

The Market for Sexual Goods and Services

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In June 2011 I met with the highly motivated staff and volunteers of the programme “[Aid to Victims of Prostitution and Human Trafficking](#)” of Caritas Lithuania. This Roman Catholic organisation provides assistance to (mostly) women who have become victim of prostitution and of human trafficking, in the country itself or abroad. If they wish, clients receive psychological, judicial or practical assistance so they may kick-start a new life.

The Caritas collaborators also meet women who have been trafficked abroad, to Western European countries like the Netherlands. Most often they come from the countryside, where they lived a life of ill fortune and of deprivation. It is for this reason that they find themselves in a marginal and vulnerable situation, economically and psychologically. Making promises first and threats later, traffickers profit greatly from this vulnerability. Fortunately, Caritas can provide professional aid without moralisations to those who want to change their life. At this stage of the human trafficking cycle, I learned that trafficking and exploitation of women remains a persistent problem.

Quite a few countries of the European Union allow prostitution, while operating a brothel or pimping are a criminal offence. In other countries, however, prostitution is illegal as well. There are a few countries, where “sex worker” actually is a job title. For example in the Netherlands. In an attempt to tackle excesses like the exploitation of women, human trafficking or tax evasion, Dutch Parliament decided in 2000 to further decriminalise prostitution.

It seems, however, this was not the remedy to cure all ills. A 2010 report of the Dutch [Bureau Beke](#) about prostitution in Amsterdam doubts whether the new legal framework actually contributed to better conditions for prostitutes. In the wake of the European Union’s enlargement (2004) especially women from Eastern Europe fell victim to exploitation, the researchers found out.

Does this mean that a prohibitory legal approach to prostitution will do the job? The Italian professor of law Vincenzo Zeno-Zencovich thinks it won’t. In *Sex and the Contract: From Infamous Commerce to the Market for Sexual Goods and Services* (Leiden, [Martinus Nijhoff](#), 2011: [Table of Contents](#)) Zeno-Zencovich investigates the “sex market” from the point of view of contract law. His analysis is enlightening and confusing at the same time. Sticking to an old-styled, 19th century legal *solution* – creating a grey zone of lawlessness, where contract law does not apply – is not the answer to the problem. However, the prohibitory desire to close down the sex markets once and for all is not a realistic option either. Operating between the extremes of a traditional *laissez-faire* attitude and a utopian ideal to finish with so-called “sexual violence” by legal means, law enforcement and legislation will remain difficult tasks. After all, Zeno-Zencovich explains, the sex market (and its “submarkets”) is not just any market. (FH)

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