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How French are French sex shops ?

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ABSTRACT

How French are French sex-shops ? A socio-legal history.

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Space is socially constructed : here I will focus on the legal construction of sexual spaces implied by the the logic of specific French sex-shops zoning laws. Sex-zoning laws are value-laden : they bluntly express what legislators consider to be paramount sexual good. But they also are strongly prescriptive : some spaces become forbidden spaces.

Compared to various U.S. cities, there is no coherent sex « zoning » in France per se. But there are zoning tentations and multi-zoning inspirations : bars can't be too close to schools or hospitals, historical monuments' surroundings are protected, and sex-shops too have been the subject of legal imagination.

I will follow the creation of a specific zoning law geared toward adult bookstores and the implementation of this law. I will describe a historical movement : isolating the store from the street, separating the store from the « children ». This history will emphasize a shift of values : During the seventies, the eighties and the nineties moral arguments are being replaced by urbanistic, non moralistic, arguments. « Moral crusaders » find new way to collectively express their claims. Being outside of morals is presented by the crusaders as being neutral, as the embodiment of a national-liberal citizenship.

If we take seriously the idea that sexual space are socially constructed, we need to find a way to describe this construction. This is what I will try to do here, and I will take one example : the French sex-shops, « les sex-shops français ». I will try to emphasize the role of the law in the production of this space. (I hope you will forgive my accent and the inevitable grammar errors)

The beginnings

At the end of the year 1969, or at the beginning of 1970, the combination of words « sex shop » was introduced in French common parlance. How ? Some new stores named

themselves « sex shop », they paid for advertisement in the erotic press and in mainstream working-class dailies. Many « mainstream » discourses deployed the expression :

- journalists, in press articles, began to use « sex shop », where they wrote a few months before of « librairies libertines » (libertine bookstores) or used a mish mash of « sexy stores », porno shops, librairies porno...

- Politicians began to use « sex shop » in some of their public discourses (to the press, at the National Assembly, to their constituents...).

- « Sex shop » is also found in police reports, in trials documents, and, crucially for my arguments, in **humor cartoons**. Such cartoons were published in dailies or weeklies with a huge *provincial* readership in France, and they proposed a way to describe this cultural innovation. The scene often took place *inside* a store, and showed various young and trendy customers.

In a few months' time, « la sex shop » (it was a feminine word) was French. It was fully part of the cultural imagination of Paris.

But one can wonder : what was so new about « les sex shops » to earn a new word. « **Librairies libertines** » were fixtures of Parisian life for a long time in 1970. But « les sex shops » were the stores of a new generation : the owners were described as young, the patrons as young couples. They opened in the most public of public places in Paris : on the Champs Elysées, in the Quartier Latin. They publicly affirmed they were selling sex.

In a few words : « sex shops » were part of a cultural change, following the events of May 1968 in Paris. A change that emphasized a right to sexual expression, and freedom from old-fashioned social hierarchies, but it was also ambivalent about the commodification of sex.

At the time of the introduction of « sex shop » in French language, such stores were different from other bookstores only because the owners said so. They were not subject to specific laws or municipal regulations. A few years afterwards, it was different.

It is possible to follow the production of a specific cultural image, based in part on the study of the law. Law is not only repressive – even if the aim is to repress : it is also « expressive » (the affirmation of a common good) and productive (social devices, institutions and individuals, have to translate the law into material constraints)

- police surveillance came very rapidly, at the urging of the « Prefet de Police » and the « Prefet de la Seine » (Paris had no mayor at the time, an unelected « Préfet » was the head of the police and another one the head of the Seine department). Police seized various objects (images, small statues, phallic candles, and so on) and put the owners in trial.
- The justice explained rapidly what sex shops could sell (phallic candles, OK) and not. But the criteria used tended to change with the years.
- Local political action supported vocally police surveillance : elected Parisian officials voiced angrily their opposition to sex-shops, asking the prefect for « extremely drastic, forceful measures » against sex-shops.
- National politicians followed (or sometimes preceded) local voice. And in 1972, the interior minister signed a secret directive to implement a national policy against pornography, and, specifically, against sex-shops.

To summarize the legal imagination : jurists and the « préfet de police » used a spatial frame, they chose *to influence the place*. Let me describe the steps

- the basis of the legal imagination was a July 1949 law forbidding the sale of obscene publications to minors

- **1970, september, the prefect of police published an ordinance**, whereby stores that sell publications forbidden to minors are therefore forbidden to minors. Because minors can not buy those books, they will not be allowed in those stores. Sex-shops are now separated from the other bookstores. The police is in charge of enforcing this ordination.
- 1973, the prefect of police published another ordinance: sex-shop's store windows need to be opaque. [**cartoon Liberation**] The rationale ? Because minors cannot enter the sex-shops, they should not be witness to what is in sale. But this regulation is also a regulation of public space : porn is to be a private commodity. The aim was to invisibilize the stores, but it immediately visibilize the stores – according to store owners and journalists.

Around the middle of the seventies, sex-shops were then becoming a special kind of stores. They were considered different by the law. The law « detached » the sex shop from the common fabric of commerce :

- subjects of specific police surveillance
- populated only by adult patrons, and mostly by men seeking masturbation
- with a specific cultural image : darkened store windows, flashy neon lights...
- concentrated in a few neighborhoods (Pigalle, rail stations, rue Saint Denis), in proximity to prostitution zones

It was never envisioned to prohibit the sex-shops (as bookstores, they benefited from freedom of press on the one hand, and freedom of commerce on the other hand), nor was it envisioned to created a licensing board. Instead, they chose to add two slices of regulation to the 1949 law forbidding the sale of obscene publications to minors.

One of the consequences of these regulations and police control was the creation of a **Union of sex-shop owners [Image]** : several dozen of sex-shop owners felt they had to have a unified political representation. Such entrepreneurs felt they now were in the same situation.

The enlargement of the spatial frame

The micromanagement of sex-shop space is still in use today. Parisian police continue to enforce 1970's and 1973's municipal regulations. An example among others : a **collection of photographs** in the archives of the police in Paris. Moreover, several bills, introduced in the *Assemblée Nationale* over the last thirty years, proposed a reenforcement of this micromanagement : for example, sex-shop doors were specified (the bills tried to impose thick doors, always closed, without any identifier...). [But the interior space wasn't regulated : glory holes, open video booth... are not forbidden]

But the main legal trend supported an enlargement of the spatial frame. The same bills deployed an urbanistic argumentation more than a moral-value one. According to such bills, sex shops needed to be regulated because they were an hindrance to urban life.

How can we explain a move from the micromanagement of place to the urbanistic management of space ?

- From a legal point of view, the death of « bonnes mœurs » -- morality as a legal category -- is very important. During the first part of the seventies, pornographic objects or images were forbidden (and destroyed) because they were judged to be « outrageous to morality -- bonnes mœurs ». But courts became reluctant to use the « bonnes mœurs » arguments. For example, in 1972, a regional court declared that a sex-shop (forbidden to minors, advertised as a sex-shops) could sell various objects even if such objects were outrageous to « bonnes mœurs ». The good

citizens could not be shocked : they would not enter the store and could not see what was sold inside. More importantly, during the eighties, insults to morality « outrages aux bonnes mœurs » were scheduled to exit the Napoleonic Code Pénal. They disappeared in 1994.

The common morality of French citizenry could not be used as a basis for legal action.

- During this period of weakening of « bonnes mœurs », other legal frames were proposed. Frames based on spatial regulations, taking into account the relative concentration of sex-shops in a few streets. [Regulation of French historical monuments : change the surrounding landscape, regulation of french « pharmacies » / drugstores...] The most successful one was a comparison between bars and sex-shops. In France « débits de boisson » (alcohol bars) can not be opened near hospitals, schools and other social institutions. From the end of the seventies on, a few elected officials publicly asked for a similar regulation. Not because such stores are dangerous to everyone. Like bars, sex shops can be considered as providing something useful... But like bars, sex shops should be considered very dangerous to some people, and especially to the youth.
- Foreign examples were also influential, even if I have not found direct link between anti porn activities in the US and legal-geographical imagination in France. But the cleaning of Time Square during the Giuliani mandates in New York was usually described as a success in France and could have influenced recent legal proposals.

In 1987, a law concerning sex-shops was voted. Sex-shops were understood as stores whose main activity is the sale of publications forbidden to minors (they were still considered as bookstores). New sex-shops were forbidden less than 100 meters from a school (School in

France begins at age 3, there is, in Paris alone, around one thousand different school buildings). Older sex-shops were not targeted by the law, and they benefited from a situation rent (sometimes, no new competitor could open a store nearby).

This law changed the space regulated : the center of the regulation was not the sex-shop, but the school, and the space wasn't anymore a « micro » space (the store window) but the space of a neighborhood (around a school).

Moral crusades ?

Legal changes are not only the result of internal changes.

And, in the case of anti-porn regulations, legal changes were supported by a wide range of social actors, individual and collective.

Sociologists are used to the expression « moral crusaders », who fight to impose their conceptions of social good. But one can wonder if this expression encompasses mobilizations against sex-shops, which, in France, rarely use a moral register.

1- the dangers of sex

« Bonnes mœurs » were abandoned in part because rapid changes in sexual customs emphasized their fluidity : what was considered outrageous a few years before (ultra short skirts, topless sunbathing...) rapidly came to be considered usual and nonthreatening.

But a part of the population came to be described as dangerously affected by such social changes.

People were not fighting for themselves anymore, but for the children.

In their words, children need a specific protection because exposition to porn can harm them, and because sex-shop patrons are described as perverts. The language of dangers differs from the language of moral values.

(even if it hinders the availability of porn for the population at large)

2- quality of life

Sex-shops threaten the tranquillity of neighborhood life. The city, the neighborhood, is a fragile equilibrium. But sex-shops in « non-spaces » (industrial zones, commercial malls...) are welcomed.

The quality of life argument is often an extra-judicial one, a non moral one. Sex-shops, fast-food joints, computers store, chinese wholesale stores... because they are concentrated in a few streets, restrict the availability of bakery, fresh food stores...

This argument needs the collaboration of local homeowners and politicians to be heard : mobilizations need to gather enough legitimacy to be considered a real one. In Paris, district mayors created or gave strong support to local associations campaigning for tranquillity/quietness. One association, opposed to the sex-shop of Rue Saint Denis, was created and presided by the district mayor. Each meeting took place in the Town Hall « HOTEL DE VILLE ». A study was financed by the mayor and published by the association. Their actions : **garage sales** (to reclaim public space), very thorough and finicky quibbling with urbanistic regulations, petitions, letters... The actors learned in practice the use of a non-moral frame.

Quality of life arguments are seen as non political ones, considered to be a legitimate concern from the leftist Green party to the Conservative Right.

The study of sex-shops enables us to understand changing conceptions of what urban life should be.