\\_6182559\\_3224.html](https://www.lemonde.fr/societe/article/2023/07/19/affaire-french-bukkake-proces-requis-pour-viols-proxenetisme-et-traite-d-etres-humains_6182559_3224.html) (retrieved on 15 October 2024).

- de Foucher, L., Chapuis, N., and Laurent, S. (2021), « C'était des viols déguisés en vidéo »: Le réseau, le recruteur et les proies, in *Le Monde.fr*, [https://www.lemonde.fr/police-justice/article/2021/12/15/c-etait-des-viols-deguises-en-vidéo-le-reseau-le-recruteur-et-les-proies\\_6106152\\_1653578.html](https://www.lemonde.fr/police-justice/article/2021/12/15/c-etait-des-viols-deguises-en-vidéo-le-reseau-le-recruteur-et-les-proies_6106152_1653578.html) (retrieved on 15 October 2024).
- Doezema, J. (2005), Now You See Her, Now You Don't: Sex Workers at the UN Trafficking Protocol Negotiation, in *Social & Legal Studies*, vol. 14, no. 1, pp. 61-89, <https://doi.org/10.1177/0964663905049526>.
- Dreyer, E. (2022), Les actes sexuels visibles en ligne et rémunérés à distance ne relèvent pas de la prostitution, in *Revue de Science Criminelle*, no. 3, p. 606.
- Dunn, M. (2022), Sex Work, in R. Atkinson and T. Ayres (eds. by), *Shades of Deviance*, 2nd ed., Routledge.
- Dworkin, A. (1991), *Pornography Men Possessing Women*, Plume.
- Easterbrook-Smith, G. (2023), OnlyFans as gig-economy work: A nexus of precarity and stigma, in *Porn Studies*, vol. 10, no. 3, pp. 252-267, <https://doi.org/10.1080/23268743.2022.2096682>.
- European Court of Human Rights (25 July 2024) M.A. and others v. France, no. 63664/19, 64450/19, 24387/20, 24391/20, 24393/20, <https://hudoc.echr.coe.int/eng?i=001-235143>.
- Federici, S. (2004), *Caliban and the witch: Women, the body and primitive accumulation*, Autonomedia.
- Federici, S. (2021), *Patriarchy of the wage: Notes on Marx, gender, and feminism*, PM Press.
- Ferguson, A. (1984), Sex War: The Debate between Radical and Libertarian Feminists, in *Signs: Journal of Women in Culture and Society*, vol. 10, no. 1, pp. 106-112, <https://doi.org/10.1086/494117>.
- Fraser, N. (2017), Behind Marx's Hidden Abode: For an Expanded Conception of Capitalism, in P. Deutscher and C. Lafont (eds. by), *Critical Theory in Critical Times: Transforming the Global Political and Economic Order*, Columbia University Press, <https://doi.org/10.7312/columbia/9780231181518.003.0007>.
- Fraser, N., and Jaeggi, R. (2018), *Capitalism: A conversation in critical theory*, Polity.
- Giametta, C., Mai, N., Musto, J., Bennachie, C., Fehrenbacher, A. E., Hoefinger, H., and Maciotti, P. (2023), Racialization within Antitrafficking Interventions Targeting Migrant Sex Workers: Findings from the SEXHUM Research Project in France, in *Sociological Research Online*, vol. 28, no. 3, pp. 793-811, <https://doi.org/10.1177/13607804221090354>.
- Gouvernement. (2024), *Stratégie de lutte contre le système prostitutionnel et l'exploitation sexuelle*, France.
- Green, S. P. (2016), What Counts as Prostitution?, in *Bergen Journal of Criminal Law & Criminal Justice*, vol. 4, no. 1, pp. 65-101, <https://doi.org/10.15845/bjclcj.v4i1.1027>.
- GRETA (2022), *Evaluation Report—France—Third evaluation round—Access to justice and effective remedies for victims of trafficking in human beings*, Council of Europe.
- Haak, D. M. (2019), Re(de)fining Prostitution and Sex Work: Conceptual Clarity for Legal Thinking, in *Windsor Review of Legal and Social Issues*, no. 40, pp. 67-112.
- Hamilton, V., Soneji, A., McDonald, A., and Redmiles, E. M. (2023), “Nudes? Shouldn't I charge for these?": Motivations of New Sexual Content Creators on OnlyFans, in *Proceedings of the 2023 CHI Conference on Human Factors in Computing Systems*, pp. 1-14, <https://doi.org/10.1145/3544548.3580730>.
- Harcourt, C., and Donovan, B. (2005), The many faces of sex work, in *Sexually Transmitted Infections*, vol. 81, no. 3, pp. 201-206, <https://doi.org/10.1136/sti.2004.012468>.

- Henry, M., and Farvid, P. (2017), 'Always hot, always live': Computer-mediated sex work in the era of 'camming', in *Women Studies Journal*, no. 31, pp. 113-128.
- hooks, b. (2015), *Feminism is for everybody: Passionate politics*, 2nd ed., Routledge.
- Hunecke, I. (2019), Germany, in S. Ø. Jahnsen and H. Wagenaar (eds. by), *Assessing prostitution policies in Europe*, 1st ed., Routledge, p. 107.
- Jakšić, M. (2013), «Tu peux être prostituée et victime de la traite», in *Plein droit*, vol. 96, no. 1, pp. 19-22, <https://doi.org/10.3917/pld.096.0019>.
- Jokubauskaitė, E., Rieder, B., and Burkhardt, S. (2023), Winner-Take-All? Visibility, Availability, and Heterogeneity on Webcam Sex Platforms, *Social Media + Society*, vol. 9, no. 4, <https://doi.org/10.1177/20563051231214807>.
- Jolin, A. (1994), On the Backs of Working Prostitutes: Feminist Theory and Prostitution Policy, in *Crime & Delinquency*, vol. 40, no. 1, pp. 69-83, <https://doi.org/10.1177/0011128794040001005>.
- Jones, A. (2016), "I Get Paid to Have Orgasms": Adult Webcam Models' Negotiation of Pleasure and Danger, in *Signs: Journal of Women in Culture and Society*, vol. 42, no. 1, pp. 227-256, <https://doi.org/10.1086/686758>.
- Jones, A. (2020), *Camming: Money, Power, and Pleasure in the Sex Work Industry*, NYU Press.
- Jouenne-Peyrat, N. (2022), Le coming devant la chambre criminelle de la Cour de cassation, in *Recueil Dalloz*, p. 1735.
- Koenig, B., Murphy, A., Johnston, S., Pearson, J., Knight, R., Gilbert, M., Shannon, K., and Krüsi, A. (2022), Digital Exclusion and the Structural Barriers to Safety Strategies among Men and Non-Binary Sex Workers Who Solicit Clients Online, in *Social Sciences*, vol. 11, no. 7, p.318, <https://doi.org/10.3390/socsci11070318>.
- Lavaud-Legendre, B. (2009), Le droit pénal, la morale et la prostitution : Des liaisons dangereuses, in *Droits*, vol. 49, no. 1, pp. 57-82, <https://doi.org/10.3917/droit.049.0057>.
- Lavergne, T. (2021), *Des machines et des hommes: Enquête sur la prostitution masculine entre hommes via Internet*, PhD thesis, Université lumière Lyon 2.
- Le Bail, H., Giametta, C., and Rassouw, N. (2019), *What do sex workers think about the French Prostitution Act?*, Report, Médecins du Monde, <https://sciencespo.hal.science/hal-02115877>.
- Le Dévédec, B. (2022), Prostitution: Peut-on toucher avec les yeux ?, in *Actualité Juridique Pénal*, p. 368.
- Lê, E. (2014), La construction juridique de la prostitution. Trois récits différenciés, in *Cahiers du Genre*, vol. 57, no. 2, pp. 139-158, <https://doi.org/10.3917/cdge.057.0139>.
- Le Monde avec AFP (2022), Le « coming », ou sexe virtuel, ne relève pas de la prostitution, selon la Cour de cassation, in *Le Monde.fr*, [https://www.lemonde.fr/societe/article/2022/05/19/le-sexe-virtuel-ne-releve-pas-de-la-prostitution-selon-la-cour-de-cassation\\_6126784\\_3224.html](https://www.lemonde.fr/societe/article/2022/05/19/le-sexe-virtuel-ne-releve-pas-de-la-prostitution-selon-la-cour-de-cassation_6126784_3224.html) (retrieved on 15 October 2024).
- Leigh, C. (1998), Inventing Sex Work, in J. Nagle (ed. by), *Whores and Other Feminists*, Routledge, p. 7.
- Levy, J., and Jakobsson, P. (2014), Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers, in *Criminology & Criminal Justice*, vol. 14, no. 5, pp. 593-607, <https://doi.org/10.1177/1748895814528926>.
- Mainsant, G. (2021), *Sur le trottoir, l'État : La police face à la prostitution*, Éditions du Seuil.
- MacKinnon, C. (1993), Prostitution and Civil Rights, in *Michigan Journal of Gender & Law*, vol. 1, no. 1, pp. 13-31.

- MacKinnon, C. (2005), Pornography as Trafficking, in *Michigan Journal of International Law*, vol. 26, no. 4, p. 993.
- MacKinnon, C. (2011), Trafficking, Prostitution, and Inequality, in *Harvard Civil Rights Civil Liberties Law Review*, no. 46, p. 271.
- Mayaud, Y. (2022), Le «caming» n'est pas de la prostitution, in *Revue de Science Criminelle*, no. 3, p. 596, <https://doi.org/10.3917/rsc.2203.0591>.
- McBride, B., Goldenberg, S. M., Murphy, A., Wu, S., Mo, M., Shannon, K., and Krüsi, A. (2022), Protection or police harassment? Impacts of punitive policing, discrimination, and racial profiling under end-demand laws among im/migrant sex workers in Metro Vancouver, in *SSM - Qualitative Research in Health*, no. 2, p. 100048, <https://doi.org/10.1016/j.ssmqr.2022.100048>.
- McDermid, J., Murphy, A., McBride, B., Wu, S., Goldenberg, S. M., Shannon, K., and Krüsi, A. (2022), How client criminalisation under end-demand sex work laws shapes the occupational health and safety of sex workers in Metro Vancouver, Canada: A qualitative study, in *BMJ Open*, vol. 12, no. 11, <https://doi.org/10.1136/bmjopen-2022-061729>.
- McLeod, S. (2014), Absolute Biological Needs, in *Bioethics*, vol. 28, no. 6, pp. 293-301, <https://doi.org/10.1111/bioe.12020>.
- Mésa, R. (2022), Diffusion en ligne de vidéos à contenu sexuel contre rémunération : Pas de prostitution, ni de proxénétisme, en l'absence de contact corporel, in *Gazette Du Palais*, no. 22, p. 28.
- Östergren, P. (2019), Sweden, in S. Ø. Jahnsen and H. Wagenaar (eds. by), *Assessing prostitution policies in Europe*, Routledge, pp. 169-184.
- Pajnik, M., Kambouri, N., Renault, M., and Šori, I. (2016), Digitalising sex commerce and sex work: A comparative analysis of French, Greek and Slovenian websites, in *Gender, Place & Culture*, vol. 23, no. 3, pp. 345-364, <https://doi.org/10.1080/0966369X.2015.1013449>.
- Papillon, S. (2021), *Les mœurs sexuelles et le droit pénal*, PhD thesis, Université Jean Moulin Lyon.
- Pearson, J., Machat, S., McDermid, J., Goldenberg, S. M., and Krüsi, A. (2023), An Evaluation of Indoor Sex Workers' Sexual Health Access in Metro Vancouver: Applying an Occupational Health & Safety Lens in the Context of Criminalization, in *International Journal of Environmental Research and Public Health*, vol. 20, no. 3, <https://doi.org/10.3390/ijerph20031857>.
- Pitts, M. K., Smith, A. M. A., Grierson, J., O'Brien, M., and Misson, S. (2004), Who Pays for Sex and Why? An Analysis of Social and Motivational Factors Associated with Male Clients of Sex Workers, in *Archives of Sexual Behavior*, vol. 33, no. 4, pp. 353-358, <https://doi.org/10.1023/B:ASEB.0000028888.48796.4f>.
- Py, B. (2022), Prostitution - Proxénétisme - Racolage, in *Répertoire de Droit Pénal et de Procédure Pénale*.
- Rand, H. (2018), Selling sexual services in the digital age: Flexible work opportunities for the self-employed entrepreneur or precarious unregulated labour?, in S. Dewey, I. Crowhurst, and C. O. Izugbara (eds. by), *Routledge International Handbook of Sex Industry Research*, Routledge, p. 13.
- Rand, H. M. (2019), Challenging the Invisibility of Sex Work in Digital Labour Politics, in *Feminist Review*, vol. 123, no. 1, pp. 40-55, <https://doi.org/10.1177/0141778919879749>.

- Rand, H. M., and Stegeman, H. M. (2023), Navigating and resisting platform affordances: Online sex work as digital labor, in *Gender, Work & Organization*, vol. 30, no. 6, pp. 2102-2118, <https://doi.org/10.1111/gwao.13047>.
- Rassat, M.-L. (2022), Art. 225-5 à 225-12—Fasc. 20: Proxénétisme et infractions qui en résultent, *JurisClasseur Pénal Code*.
- Rubin, G. (2011), Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality, in G. Rubin (ed. by), *Deviations: A Gayle Rubin reader*, Duke University Press, pp. 137-181, <https://doi.org/10.1215/9780822394068-006>.
- Rubio, V. (2013), Prostitution masculine sur internet. Le choix du client, in *Ethnologie française*, vol. 43, no. 3, pp. 443-450, <https://doi.org/10.3917/ethn.133.0443>.
- Sanders, T., Connelly, L., and King, L. J. (2016), On Our Own Terms: The Working Conditions of Internet-Based Sex Workers in the UK, in *Sociological Research Online*, vol. 21, no. 4, pp. 133-146, <https://doi.org/10.5153/sro.4152>.
- Sanders, T., Scoular, J., Campbell, R., Pitcher, J., and Cunningham, S. (2017), *Internet sex work—Beyond the gaze*, Springer.
- Stegeman, H. M. (2024), Regulating and representing camming: Strict limits on acceptable content on webcam sex platforms, in *New Media & Society*, vol. 26, no. 1, pp. 329-345, <https://doi.org/10.1177/14614448211059117>.
- Stuart, R. (2022), Webcam Performers Resisting Social Harms: “You’re on the Web Masturbating... It’s Just about Minimising the Footprint”, in *International Journal of Gender, Sexuality and Law*, vol. 2, no. 1, p. 171, <https://doi.org/10.19164/ijgsl.v2i1.1259>.
- Tabet, P. (2005), *La grande arnaque: Sexualité des femmes et échange économique-sexuel*, Editions L’Harmattan.
- Tan. (2022), *TDS: Témoignages de travailleuses et travailleurs du sexe*, Au diable vauvert.
- Vernier, J. (2005), La loi pour la sécurité intérieure: Punir les victimes du proxénétisme pour mieux les protéger?, in M.-E. Handman and J. Mossuz-Lavau (eds. by), *La prostitution à Paris*, Martinière, pp. 151-155.
- Vlase, I., and Preoteasa, A. M. (2022), Flexi(nse)curity in adult webcamming: Romanian women’s experiences selling digital sex services under platform capitalism, in *Gender, Place & Culture*, vol. 29, no. 5, pp. 603-624, <https://doi.org/10.1080/0966369X.2021.1878114>.
- Vuolajärvi, N. (2019), Governing in the Name of Caring—The Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex, in *Sexuality Research and Social Policy*, vol. 16, no. 2, pp. 151-165, <https://doi.org/10.1007/s13178-018-0338-9>.
- Walkowitz, J. R. (1980a), *Prostitution and Victorian Society: Women, Class, and the State*, Cambridge University Press, <https://doi.org/10.1017/CBO9780511583605>.
- Walkowitz, J. R. (1980b), The Politics of Prostitution, in *Signs*, vol. 6, no. 1, pp. 123-135.
- Walkowitz, J. R. (1982), Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth-Century Britain, in *History Workshop*, no. 13, pp. 79-93.
- Weeks, J. (2023), *Sexuality*, 5th ed., Routledge.