

ARTICLE

# Prostitution as Profession: Histories of ‘Work-Shy’ Labour in a Welfare State, West Germany between 1949 and 1974

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In West German law, selling sex was held to be legal but ‘immoral’, a definition that prevented its recognition or protection as a profession. Despite this categorisation, however, women (and men) sold sex in streets, bars and backrooms across the country. They developed routines and relationships to manage their trade, while being excluded from many welfare state provisions and targeted by local police, health or welfare departments. Rising prosperity and the loosening of social norms in West Germany between 1949 and 1974 provide the backdrop to an exploration of how older notions of prostitution as ‘work-shy’ were confronted with the changing circumstances of urban commercial sex in this period. The article examines how politicians, police and welfare workers interpreted the continued existence of commercial sex in the context of rising security. It also highlights the disparate working practices of women who sold sex across the period.

When Wilhelmine Keller<sup>1</sup> was accused of violating good morals (*Sittenübertretung*) in Cologne in 1950, a welfare worker described her as a ‘drifter and vagrant’ who ‘must be considered an asocial woman’.<sup>2</sup> Wilhelmine had started selling sex in 1933 after her divorce and, after some time working in the brothel streets of Bremen and Hamburg, was sent to a concentration camp, later to be freed by Allied troops in 1945. Five years on, the Cologne welfare worker assessed that Keller would ‘never find the strength of her own accord to lead an orderly and industrious life’. Instead, Keller should be placed in a workhouse ‘so that she can become accustomed to work, order, and cleanliness’.<sup>3</sup>

In evaluating Wilhelmine Keller’s suitability for a life of work, the welfare worker drew on Weimar and Nazi discourses around ‘asocial’ behaviour, embodied by beggars, vagrants, alcoholics and prostitutes who did not want to contribute to society.<sup>4</sup> Yet her remarks should also be placed in the wider European tradition of viewing prostitution as an element of female vagrancy, which reached back to the medieval period. Both traditions viewed women’s engagement in commercial sex not as work, but rather as a rejection of work itself and as evidence of a wider deviant identity. This article explores how commercial sex by women in post-war West Germany was conceptualised by contemporaries through its opposition to work, i.e. as ‘not working’, between 1949 and 1974, when the crime of vagrancy was removed from West Germany’s statute books as part of wider reforms of the criminal code.<sup>5</sup> In doing

<sup>1</sup> Names of women who sold sex used in this article are pseudonyms.

<sup>2</sup> Letter from welfare worker to Cologne vice police, 22 Dec. 1950, Archiv des Landschaftsverbandes Rheinland (hereafter ALVR), 76871, 17.

<sup>3</sup> Letter from welfare worker to Cologne vice police, 22 Dec. 1950, ALVR, 76871, 17.

<sup>4</sup> Wolfgang Ayaß, ‘Die “Einweisung von Asozialen” in Konzentrationslager. Die “Aktion Arbeitsscheu Reich” und die kriminalpolizeiliche Praxis bei der Verhängung von Vorbeugungshaft’, in *‘Minderwertig’ und ‘asozial’: Stationen der Verfolgung gesellschaftlicher Außenseiter*, eds. Thomas Lutz, Ulrike Puvogel, Dietmar Sedlaczek and Ingrid Tomkowiak (Zürich: Chronos, 2017), 92.

<sup>5</sup> Due to the significantly different legal situation facing men who sold sex, with male-male sex outlawed under §175, this article concentrates on women who sold sex.

so, it extends the history of transactional sex being deemed work-shy behaviour, as evidence of ‘vagrancy’ or ‘asociality’, into the second half of the twentieth century.

In West German law at the time, selling sex was legal but ‘immoral’ (*sittenwidrig*), a definition that prevented its recognition or protection as a profession. Despite this categorisation, however, women (as well as men and trans\* persons) sold sex in the streets, bars and backrooms across the country.<sup>6</sup> Often the target of interventions by local police, health or welfare departments, many nevertheless continued to sell sex over months or years. They developed routines and relationships to manage their trade, earning money to support themselves, their family members or partners. By considering the years 1949 to 1974, the article examines a period of significant change in West German society, with particular reference to rising prosperity and the loosening of social norms. This context provides the backdrop to an exploration of how older notions of prostitution as work-shy behaviour were confronted with the changing circumstances, forms and spaces of urban commercial sex in this period. It examines how politicians, police and welfare workers interpreted the continued existence of widespread commercial sex in the context of rising prosperity, the expansion of the welfare state and the loosening of social norms, and highlights the disparate working practices of women who sold sex across the period. Their personal lives and romantic relationships do not feature in the following examination, except in cases where these were directly linked to the forms or locations of sexual labour.

In this consideration of commercial sex, I follow Michael Denning’s suggestion to ‘decentre wage labour in our conception of life under capitalism’.<sup>7</sup> By turning to women who sold sex in West Germany, the article recognises those who lived outside typical employment and unemployment categories, either long-term or on a temporary basis.<sup>8</sup> It explores the practices and techniques of commercial sex, women’s working conditions and work environments, as well as the routines and skill sets they developed to sell sex, while acknowledging that the parameters of commercial sex were greatly impacted by local-level ordinances, policing and public health strategies. The article therefore foregrounds work that took place outside of labour legislation or social protection. The exploration rests within competing definitions of work itself, be this work as action or activity, work as a production of value, or work as status, as a cornerstone of social organisation.<sup>9</sup> Women’s engagement in commercial sex in the period, it emerges, both mirrored and subverted understandings of work and non-work.

The article draws from wider literature on commercial sex, sexual labour and moral reform movements in the twentieth century. The movement by historians of prostitution to incorporate their analyses in – and draw from – the field of labour history has been invaluable, for its assessments on what is, and what is not, considered to be work.<sup>10</sup> Wider considerations of ‘non-work’ in various forms – be this unemployment, working in the ‘informal sector’ or unwaged labour – have proven particularly influential for their reconsideration of the boundaries of labour. Reflections on ‘empty labour’, or

<sup>6</sup> On queer and trans\* sex work in post-war Germany, see: Jennifer V. Evans, ‘Bahnhof Boys. Policing Male Prostitution in Post-Nazi Berlin’, *Journal of the History of Sexuality* 12, no. 4 (2003): 605–36; Nikolaos Papadogiannis, ‘Greek Trans Women Selling Sex, Spaces and Mobilities, 1960s–80s’, *European Review of History: Revue Européenne d’histoire* 29, no. 2 (4 Mar. 2022): 331–62; Annalisa Martin, “‘The Chronicle Must Tell How It Once Was’: Commercial Sex and Pimping in the Chronicle of Hamburg’s Postwar Vice Police”, *German History* 41, no. 2 (June 2023): 252–78; Andrea Rottmann, *Queer Lives across the Wall: Desire and Danger in Divided Berlin, 1945–1970* (Toronto: University of Toronto Press, 2023).

<sup>7</sup> Michael Denning, ‘Wageless Life’, *New Left Review* 66 (2010): 80.

<sup>8</sup> *Ibid.*, 85.

<sup>9</sup> See distinction in Bénédicte Zimmermann, ‘Work, Labor: History of the Concept’, *International Encyclopedia of the Social & Behavioral Sciences* 25 (2015): 675.

<sup>10</sup> See Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980); Julia Laite, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885–1960* (Basingstoke: Palgrave Macmillan, 2011); Nancy M. Wingfield, *The World of Prostitution in Late Imperial Austria* (Oxford: Oxford University Press, 2017); Keely Stauter-Halstead, *The Devil’s Chain: Prostitution and Social Control in Partitioned Poland* (Ithaca, NY: Cornell University Press, 2015).

‘private activities at work’, such as during periods without relevant work tasks, have widened the scope of what is considered work, and illustrate the slippages between work and non-work.<sup>11</sup>

More specifically, works which deal with the long history of policing prostitution as evidence of female vagrancy and the gendering of the crime of vagrancy provide much-needed context for this examination.<sup>12</sup> Yvonne Svanström’s research on Sweden, in which she tackles remnants of vagrancy legislation reaching into the 1960s, deserves particular mention as one of the few studies to move past the early twentieth century.<sup>13</sup> Historical works that consider the treatment of so-called ‘asocials’ in Weimar and Nazi Germany are indispensable for the specifically German context.<sup>14</sup> Scholars have argued that while discourses of asociality persisted in both East and West Germany, they diverged, particularly after the introduction of East Germany’s 1961 ‘Ordinance about the Limitation of Stay’ and the criminal code paragraph §249, ‘Endangering Public Order through Asocial Behaviour’, of 1968.<sup>15</sup> Nevertheless, literature that explores how prostitute women were viewed as withholding labour, labelled ‘asocial’ in East Germany and or as ‘parasites’ in much of state socialist Eastern Europe has also informed this piece.<sup>16</sup> In its exploration of transactional sex in practice, the article draws on literature that examines changing forms and spaces of commercial sex in the post-war decades in West Germany and beyond.<sup>17</sup>

The following examination primarily utilises sources produced by police, welfare workers and moral welfare agencies, as well as contemporary criminological studies and some early publications of the sex workers’ rights movement. This includes documents produced by those implementing the registration and regular testing of women who sold sex at local health departments. The practice had been instated in 1927, as the Reich’s Law on Combatting Venereal Diseases of that year required those deemed to be at risk of having or spreading venereal disease – typically women who sold sex – to regularly attend gynaecological examinations, brought about with the use of force if necessary.<sup>18</sup> Local

<sup>11</sup> See Roland Paulsen, ‘Non-Work at Work: Resistance or What?’, *Organization* 22, no. 3 (2015): 351–67.

<sup>12</sup> See Beate Althammer, ‘Roaming Men, Sedentary Women? The Gendering of Vagrancy Offenses in Nineteenth-Century Europe’, *Journal of Social History* 51, no. 4 (2018): 736–59.

<sup>13</sup> Yvonne Svanström, ‘Prostitution as Non-Labour Leading to Forced Labour: Vagrancy and Gender in Sweden and Stockholm, 1919–1939’, *European Review of History: Revue Européenne d’histoire* 29, no. 2 (2022): 146. On the restrictions of scholarship on vagrancy see Paul Ocobock, ‘Vagrancy and Homelessness in Global and Historical Perspective’, in *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective*, eds. A. L. Beier and Paul Ocobock (Athens, OH: Ohio University Press, 2008), 2.

<sup>14</sup> See Wolfgang Ayaß, ‘Asoziale’ im Nationalsozialismus (Stuttgart: Klett-Cotta, 1995); Richard J. Evans, *The German Underworld: Deviants and Outcasts in German History* (London: Routledge, 1988); Julia Hörath, ‘Asoziale’ und ‘Berufsverbrecher’ in den Konzentrationslagern 1933 bis 1938 (Göttingen: Vandenhoeck und Ruprecht, 2017); Frauke Steinhäuser, ‘Als “asozial” im KZ inhaftierte Prostituierte: Zwei Fallbeispiele sozialrassistischer und geschlechtsspezifischer Verfolgung’, *WerkstattGeschichte* 87, no. 1 (2023): 85–102.

<sup>15</sup> Rottmann, *Queer Lives across the Wall*, 11, 114; Thomas Lindenberger, “Asoziale Lebensweise”. Herrschaftslegitimation, Sozialdisziplinierung und die Konstruktion eines “negativen Milieus” in der SED-Diktatur, *Geschichte und Gesellschaft* 31, no. 2 (2005): 227–54.

<sup>16</sup> See: Christiane Brenner, ‘Behind the Crime of “Parasitism”: The Hidden History of Prostitution in Socialist Czechoslovakia’, in *Histories of Prostitution in Central, East Central and South Eastern Europe* (Paderborn: Brill Schöningh, 2023), 251–73.

<sup>17</sup> See Michaela Freund-Widder, *Frauen unter Kontrolle. Prostitution und ihre staatliche Bekämpfung in Hamburg vom Ende des Kaiserreichs bis zu den Anfängen der Bundesrepublik* (Münster: LIT, 2003); Victoria Harris, *Selling Sex in the Reich: Prostitutes in German Society, 1914–1945* (Oxford: Oxford University Press, 2010); Sonja Dolinsek, “Kein Mädchenhandel mehr”: Framing contests in der transnationalen Bekämpfung des Mädchenhandels’, in *Grenzüberschreitende institutionalisierte Zusammenarbeit von der Antike bis zur Gegenwart, Baden-Baden*, eds. Christian Henrich-Franke, Claudia Hiepel, Guido Thiemeier and Henning Türk (Baden-Baden: Nomos, 2019), 385–416; Siobhán Hearne and Sonja Dolinsek, eds., *Prostitution in Twentieth-Century Europe* (Abingdon: Routledge, 2023).

<sup>18</sup> On the 1927 law see: Julia Roos, *Weimar through the Lens of Gender: Prostitution Reform, Woman’s Emancipation, and German Democracy, 1919–33* (Ann Arbor: University of Michigan Press, 2010). In fact, the regulation of prostitution in place previously had typically also seen women who sold sex subject to regular testing: Richard Evans, ‘Prostitution, State and Society in Imperial Germany’, *Past & Present* 70 (1976): 117.

police forces continued to monitor and apprehend prostitutes, either as part of vice police work or public order policing.<sup>19</sup> The article draws primarily on sources from the urban centres, with a greater machinery of surveillance in place to ‘fight’ prostitution.<sup>20</sup>

The sources themselves are clearly shaped by state priorities: was a crime (potentially) being committed? Was there a threat of venereal disease? Women who sold sex – and the circumstances in which they sold sex – typically appear only briefly in state sources on prostitution. Nevertheless, the article employs those sources to provide an insight into the working lives of women who sold sex, caught in the net of state intervention. Often, such documents contain brief snippets of women’s voices and actions. Sources which ostensibly capture obstinate behaviour or evidence of a ‘wayward’ nature regularly also contain evidence of working practices, even when not recognised as such. Conversely, they also indicate that many women who sold sex accepted the distinction of commercial sex as not being work.

The article begins with an exploration of legislation around vagrancy and asociality being used to police prostitution in Germany up to and beyond 1945. It then situates developments in the post-war period, in particular the developing welfare state and the place of women generally and prostitution specifically, before turning to the working worlds of women who sold sex in the period. Subsequently, the article turns to the relation of commercial sex to civil and labour law and the taxation of income from prostitution from 1964 onwards, contrasting the working lives of women who sold sex with their legal exclusion from the system of social organisation. The article draws wider conclusions about the limits of the post-Second World War welfare states and asks what it means to labour outside of the structures of waged work, with various levels of (in)formality, while subject to stigma and intervention from police, welfare workers and local health departments.

### Prostitution as Vagrancy or Asocial Behaviour

The policing of vagrancy in Germany, as in modern European history more generally, inadvertently clustered around stereotypes of the typical offender. Paul Ocobock, in his research into vagrancy, has observed that ‘while most crimes are defined by actions’, vagrancy laws were, by contrast, ‘based on personal condition, state of being, and social and economic status’.<sup>21</sup> As such, individuals needed only to exhibit characteristics or resemble stereotypes of the typical vagrant for arrest. Moreover, as vagrancy was understood as a withdrawal of labour, labour was characteristically viewed as the antidote to vagrancy. This interpretation was evident within vagrancy legislation itself, which typically contained the ‘obligation to labour’ as a counterpoint.<sup>22</sup>

Stereotypes of the vagrant were inadvertently gendered and, although historically the figure of the male vagrant has been more prominent, female vagrancy was overwhelmingly linked to female sexuality, and in particular to prostitution.<sup>23</sup> Germany, like many of its European neighbours, had a long history of interpreting prostitution as work-shy behaviour, evident in its vagrancy (*Landstreicherei*) legislation, which conceptualised labour as a solution to female prostitution.<sup>24</sup> In England, the 1824 Vagrancy Act included, amongst its list of the idle and disorderly, the figure of the ‘common prostitute’.<sup>25</sup> As David Hitchcock has argued, underpinning this association were assumptions about ‘the wrong type of labour’, about women who chose ‘to sell the work of their bodies instead of just the

<sup>19</sup> Sascha Schießl, ‘Von der Duldung zur Reglementierung. Städtische Prostitutionspolitik in Göttingen während der 1960er Jahre’, *Body Politics* 4 (2016): 113–40; Martin, “‘The Chronicle Must Tell’”; Alexander Kraus, *Stadt ohne Geschichte?: Wolfsburg als Demokratielabor der Wirtschaftswunderzeit* (Göttingen: Wallstein, 2021), 410.

<sup>20</sup> Police files are typically labelled in this manner, e.g. ‘*Prostitutionsüberwachung und -bekämpfung*’, StHH 352-6-4689.

<sup>21</sup> Ocobock, ‘Vagrancy and Homelessness’, 1.

<sup>22</sup> A. L. Beier, “‘A New Serfdom’: Labor Laws, Vagrancy Statutes, and Labor Discipline in England, 1350–1800”, in *Cast Out*, eds. Beier and Ocobock, 35.

<sup>23</sup> Svanström, ‘Prostitution as Non-Labour’, 146.

<sup>24</sup> Sonja Dolinsek and Siobhán Hearne, ‘Introduction: Prostitution in Twentieth Century Europe’, *European Review of History: Revue Européenne d’histoire* 29, no. 2 (2022): 121–44.

<sup>25</sup> Laite, *Common Prostitutes*, 6.

work of their hands'.<sup>26</sup> While the figures of the female vagrant and the prostitute were not identical, he illustrates how closely the 'two categories of "disorderly women"' were associated in literature, art, and popular culture'.<sup>27</sup>

Although Beate Althammer has found that public discourse and arrests for vagrancy in Germany coalesced around the male offender around 1900, the stereotype of the work-shy woman who sold sex soon resurfaced in the twentieth-century, in the context of wider eugenics discourses.<sup>28</sup> In Weimar Germany, prostitutes and pimps began to be referred to as 'asocial' hereditary deviants.<sup>29</sup> This pathologisation of women who sold sex as 'asocial' was taken to its extremes during the Nazi period, as women held to be prostitutes faced mass arrests, forced sterilisation or concentration camp imprisonment.<sup>30</sup> At the same time, the authorities reintroduced brothels on a wide scale across Germany and the occupied lands, for civilians, soldiers, foreign labourers, and in concentration camps.<sup>31</sup> The state's treatment of prostitution was defined by its contradictions: although prostitution was encouraged in certain circumstances, the regime simultaneously made existing legislation on prostitution harsher, with severe repercussions for the women targeted.<sup>32</sup>

### Female Vagrancy and 'Asocial' Women in West Germany

The most extreme consequences for so-called 'asocials' were no longer enacted in West Germany, yet long-held understandings of commercial sex as immorality rather than labour, as well as much of the accompanying terminology, survived and continued to influence the treatment of women who sold sex in the decades that followed.<sup>33</sup> These continuities are evident, for instance, in the case of Wilhelmine Keller that opened this article. Her lifestyle and engagement in commercial sex was taken as evidence of her work-shy nature, while her criminal record amassed during the Nazi years contributed to her harsher sentencing by the West German courts. A 1950 legal judgement read as follows:

The defendant, who has already been convicted several times, deserves the prison sentences she received. Due to her way of life as a vagrant prostitute, the defendant has become incapable of fitting into the setting of a civic social life.<sup>34</sup>

As a result, Wilhelmine Keller was sent by court order to Brauweiler, near Cologne, the largest of the remaining workhouses in West Germany, charged with selling sex and 'vagrancy'. This was not her first, nor would it be her last visit, and she would be readmitted again soon after her release.<sup>35</sup>

<sup>26</sup> David Hitchcock, *Vagrancy in English Culture and Society, 1650–1750: Cultures of Early Modern Europe* (London: Bloomsbury, 2016), 129.

<sup>27</sup> Ibid., 130.

<sup>28</sup> Althammer, 'Roaming Men, Sedentary Women?', 745.

<sup>29</sup> Victoria Harris, 'Beasts in Human Clothing? Pimps, Moral Panics and the German Underworld', in *Rewriting German History: New Perspectives on Modern Germany*, eds. Jan Rüger and Nikolaus Wachsmann (Basingstoke: Macmillan, 2015), 165.

<sup>30</sup> Gisela Bock, "'Keine Arbeitskräfte in diesem Sinne": Prostituierte im Nazi-Staat', in *Wir sind Frauen wie andere auch!*, ed. Pieke Biermann (Reinbek: Rowohlt, 1980), 85; Annette F. Timm, 'Sex with a Purpose: Prostitution, Venereal Disease, and Militarized Masculinity in the Third Reich', *Journal of the History of Sexuality* 11, no. 1/2 (2002): 223–55.

<sup>31</sup> Annette Timm, *The Politics of Fertility in Twentieth-Century Berlin* (Cambridge: Cambridge University Press, 2010), 171–82; see also Robert Sommer, *Das KZ-Bordell: sexuelle Zwangsarbeit in nationalsozialistischen Konzentrationslagern* (Paderborn: Schöningh, 2009); Maren Röger, *War-time Relations: Intimacy, Violence, and Prostitution in Occupied Poland, 1939–1945* (Oxford: Oxford University Press, 2021).

<sup>32</sup> Timm, *The Politics of Fertility*; Julia Roos, 'Backlash against Prostitutes' Rights: Origins and Dynamics of Nazi Prostitution Policies', *Journal of the History of Sexuality* 11, no. 1/2 (2002): 67–94.

<sup>33</sup> On 'asociality' in East Germany: Brünig, *Prostitution in der DDR*, 63, 297; Lindenberger, "'Asoziale Lebensweise". Herrschaftslegitimation, Sozialdisziplinierung und die Konstruktion eines "negativen Milieus" in der SED-Diktatur', 227.

<sup>34</sup> Court judgement, 20 Jan. 1951, ALVR 76871, 9.

<sup>35</sup> Report of intake medical examination, 8 Feb. 1951, ALVR 76871, 4.



Wilhelmine Keller was part of only a small minority of women who sold sex to be sentenced to the workhouse in West Germany. Historian Wolfgang Ayaß has identified that 8,351 people – both male and female – were sentenced to a workhouse stay, between 1954 and 1969, and yearly admissions were continually sinking.<sup>36</sup> Workhouse stays were typically implemented as an additional punishment, conceptualised as ‘correctional post-internment’ after completion of a prison sentence.<sup>37</sup> Yet even without a stint of ‘correctional post-internment’, women could be fined, sentenced to short prison sentences or lose custody of their children if found to be selling sex.<sup>38</sup> Although women such as Keller represented the far end of interventions against women who sold sex, enacted under the auspices of vagrancy or asocial behaviour, the impact of these discourses was evident on a much wider scale, resurfacing in court documents and amongst police, bureaucrats, health and welfare workers.<sup>39</sup>

When women turned to commercial sex, they could risk violent encounters with clients or third-party interests.<sup>40</sup> They also faced severe stigma, state intervention and coercive measures from local health offices, welfare workers and the police. Vice police forces continued to police ‘morality crimes’ (*Sittlichkeitsdelikte*) in the criminal code, such as pimping, procuring and male homosexuality, alongside ‘conspicuous’ solicitation.<sup>41</sup> In addition, West German authorities typically saw women who sold sex as responsible for spreading venereal diseases and subjected them to registration and regular testing at local health department clinics on the basis of the 1953 Law on Combatting Venereal Diseases.<sup>42</sup> Across West Germany, both police and welfare workers patrolled streets and bars in search of women selling sex.

Women who sold sex were often viewed by these authorities as idle, even when they were not itinerant. In 1958, Dr Jäger of the Cologne prosecutor’s office described street-based prostitution as dangerous precisely because of its accessibility to all women: as they ‘can pursue prostitution without much effort’, he argued, ‘the unstable girls who are work-shy or unwilling to work easily succumb to the temptation to earn their living in this way’.<sup>43</sup> That same year correspondence from the North Rhine-Westphalia’s Minister of the Interior emphasised the marginal status of prostitutes and asserted ‘the possibilities for prostitutes to adapt to society seem very limited, since the majority of them can be regarded as work-shy, sexually unhinged [*triebentgleiste*] psychopaths’.<sup>44</sup> In 1965, the chief doctor and head of Wiesbaden’s venereal disease counselling centre recommended the ‘prophylactic’ injection of prostitute women with penicillin, regardless if they showed evidence of a sexually transmitted infection or not, arguing that this measure could prevent ‘asocials’ from spending too much time in the clinic.<sup>45</sup> Such statements indicate that although commercial sex was legal in principle, women who sold sex continued to be viewed as part of an undesirable identity category, with their exclusion or segregation as a possible solution. While it is tempting to draw parallels with the Nazi period, similar interpretations of prostitution also held sway beyond Germany’s borders.

<sup>36</sup> Ayaß, ‘Die “korrektionelle Nachhaft”’.

<sup>37</sup> See: Annalisa Martin, ‘Incarceration as Welfare: Transgressive Female Sexuality and the Workhouse in West Germany, 1950–1969’, *Gender & History* 36, no. 3 (2024): 1468–0424.12812.

<sup>38</sup> Sabine Gleß, *Die Reglementierung von Prostitution in Deutschland* (Berlin: Duncker & Humblot, 1999), 101–6.

<sup>39</sup> Jens Dobler, ‘Die Berliner Polizei und die Nachkriegsdelinquenz’, in *Großstadtkriminalität*, ed. Jens Dobler (Berlin: Metropol, 2013), 247.

<sup>40</sup> On client violence in Göttingen: Schießl, ‘Prostitutionspolitik’, 131. On ‘pimp violence’ in Hamburg: Martin, ‘“The Chronicle Must Tell”’.

<sup>41</sup> Ibid., 256; see also: Annalisa Martin, ‘“Cleaning up the Cityscape”: Managing Commercial Sex and City Space in Cologne, 1956–1972’, in *Prostitution in Twentieth-Century Europe*, eds. Sonja Dolinsek and Siobhán Hearne (Abingdon: Routledge, 2023), 191–210.

<sup>42</sup> Ibid., 193. In fact, registration had a longer pre-history; the 1953 Law on Combatting Venereal Diseases was an updated version of a similarly-titled 1927 law.

<sup>43</sup> Dr. Jäger, ‘Probleme der Rechtsprechung bei der Bekämpfung der Prostitution’, *Historisches Archiv der Stadt Köln* (hereafter HASTK), Acc-734–A68, 12.

<sup>44</sup> Appendix, 20 Aug. 1957, Bundesarchiv, B-106–17303, 4.

<sup>45</sup> Alfons Heinz-Trossen, *Prostitution und Gesundheitspolitik: Prostituiertenbetreuung als pädagogischer Auftrag des Gesetzgebers an die Gesundheitsämter* (Frankfurt/Main: Lang, 1993), 169.

Although West Germany never ratified the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, even after joining the UN in 1973, this defined prostitution as ‘incompatible with the dignity and worth of the human person’, providing an international framework for pathologising commercial sex as immoral and degrading.<sup>46</sup> Across the border in East Germany, the concept of asociality survived any attempts to distance the country from Nazism. Women who sold sex continued to be seen as asocial whilst the concept itself was reframed as a problem for socialism. Although, as Steffi Brüning has argued, the concept remained vague, asociality was broadly viewed as behaviour which contradicted that of the ideal socialist, for instance withholding labour for the state by engaging instead in commercial sex. In 1968, legislators added the crime of ‘asociality’ to the East German criminal code, thus cementing its status in attitudes towards sexual labour. In its application, the code was used primarily against those without formal employment, often ignoring women who sold sex alongside their official occupation.<sup>47</sup>

Although not applicable to all forms of commercial sex, the crime of ‘vagrancy’ remained on the statute books in West Germany until 1974.<sup>48</sup> Yvonne Svanström, writing on Sweden, remarks that ‘against the backdrop of poverty, unemployment and unrest during the inter-war years, it may seem less of an anachronism that the vagrancy legislation, with roots in the Middle Ages, remained in place’ after the First World War.<sup>49</sup> With mass migration and widespread poverty marking the post-war years in Germany, the retention of the crime of vagrancy on the statute books remains similarly unsurprising. During the years of economic growth, it remained a tool for local authorities to use against itinerant women who sold sex. In 1961, for instance, after the local police force removed prostitutes from their tracing books, Hamburg’s health department looked for a way to manage ‘prostitutes who have neither a flat nor a room anywhere, but roam around the city’. Staff here viewed vagrancy legislation as a way to reintroduce the police and their resources in the ‘fight’ against prostitution.<sup>50</sup> In this case, the legal department expressed uncertainty about whether vagrancy legislation could be applied to prostitutes whose mobility was confined to the city, or whether they had to move between cities.<sup>51</sup> The continued association of prostitution with ‘vagrancy’ or ‘work-shy’ behaviour remained evident, however, with its consequences particularly severe if the woman in question appeared to conform to the traits associated with vagrancy, including homelessness, itinerancy and living in poverty.

### Transactional Sex and the Welfare State

Historically, the ‘solution’ to women’s vagrancy was typically ‘seen in projects of moral reform and re-education’.<sup>52</sup> Such projects, as Siobhán Hearne, Sonja Dolinsek and others have argued, looked to reform and re-educate prostitute women through segregation and forced labour regimes, as in the case of the Magdalene Laundries in Ireland and Britain, or in the German workhouses. Both institutions survived in the post-war welfare states.<sup>53</sup> In West Germany the legal foundation for

<sup>46</sup> Laite, *Common Prostitutes*, 197. For more on the 1949 convention, see Sonja Dolinsek, ‘Tensions of Abolitionism during the Negotiation of the 1949 “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others”’, *European Review of History: Revue Européenne d’histoire* 29, no. 2 (2022): 223–48.

<sup>47</sup> Steffi Brüning, *Prostitution in der DDR. Eine Untersuchung am Beispiel von Rostock, Berlin und Leipzig, 1968 bis 1989* (Berlin: be.bra Verlag, 2020), 63, 297.

<sup>48</sup> Deutscher Bundestag, ‘Regelungen zu Bettelerei’, 2016, 4, WD 7-3000–157/16, <https://www.bundestag.de/resource/blob/483626/ce673b3052538b7ddb548f4338d49cdc/wd-7-157-16-pdf-data.pdf>.

<sup>49</sup> Svanström, ‘Prostitution as Non-Labour’, 149.

<sup>50</sup> ‘Aktenvermerk’, 28 Apr. 1961, Staatsarchiv Hamburg (hereafter StHH) 352-6-4689.

<sup>51</sup> Letter from Rechtsdezernat, 8 May 1961, StHH 352-6-4689.

<sup>52</sup> Dolinsek and Hearne, ‘Introduction’, 131.

<sup>53</sup> Reformatory homes and workhouses also survived in Austria: Nora Bischoff, Flavia Guerrini, and Christine Jost, ‘In Verteidigung der (Geschlechter)Ordnung: Arbeit und Ausbildung im Rahmen der Fürsorgeerziehung von Mädchen. Das Landeserziehungsheim St. Martin in Schwaz 1945–1990’, *Österreichische Zeitschrift für Geschichtswissenschaften* 25, no. 1–2 (2014): 220–47. Athena Michalakea has documented the Embeirkion Asylum in Athens, a disciplinary institution for girls, most commonly for those suspected of prostitution, in use until 1982: Athena Michalakea, *Regulating*

workhouses, which had been closed down in the US zone in February 1949, was reinstated in 1953 (§42d StGB).<sup>54</sup> And while it remained unlikely for women caught selling sex to be subsequently confined in a workhouse, other state and institutional interventions were practised at a higher rate. Young women and girls deemed by welfare workers to be ‘wayward’ or ‘endangered’ could be placed in a reformatory home, while mothers who sold sex could see their children removed from their care.<sup>55</sup> Such interventions were often based on a series of socio-medical assumptions, which viewed and punished sexual labour as evidence of ‘work-shy’ or ‘asocial’ behaviour.<sup>56</sup>

Interventions in the family and the institutionalisation of those who did not conform did not take place counter to the post-war welfare state. A number of scholars have shown how welfare states ‘aim not only at ensuring the material security of their citizens, but also at fostering the appropriate habits and cultural dispositions’.<sup>57</sup> Frank Nullmeier and Franz-Xaver Kaufmann identify the ‘fixation on traditional gender relations’ as the ‘dark side’ of the Golden Age of welfare states during the 1950s and 1960s.<sup>58</sup> In the case of West Germany, adherence to the breadwinner-husband and housewife-mother model in legislation on the family restricted both access to the labour market for all women as well as access to state security for those without a husband.<sup>59</sup>

Welfare states established the male wage-earner as a normal subject, around whom the system was designed. At the same time, they created the category of the ‘unemployed’. For the post-Second World War welfare states, unemployment was a spectre to be eliminated.<sup>60</sup> In West Germany, the categorisation was perhaps clearest in the insurance model – with the system of unemployment, health and pension insurances – which required participation for access to the social security system. Beate Althammer, writing on the foundation of the European welfare states, has argued that the question of what to do with deviants or those at the margins was fundamental to welfare states, with the early modern distinction of the ‘deserving’ and ‘undeserving’ poor persisting. Within these discussions, the question of how the state should deal with citizens who did not or could not ‘live up to the standards’ it expected remained central.<sup>61</sup> Welfare could also be a means of control: in West Germany, the passage of the Social Assistance Act (*Bundessozialhilfegesetz*) in 1961 enshrined the forced admittance of individuals, including prostitute women, to institutions under the guise of welfare (*Zwangsbewahrung*) into law.<sup>62</sup>

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sexual labour in modern and ontemporary Greece: State, governance feminism(s) and the sex workers’ movement (Thesis, Birkbeck, University of London, 2024).

<sup>54</sup> Ayaß, ‘Die “korrektionelle Nachhaft”’.

<sup>55</sup> Matthias Willing, ‘Zwangsbewahrung: Fürsorgerische Freiheitsentziehung im bundesdeutschen Rechtsstaat’, in *Kinder und Jugendpsychiatrie im Nationalsozialismus und in der Nachkriegszeit*, eds. Heiner Fangerau, Sascha Topp, and Klaus Schepker (Berlin: Springer, 2017), 477.

<sup>56</sup> Nazi ideology, for instance, had viewed female promiscuity and becoming easily sexually aroused (*sexuelle Erregbarkeit*) alongside prostitution as evidence of ‘asociality’: Annette F. Timm, ‘Sex with a Purpose: Prostitution, Venereal Disease, and Militarized Masculinity in the Third Reich’, *Journal of the History of Sexuality* 11, no. 1/2 (2002): 234.

<sup>57</sup> Beate Althammer, ‘Poverty and Deviance in the Era of the Emerging Welfare State’, in *The Welfare State and the ‘Deviant Poor’ in Europe, 1870–1933*, eds. Beate Althammer, Andreas Gestrich, and Jens Gründler (Basingstoke: Palgrave Macmillan, 2014), 2.

<sup>58</sup> Frank Nullmeier and Franz-Xaver Kaufmann, ‘Post-War Welfare State Development’, in *The Oxford Handbook of the Welfare State*, eds. Francis G. Castles et al. (Oxford: Oxford University Press, 2010), 97.

<sup>59</sup> See: Elizabeth Heineman, *What Difference Does a Husband Make?: Women and Marital Status in Nazi and Postwar Germany* (Berkeley: University of California Press, 1999); Sybille Buske, ‘“Fräulein Mutter” vor dem Richterstuhl. Der Wandel der öffentlichen Wahrnehmung und rechtlichen Stellung lediger Mütter in der Bundesrepublik 1948 bis 1970’, *Werkstatt Geschichte* 27 (2000): 48–67.

<sup>60</sup> Denning, ‘Wageless Life’, 82, 85. See also: Zimmermann, ‘Work, Labor: History of the Concept’, 677.

<sup>61</sup> Althammer, ‘Poverty and Deviance’. Roddy Nilsson has argued that in Sweden, prison labour was used to ‘create responsible, loyal and active welfare state citizens’: Roddy Nilsson, ‘“First We Build the Factory, then We Add the Institution”: Prison, Work and the Welfare State in Sweden c.1930–1970’, in *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?*, eds. Peter Scharff Smith and Thomas Ugelvik, (London: Palgrave Macmillan, 2017), 38.

<sup>62</sup> See Friederike Föcking, *Fürsorge im Wirtschaftsboom: Die Entstehung des Bundessozialhilfegesetzes von 1961* (Munich: R. Oldenbourg Verlag, 2007); Matthias Willing, *Das Bewahrungsgesetz (1918–1967): Eine rechtshistorische Studie zur Geschichte der deutschen Fürsorge* (Tübingen: Mohr Siebeck, 2003).



Welfare workers at local care offices (*Pflegeämter*) and health offices (*Gesundheitsämter*) were particularly concerned with women who sold sex, and young women deemed to be at risk of becoming prostitutes. Care offices reached back to the aftermath of the First World War, established to coordinate efforts to bring 'fallen women' into reformatories and to bring about their moral improvement.<sup>63</sup> In West Germany, the care offices carried out welfare patrols of bars, ships and motorways to identify prostitutes and 'endangered' girls, who they would look to return to their parents, confine in a reformatory home or provide with possible employment.<sup>64</sup> Welfare workers at the health offices similarly patrolled the bars and streets, often together with police officers, to ensure that women who sold sex attended regular, compulsory examinations for venereal disease, as enshrined in the Law on Combatting Venereal Diseases. Those who refused examination could face forcible examination and treatment, with the law placing limits on the protections of personal freedoms and integrity enshrined in West Germany's constitution (Basic Law).<sup>65</sup>

In West Germany, engagement in transactional sex itself was largely done outside society's organising structures, as women who sold sex were not protected by labour rights.<sup>66</sup> Rather than recognising prostitution as a profession, West German law defined it as 'immoral'. This legal definition had a direct impact on the rights accorded to its practitioners, structurally disadvantaging women who sold sex by excluding them from the structures of the welfare state, including pension schemes, health and unemployment insurance.<sup>67</sup> Unable to access state health insurance, women in prostitution typically had to pay for health treatments out of pocket, leading many to forgo a visit to the doctor in times of illness and instead choose to keep working.<sup>68</sup> Without recourse to social security support, taking time off work could result in financial hardship, as women who sold sex typically still had to pay general costs such as brothel rent. Those looking to leave commercial sex, having not paid into unemployment insurance, were therefore excluded from unemployment benefits.<sup>69</sup>

The legal definition of prostitution as immoral directly impacted the rights accorded to women who sold sex. The West German courts, resting on Section 138.1 ('a legal transaction that is contrary to good morals is invalid'), found that any contract between a prostitute and her client was void due to its immoral nature.<sup>70</sup> In response, judges recommended that prostitutes demand advance payment, as they would have no legal recourse to demand payment after the fact. The clause similarly voided any employment contracts between brothel owners and prostitutes.<sup>71</sup> Conversely, clients of sexual services could demand the contract be fulfilled, with the threat of a fraud (*Betrug*) claim.<sup>72</sup> Similarly, while employment contracts were void, surrounding contracts such as brothel contracts for rent remained legitimate. Owners and managers of brothel-style houses could pay taxes and remain integrated into the welfare system.<sup>73</sup> The 'immorality' of commercial sex therefore overwhelmingly impacted

<sup>63</sup> Föcking, *Fürsorge im Wirtschaftsboom*, 338.

<sup>64</sup> *Gesundheitsbehörde*, 'Anfrage der Vereinten Nationen', 30 July 1957, 131-1-II-668, StHH.

<sup>65</sup> Although the law was gender neutral, it was overwhelmingly used against women. Ulrike Lindner, *Gesundheitspolitik in der Nachkriegszeit. Großbritannien und die Bundesrepublik Deutschland im Vergleich* (Munich: R. Oldenbourg Verlag, 2004), 329.

<sup>66</sup> Protections for women workers in general were – as Robert Moeller argues – based on 'the assumption that women constituted a separate category of workers, subject to gender-specific standards of evaluation': Robert G. Moeller, 'Protecting Mother's Work: From Production to Reproduction in Postwar West Germany', *Journal of Social History* 22, no. 3 (1989): 414.

<sup>67</sup> Mareen Heying, *Huren in Bewegung. Kämpfe von Sexarbeiterinnen in Deutschland und Italien, 1980 bis 2001* (Essen: Klartext, 2019), 34.

<sup>68</sup> Jürgen Kahmann and Hubert Lanzerath, *Weibliche Prostitution in Hamburg* (Heidelberg: Deutsche Kriminologische Gesellschaft e.V., 1981), 91; Heinz-Trossen, *Prostitution und Gesundheitspolitik*, 196.

<sup>69</sup> Barbara Haag, 'Spiel mir das Lied vom Tod', *tip*, ~1988, Das feministische Archiv (hereafter FFBiZ), A-Rep-400-2.9-a-9, 52; Kreuzer, *Prostitution*, 130.

<sup>70</sup> Kahmann and Lanzerath, *Weibliche Prostitution*, 48.

<sup>71</sup> Kreuzer, *Prostitution*, 130.

<sup>72</sup> *Ibid.*, 130.

<sup>73</sup> *Ibid.*, 131.

only women who sold sex, and not the managers or clients who were similarly integral to the West German sex industry.

The provisions and securities of the post-war welfare state functioned alongside the period of economic upswing known as the ‘economic miracle’ as a discursive means to dispel economic and social reasons for engaging in commercial sex, in favour of pathologising interpretations. A draft response to a UN questionnaire on human trafficking and prostitution in 1957 asserted that, ‘in West Germany, economic hardship as such is no motive for the decision to surrender to prostitution, since casual work is available everywhere with reasonable pay’.<sup>74</sup> Such assertions were reflected in the statements of welfare workers: in October 1959, welfare worker Luise Stetter, who would go on to become head of the Frankfurt Care Office, stated that ‘it is incomprehensible that, despite the secure economic conditions, the high wages, the demand for labour of all kinds, prostitution is growing in all circles in the most diverse forms’.<sup>75</sup> By referring to the availability of well-paid work, such assertions removed economic necessity as a legitimate reason for engaging in commercial sex, leaving space instead for interpretations which pathologised women or interpreted prostitution as idleness. In Britain, the authors of the 1957 Wolfenden Report on ‘homosexual offences and prostitution’ similarly identified a demographic and psychological shift amongst women choosing to sell sex. For Julia Laite, the committee’s findings ‘built upon naïve post-war understandings of the successes of the welfare economy and a profound ignorance of women’s economic position and the demands of childcare’. British politicians respectively contended that women who sold sex were no longer members of the needy poor but rather professionals out ‘to make a far greater living than do those who do an honest day’s work’.<sup>76</sup> State socialist countries used similar argumentation against prostitution: as Christiane Brenner documents for the case of Czechoslovakia, official statements argued that in a socialist society everybody could make a decent living with ‘honest work’.<sup>77</sup> Women who sold sex were thus seen to withdraw their labour, and prosecuted accordingly.<sup>78</sup>

The narrative of West Germany’s economic growth – with employment prospects for all – had a tangible impact on interactions between women who sold sex and local authorities, such as welfare workers, police and the courts. The case of Marianna Beyer, who faced 118.60 marks worth of fines for selling sex in Cologne’s restricted area in Spring 1957, is instructive here. Fines were a typical punishment for selling sex in a prohibited area, or in a conspicuous manner, and the total in this case came from three separate occasions.<sup>79</sup> As Marianna had not paid her fines, the authorities looked – to no avail – to identify pawnable items amongst her possessions. The next step was an application for enforced custody, in which Cologne’s public order office stated that

it is well known that prostitutes know how to ‘fleece’ their clients in such a way that they regularly have the means to make unnecessary expenditures while not thinking about paying their debts. With today’s shortage of female labour ... she would certainly be able to find herself a respectable job (*anständige Arbeit*).<sup>80</sup>

<sup>74</sup> ‘Fragebogen über die Unterdrückung des Menschenhandels und die Ausbeutung der Prostitution’, 27 Sept. 1957, Bundesarchiv, B-106-17303, 4.

<sup>75</sup> Luise Stetter, ‘Die Wandlung des Typus der weiblichen Gefährdeten im Laufe der letzten Jahrzehnte’, Oct./Nov. 1959, HASTK, Acc 734-A68, 7.

<sup>76</sup> R.A. Butler quoted in Laite, *Common Prostitutes*, 200. See also the statement by Joan Vickers, Chair of the British Vigilance Association, upon its closure in 1971: ‘The changing pattern of life, the advent of the Welfare State, have ... made the objects for which this Society was originally formed no longer necessary’. Samantha Caslin, *Save the Womanhood! Vice, Urban Immorality and Social Control in Liverpool, c. 1900–1976* (Liverpool: Liverpool University Press, 2018), 208.

<sup>77</sup> Brenner, ‘Behind the Crime’.

<sup>78</sup> *Ibid.*, 268.

<sup>79</sup> See Martin, ‘Cleaning up the Cityscape’.

<sup>80</sup> ‘Beantragung der Erzwingungshaft’, 31 Oct. 1957, HASTK Acc-194-A57.

Following this interpretation, Marianna chose to fritter away her dubious earnings from prostitution, rather than make a decent living. Yet the Cologne authorities ignored the circumstance that Marianna was raising multiple children, which required both money and time, and selling sex in the night while the children, presumably, slept.<sup>81</sup>

Despite 1950s and 1960s assertions emphasising prosperity and security, the provisions of the post-Second World War welfare state and access to the labour market proved limited. Access to social security was typically gendered, divided between ‘the independent, characteristically male, subjects of social insurance, and the dependent, characteristically female, subjects of social relief’.<sup>82</sup> Employment opportunities for women were restricted: women’s wages remained consistently lower than those of their male counterparts and demand for women’s labour was, contrary to the assertion of the Cologne public order office, limited in scope. The discursive valorisation of women’s labour that had marked the immediate post-war years, in recognition of the millions of men who had died, been rendered invalid, or absent as POWs, proved fleeting. Men and women were equal, according to West Germany’s Basic Law, yet the precise meaning of *equality* remained disputed. Existing laws regarding marriage and the family assumed a husband’s role as head of the household. A 1957 law on the equality of men and women – intended to fix prevailing contradictions – largely kept the breadwinner-husband and housewife-mother model intact. A woman was now permitted to engage in salaried labour against the wishes of her husband, but only if she was not found to neglect him or their children by doing so, a provision that remained in place until 1977.<sup>83</sup>

West Germany’s rapid economic growth after the currency reforms of 1948 – contemporaries spoke of an ‘economic miracle’ – reduced public acknowledgement of poverty or persistent vulnerabilities. Individuals whose life deviated from dominant norms, such as single mothers required to take on the roles of both breadwinner-husband and housewife-mother, were rarely considered in legislation.<sup>84</sup> Such oversights directly affected women’s access to the social safety net: with employers assuming that women would be insured in the health and pension plans of their partners, positions intended for women often did not offer social insurance contributions.<sup>85</sup> West German debates on family policy continued to ignore the precarity faced by wives and mothers well into the 1960s. Rather than looking to ameliorate women’s position through individual rights and securities, West German policymakers favoured approaches which were deemed to strengthen the family as an institution, for instance through the indirect insurance through husbands.<sup>86</sup> Housewives and stay-at-home mothers who did not earn a separate income were thus particularly vulnerable if a relationship failed.<sup>87</sup> Even with a greater acceptance of women’s part-time engagement in paid labour over the period in question, West Germany’s social security system continued to tie health insurance, unemployment insurance and pensions strictly to employment.<sup>88</sup>

Women in paid employment were disadvantaged by the gendered labour market. Even as the numbers of women in paid employment gradually increased, they were employed disproportionately in lower-paid ‘women’s industries’ – such as textiles industries, food processing, retail sales and

<sup>81</sup> ‘Betr. Bußgeldsache’, 27 Nov. 1957, HASTK Acc-194-A57.

<sup>82</sup> Denning, ‘Wageless Life’, 86.

<sup>83</sup> Hanna Schissler, ‘“Normalization” as Project: Some Thoughts on Gender Relations in West Germany during the 1950s’, in *The Miracle Years: A Cultural History of West Germany, 1949–1968*, ed. Hanna Schissler (Princeton: Princeton University Press, 2001), 363; Isabel Heinemann, ‘Die patriarchale Familie als “Keimzelle” der Demokratie – oder deren größte Bedrohung?: Konflikte um den Wert der Familie in der Bundesrepublik’, *Vierteljahrshefte für Zeitgeschichte* 69, no. 4 (1 Oct. 2021): 705.

<sup>84</sup> See Buske, ‘“Fräulein Mutter” vor dem Richterstuhl’.

<sup>85</sup> Christine von Oertzen, *The Pleasure of a Surplus Income: Part-Time Work, Gender Politics, & Social Change in West Germany, 1955–1969* (New York: Berghahn, 2007), 7.

<sup>86</sup> Christiane Kuller, ‘Who Cares? Gender, Poverty and Welfare in West Germany’, in *Poverty and Welfare in Modern German History*, ed. Lutz Raphael (New York: Berghahn, 2017), 172.

<sup>87</sup> *Ibid.*, 173.

<sup>88</sup> von Oertzen, *The Pleasure of a Surplus Income*, 204.

commerce.<sup>89</sup> Although separate gendered wage scales were outlawed in 1955, women's work was largely labelled as 'light' work, and subsequently remunerated at a lower rate.<sup>90</sup> In all sectors, women's wages were perpetually below men's.<sup>91</sup> The effects of West Germany's industrialisation push were thus largely felt by male workers.<sup>92</sup>

Women in paid employment tended also to be more vulnerable than their male colleagues. Childcare opportunities were limited, while working mothers continued to face societal disapproval for their engagement in paid labour, particularly if their children were under the age of fourteen.<sup>93</sup> This is despite a rise in single-parent families or families with fathers unfit to work in the post-war period.<sup>94</sup> Women were often understood by contemporaries to work for inner enrichment or pocket money, rather than to support themselves or a family. They were typically employed in part-time roles, which could be cut easily in a crisis. Monika Mattes views this as part of the state's double strategy in the 1960s, of recruiting foreign female workers as part of bi-lateral 'guest worker' recruitment agreements while hiring unemployed German wives and mothers in part-time roles.<sup>95</sup>

Despite the 'economic miracle' and welfare state, women both in and outside paid employment – which remained both in scope and remuneration – were structurally disadvantaged. Throughout the period, some women looked outside ostensibly legal industries for work and turned instead to selling sex to provide or supplement their income.

### Working Worlds

Despite the numerous restrictions on commercial sex, in practice, police and local administrators repeatedly acknowledged that many women sold sex out of economic reasons, to provide for themselves as well as any dependants. Police reports frequently cited women 'pursuing their trade' ('ihrem Gewerbe nachgehen'), acknowledging an entrepreneurial aspect of their practice.<sup>96</sup> This reflected West German law which, until 1973, referred to prostitution as *gewerbsmäßige Unzucht*, a term that can be roughly translated as 'professional fornication', and points directly to its commercial nature.<sup>97</sup> When West German police and courts created files on women who had been arrested and charged, they varied between labelling the woman's profession (*Beruf*) as 'unemployed', as a previously learned occupation, or simply as 'prostitute'.<sup>98</sup> This is not to suggest that West German police and courts saw prostitution as a job like any other or, indeed, as work. However, these assertions illustrate a co-existing tension between the acknowledgement of entrepreneurial existence and the repudiation of commercial sex as work, which became visible when bureaucrats tried to fill out a form. Commercial sex was not integrated into the social system – and women who sold sex did not have the status of the employed – but in many ways, the economic motivations for their engagement in commercial sex and their working patterns resembled typical features of work.

At the same time, the circumstances under which women sold sex in West Germany differed vastly. While some women worked alone, others worked with or around others also involved in the sex

<sup>89</sup> Robert Moeller, *Protecting Motherhood: Women and the Family in the Politics of Postwar Germany* (Berkeley: University of California Press, 1993), 148.

<sup>90</sup> Heineman, *What Difference?*, 156.

<sup>91</sup> Moeller, *Protecting Motherhood*, 151–2.

<sup>92</sup> Arnold Sywottek, 'From Starvation to Excess? Trends in the Consumer Society from the 1940s to the 1970s', in *The Miracle Years*, ed. Schissler, 342; Schissler, "'Normalization" as Project', 365.

<sup>93</sup> On popular sentiments against working mothers see Heineman, *What Difference?*, 222.

<sup>94</sup> Moeller, *Protecting Motherhood*, 151.

<sup>95</sup> Monika Mattes, 'Migration und Geschlecht in der Bundesrepublik Deutschland. Ein historischer Rückblick auf die "Gastarbeiterinnen" der 1960/70er Jahre', *Femina Politica* 17 (2008): 19–28.

<sup>96</sup> See numerous cases in Landesarchiv Nordrhein-Westfalen Abteilung Rheinland (hereafter LAV NRW) BR-0051-564.

<sup>97</sup> This dates back to the 1896 criminal code – §361.6 – and remained in law until 1973, when 'Unzucht' was replaced with 'sexuelle Handlung' (sexual act): Sybille Krafft, *Zucht und Unzucht: Prostitution und Sittenpolizei im München der Jahrhundertwende* (Munich: Hugendubel, 1996), 9.

<sup>98</sup> See ALVR 81337; LAV NRW BR-0051-559 vol. 1; HASTK Acc-194-A57.

industry, with various degrees of involvement in formal or informal economies.<sup>99</sup> Their level of independence, the spaces they worked in, the services they offered and the remuneration they received varied greatly according to time and location, as well as their own personal biographies or the impact of changing measures to control commercial sex. How and where they sold sex proved an important choice in determining the forms of their sexual labour, as well as the level of oversight from the state and from local authorities.<sup>100</sup> This included various degrees of integration in typical employment structures or formal wage labour apparatuses such as unemployment and health insurance. Often, they paid tax, as income from commercial sex became liable to taxation from 1964 onwards.<sup>101</sup>

Contemporary assertions about the professionalisation of prostitution in this period – as expressed above – reflect that many women who sold sex did not conform to the image of the classic female vagabond. Nevertheless, there remained a cohort of those who engaged in transactional sex informally, living in poverty and trading sex in exchange for comparatively low sums or for material goods. These women typically met clients on the streets or in dive bars, choosing low-cost locations for the sex acts themselves. In cities and towns which had suffered significant housing damage and seen slow rebuilding efforts, ruins remained a location for sex into the 1960s.<sup>102</sup> These women were subject to particular stigma by local authorities and in the wider media, and were more likely to be convicted under vagrancy legislation.<sup>103</sup> It appears that this stigma was also expressed amongst other women who sold sex, particularly in cases with a visible alcohol or drug dependency, due to the impression that these women undercut prices.<sup>104</sup>

Beyond this cohort, street-based prostitution could take many forms, although typically left women more visible – and more vulnerable – to police intervention.<sup>105</sup> Women who sold sex from the streets and bars of West German cities typically had the most flexibility regarding their working times, locations, and choice of clients. This form of commercial sex also had a lower financial hurdle, as it did not require women to buy drinks or rent a workspace.<sup>106</sup> Yet here too there were formalities, as understandings of prices and services were often agreed upon amongst women selling sex and spatially located, with the reputation of certain streets determining the parameters.<sup>107</sup> Streetwalkers often stood at a fixed spot, enabling them to develop regular clients, who typically arrived in their cars.<sup>108</sup> Time with clients was kept brief – noted as a positive by some women – although time spent together or the levels of undress or intimacy could determine significant price differences.<sup>109</sup>

Rarely a direct concern of authorities who looked to monitor and manage commercial sex, personal relationships between prostitute women could shape their experiences of sexual labour – both positively and negatively.<sup>110</sup> Most importantly, personal relationships could offer security, as women

<sup>99</sup> This reflects Elizabeth Clement's considerations on the practice of 'treating' in early twentieth-century New York: *Love for Sale: Courting, Treating, and Prostitution in New York City, 1900–1945* (Chapel Hill: University of North Carolina Press, 2006).

<sup>100</sup> See Martin, "Cleaning up the Cityscape".

<sup>101</sup> Heying, *Huren in Bewegung*, 34.

<sup>102</sup> Walter Grimm, 'Zum gegenwärtigen Stand der Prostitution in West-Berlin', *Soziale Arbeit* 9 (1960): 6.

<sup>103</sup> 'Aus der Schublade', *Der Spiegel*, 19 Feb. 1967; 'Straßenstrich auf St. Pauli', *Emma*, July 1977.

<sup>104</sup> Biermann, *Wir sind Frauen!*, 174.

<sup>105</sup> On the 'restricted area' legislation targeting street prostitution, see Schießl, 'Prostitutionspolitik'; Martin, "Cleaning up the Cityscape".

<sup>106</sup> Achim Teuber, *Über den charaktertypologischen Wandel der Prostitution* (Frankfurt: med. Diss., 1963), 86.

<sup>107</sup> Jürgen Kahmann and Hubert Lanzerath, *Weibliche Prostitution in Hamburg* (Heidelberg: Deutsche Kriminologische Gesellschaft e.V., 1981), 74.

<sup>108</sup> Kahmann and Lanzerath, *Weibliche Prostitution in Hamburg*, 74; Schießl, 'Prostitutionspolitik', 123. See also Sylvia, 'Ich bin mein eigener Chef', in *Sexarbeit: Prostitution – Lebenswelten und Mythen*, eds. Elisabeth von Dücker and Hamburg Museum der Arbeit (Bremen: Edition Temmen, 2005), 104.

<sup>109</sup> Rolf Alexander, *Die Prostitution in Deutschland* (Munich: Lichtenberg Verlag, 1969).

<sup>110</sup> On camaraderie amongst women selling sex, see Marilyn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830–1870* (Berkeley: University of California Press, 1993), 293–321. For a case of bullying and extortion between prostitute women see: Landesarchiv Berlin, B-Rep-065-109.



warned each other of stingy, demanding or violent clients – or of undercover police.<sup>111</sup> This was particularly important for women who sold sex from the streets, especially those who left with clients by car to an alternative destination. Yet as well as offering support and safety measures, community between women could also while away ‘empty time’ spent waiting or make unpleasant weather conditions more bearable.<sup>112</sup>

Local bars could function similarly as a common place to meet clients. Women who solicited in bars did so either independently, in informal agreement with bar staff, or while employed as bar maids. The interests between bar owners and independent prostitutes frequently overlapped, as women encouraged their clients to purchase drinks, often under prior agreements with the bar staff.<sup>113</sup> In other cases, bar managers ran their ‘night bars’ precisely for the purpose of commercial sex, with private rooms, as well as requirements for staff behaviour and appearance. Bar-based work like this was less flexible than street prostitution, as women were required to work in the evenings and through the nights, as a boss or manager looked over their shoulder. As one woman complained: ‘you soon no longer have a real life if you only work nights. [...] During the day you sleep as much as you can and make sure you do the shopping and cleaning’.<sup>114</sup> However, for mothers of young children, night shifts meant that they could work as their children slept, yet some reported that their own resulting lack of sleep could be particularly draining, alongside the restrictions on having a separate social life.<sup>115</sup> Night bars offered flexibility that many professions did not, particularly when viewed in the context of restrictions on women’s working hours, such as the Law on Store Closing Times (*Ladenschlussgesetz*) affecting retail workers or the ban on women working night shifts in factories.<sup>116</sup>

The forms of street and bar-based prostitution were often decisively shaped by local policing strategies, underpinned by restrictive law on selling sex in public.<sup>117</sup> This was often intertwined with the policing of other sexualised industries, now understood under the umbrella of ‘sex work’.<sup>118</sup> During the 1950s and 1960s, women who worked as striptease dancers were subject to significant police interest. The precise parameters of what was allowed depended on local regulations: in West Berlin, where regulations were managed by the district administrations, regulations regarding level of undress varied between districts.<sup>119</sup> This left police officers in Berlin unsure if dancers were allowed to be topless or not.<sup>120</sup>

Like the barmaids referenced above, women who worked as striptease dancers often did so in employment contracts. Police officers looking to curb underage prostitution, however, perceived these employment contracts as a significant hindrance to policing, as they worked under the assumption that presence at a striptease was endangering to good morals and could lead to a woman’s subsequent involvement in prostitution. When police patrolled bars looking to bring ‘endangered’ young

<sup>111</sup> ‘Ich bin mein eigener Chef; ‘Kripo mit Kopftuch’, *Kölner Stadt-Anzeiger*, 8/9 Oct. 1966, HASTK Acc-672-A13; Kreuzer, *Prostitution*, 149.

<sup>112</sup> ‘Arbeits- und Berufswelt’, *Hydra Nachtexpress*, 15 Dec. 1981, 7.

<sup>113</sup> Grimm, ‘Zum gegenwärtigen Stand’, 7. On the ‘Animierdame’ encouraging male customers to purchase drinks, see: Julia Sneeringer, *A Social History of Early Rock’n’Roll in Germany: Hamburg from Burlesque to The Beatles 1956–69* (London: Bloomsbury, 2018), 19.

<sup>114</sup> Biermann, *Wir sind Frauen!*, 165–6.

<sup>115</sup> *Ibid.*, 166.

<sup>116</sup> Anna Horstmann, “‘Die Zeit gehört uns!... und nachts gehört meine Mammi nach Hause’: Vergeschlechtlichte Zeitregime am Beispiel der Nachtarbeit’, *Journal Netzwerk Frauen- und Geschlechterforschung NRW* 53 (2023), 47; Manuela Rienks, *Ausverkauf: Arbeitswelten von Verkäuferinnen in der Bundesrepublik Deutschland* (Oldenbourg: De Gruyter, 2024), 430–31.

<sup>117</sup> See Martin, “‘Cleaning up the Cityscape’”.

<sup>118</sup> The term ‘sex work’, as coined by Carol Leigh in 1978, is widely used to highlight prostitution as work which involves the exchange of sexual services for payment. Mareen Heying, ‘Prostitutes’ Movements – the Fight for Workers’ Rights’, *Moving the Social* 59 (18 May 2018): 5.

<sup>119</sup> Jürgen Klös and Jörg-Michael Klös, ‘Von der “Sitte” zum LKA 413’, in *Berliner Kriminalpolizei von 1945 bis zur Gegenwart*, ed. Polizeihistorische Sammlung (Berlin: Förderkreis Polizeihistorische Sammlung e.V., 2005), 91. See similar concerns in Cologne: HASTK Acc-414-A69 ‘Milieu-Berichte 1963’.

<sup>120</sup> ‘Vorsicht bei den “Busenfreien”’, *Berliner Zeitung*, 3 July 1964, 4.

women back under the control of their parents – or into the care system – their interventions were hampered by the presence of an employment contract, which legally transformed their presence in the bar into work and thus gave a legitimate reason for the young woman's presence in the establishment.<sup>121</sup> In 1964, the passage of the 'Ordinance prohibiting the employment of persons under the age of 21 in morally endangering activities' determined that females under twenty-one could no longer be engaged as 'nude dancers, beauty dancers or veiled dancers' or as table or bar maids, including married women under the age of twenty-one.<sup>122</sup> Attempts by authorities to prevent or crack down on prostitution here once again left women without employment contracts, including those without direct connections to the sex industry, further restricting the employment opportunities for young women.

Police interventions also shaped the realities of brothel-style work. Although brothels and brothel-like establishments were outlawed in West German criminal law, many women worked in semi-tolerated 'prostitute residences' typically in the historic brothel streets, in illegal brothels often masked as massage parlours, saunas or the like, or, from the mid-1960s onwards, in the new large-scale 'Eros-Centers' in urban centres – including Düsseldorf, Hamburg, Frankfurt and Cologne – also largely tolerated by city administrations.<sup>123</sup> Brothel-style work typically included rent costs, and women were often required to agree to police regulations as well as house rules established by the madam or manager.<sup>124</sup> Work here usually meant less freedom to choose clients or determine prices or services offered. Yet, as long as local authorities continued to tolerate the establishment in question, brothel-style work at least offered a semblance of the stability of longer-term employment. The looming threat of a procuring (*Kuppelei*) charge always imperilled this security, however.<sup>125</sup>

The forms and spaces of sexual labour also shifted due to changing technologies of the period, with more women engaging in 'call-girl' work in private flats. In West Germany, the classified sections of local newspapers emerged as a central forum to make contacts between clients and 'call-girls', with the telephone as an integral element of the initial communication. The popularity of 'call-girl' work gained increased attention from authorities over the period, suggesting more women turned to selling sex from private flats.<sup>126</sup>

Despite continued intervention by police, local authorities and health departments, commercial sex was often enmeshed in local communities. When central brothel streets were closed by local authorities in Cologne in 1972, shopkeepers and business owners protested that their profits would sink if the women were evicted.<sup>127</sup> Moreover, red-light districts such as Hamburg's St. Pauli area could offer – through entertainment venues attracting locals and tourists – a substantial source of revenue for the city.<sup>128</sup> The city's marketing of St. Pauli rested on the area's disreputability, while influential businesspeople, such as the so-called 'King of St. Pauli', Willi Bartels, owner of Hamburg's 'Eros-Center',

<sup>121</sup> 'Geht das Geschäft über die Moral?', HASTK Acc 414-169.

<sup>122</sup> 'Verordnung über das Verbot der Beschäftigung von Personen unter 21 Jahren mit sittlich gefährdeten Tätigkeiten', 3 Apr. 1964, HASTK Acc-414-169.

<sup>123</sup> Margot D. Kreuzer, *Prostitution. Eine sozialgeschichtliche Untersuchung in Frankfurt am Main. Von der Syphilis bis AIDS* (Stuttgart: Schöner Verlag, 1988), 176. On the 'prostitute residences' and 'Eros-Centers' see Martin, "Cleaning up the Cityscape".

<sup>124</sup> See police collection on Kleine Brinkgasse brothels in the 1960s: LAV NRW, R BR-0051-564. For Frankfurt, see: Kreuzer, *Prostitution*, 268.

<sup>125</sup> While a 1955 decision of the Federal Court (*Bundesgerichtshof*) determined that renting rooms to prostitutes did not suffice for a procuring charge, if the rooms were rented at a 'reasonable' (*angemessen*) price, the decision did not define what a 'reasonable' price was, allowing scope for interpretation. IStR/381/55, 22 Dec. 1955 (*Neue Juristische Wochenschrift*, 1956, 879). Walter Grimm, *Neue Formen der Prostitution im Hinblick auf die Nichterfassung durch das Geschlechtskrankengesetz* (Hamburg: Bertelsmann, 1962), 27–8.

<sup>126</sup> 'Chronik der Kriminalinspektion "Sitte"', 1972–1977, Band 5, StHH, 331-III-2682. By 1990, a study found 58% of women selling sex in Wiesbaden did so from private apartments: Heinz-Trossen, *Prostitution und Gesundheitspolitik*, 197.

<sup>127</sup> Martin, "Cleaning up the Cityscape", 203.

<sup>128</sup> Julia Sneeringer, "Assembly Line of Joys": Touring Hamburg's Red Light District, 1949–1966', *Central European History* 42, no. 1 (2009): 65–6.

or Manfred Weissleder, founder and owner of Hamburg's Star-Club (the site of many Beatles performances), had substantial commercial interests in the local sex industry.<sup>129</sup> Commercial sex proved a lucrative trade for businessmen. For women who sold sex, however, prostitution's status as 'immoral' and their reputation as 'work-shy' faced far-reaching repercussions, ranging from everyday discriminations to reformatory admission, fines or prison time.

Women's involvement in commercial sex rarely occurred within a regular employment contract and largely took place away from the structures of regulated employment. Nevertheless, in their actions, their working practices and in their motivation, women who sold sex challenged the boundaries of work. Police and courts who regulated and criminalised aspects of commercial sex at the same time recognised 'professional' or 'commercial' facets of these undertakings.

### Prostitution as Profession

The nature of the sources available on women who sold sex in the 1950s and 1960s means that we have few statements of how they themselves viewed their engagement in commercial sex. Over a decade later, during the 1980s, West Germany saw the emergence of a prostitute rights movement known as the 'Whores' Movement' (*Hurenbewegung*), in which members argued for the recognition of their labour as work.<sup>130</sup> Yet there are traces of similar thinking in the years preceding this movement also. In May 1967, a group of self-described 'Frankfurt pimps and prostitutes' collected money for a proposed legal case against the city of Frankfurt am Main to overturn the city's prostitution zoning ordinance (*Sperrbezirk*). They labelled the new restricted area an 'unlawful interference with the personal rights guaranteed to every citizen by Basic Law', and argued that the city was denying them their right to practise their profession freely.<sup>131</sup> Outside of organised activism, it is possible that for many women who sold sex the definition of prostitution as a profession was less important than the tangible income it provided. In 1957, after being stopped by police on suspicion of soliciting on the banks of the Rhine in Cologne, Marianna Beyer told police: 'I don't have a regular job (*Arbeitsstelle*) at the moment. I earn my living with prostitution (*Gewerbsunzucht*)'.<sup>132</sup> Without recognition of commercial sex as work, or its integration into the employment systems, it is likely that many saw their engagement in commercial sex as an alternative to 'regular' work.

In 1964 a decision by the Federal Finance Court made income through commercial sex liable to taxation. It found that prostitution had a 'professional character' as 'a sustainable activity, with the intention of profit generation and repetition', yet it did not consider prostitution to be a profession (*Beruf*). Women continued to face the threat of arrests, fines or workhouse admission if caught selling sex by authorities. The court argued that 'this activity does not generate income from trade or business because the activity does not constitute participation in general economic transactions'. Any taxes paid were therefore to be classified as 'other revenue'.<sup>133</sup> It is possible that the integration of income from commercial sex into the tax system strengthened the perception of commercial sex as work amongst women selling sex, however. In sociologist Lerke Gravenhorst's interviews with female workhouse inmates conducted in the late 1960s, one interviewee recalled: 'I regularly paid my taxes, *I'm just as much a taxpayer as you are* [my emphasis]. I paid 1,100 marks a month, 31 marks a day, the rest was for – so 16 marks for rent and 2 marks for condoms, the other money was then taxed'.<sup>134</sup>

<sup>129</sup> StHH 731-8-A752; Julia Sneeringer, 'Sites of Corruption, Sites of Liberation: Hamburg-St. Pauli and the Contested Spaces of Early Rock'n'Roll', *CEH* 26, no. 2 (2017): 316.

<sup>130</sup> See Heying, *Huren in Bewegung*. Also: Prostituiertenprojekt Hydra, ed., *Beruf: Hure* (Hamburg: Galgenberg, 1989).

<sup>131</sup> Kreuzer, *Prostitution*, 148. See also A. Martin, "'Otherwise We Will Go to the Barricades": Prostitute Activism and the Local Press Before the West German Whore's Movement', in *Mass Media and the History of Feminisms in the Twentieth Century: European and Postcolonial Perspectives*, eds. Jane Freeland and Christina von Hodenberg (Oxford: Oxford University Press, forthcoming).

<sup>132</sup> Police interrogation MB, 22 Mar. 1957, HASTK, Acc-194-A57.

<sup>133</sup> Kahmann and Lanzerath, *Weibliche Prostitution*, 47; Kreuzer, *Prostitution*, 129.

<sup>134</sup> Lerke Gravenhorst, *Soziale Kontrolle abweichenden Verhaltens: Fallstudien an weiblichen Insassen eines Arbeitshauses* (Frankfurt: Suhrkamp, 1970), 119.

Although income from prostitution was now taxable, the court decision did not negate prostitution's legal status as immoral. In civil law, this definition held significant weight, disadvantaging women who sold sex while protecting the commercial interests of their clients, bar owners and managers. Later decisions in the Higher Regional Court in Düsseldorf (1970) and the Federal Court of Justice (1976) moderated this imbalance somewhat, as the courts found the loss of earnings through prostitution, such as through a traffic accident, to be legally compensable damages, arguing that a prostitute's income was protected property.<sup>135</sup> The Federal Court of Justice considered the state's toleration and taxation of prostitution decisive in its 1976 decision.<sup>136</sup>

Despite developments in the rights and responsibilities facing women who sold sex, prostitution was legally seen neither as a free profession (*freier Beruf*) nor as a trade (*Gewerbe*) throughout the period. This was, as the criminologists Kahmann and Lanzerath argued in 1981, 'despite all criteria of a trade being present; because a trade is generally defined as an activity that is permitted by the legal system, is continued on a sustained basis, is carried out independently and is directed outward'.<sup>137</sup> Commercial sex continued to occupy an uneasy and incoherent place both within and outside of West Germany's organising structures. Women who sold sex were now liable to taxation but, crucially, remained excluded from the rights and support that a recognition of their labour would give them.

## Conclusions

In West Germany's early decades, women who sold sex occupied a conflicting position. Commercial sex was many things – interpreted variably as evidence of vagrancy or as 'asocial' behaviour, defined in law as 'immoral', treated as a public health issue or punished as a crime, but rarely seen as work. Instead, women who sold sex found themselves excluded from many of the services and protections of post-Second World War democracy and the welfare state. Partly, this was a result of the gendered exclusions of women more generally, in particular of women in non-normative family relationships, resulting in restricted access to state security provisions, in particular to the system of insurances. Choosing to sell sex, however, typically meant further expulsion from the rights and protections accorded to employees and citizens.

Turning to the early decades of the new West German state has illustrated how interpretations of prostitution as vagrancy or asocial behaviour lived on past the regime change. Although no longer pursued at the same scale or with the same severity as by the Nazi regime, such associations remained common amongst health and welfare workers, police, judges and politicians who looked to manage commercial sex. Women who more closely resembled the image of the vagrant, through poverty, homelessness or itinerancy, were subjected to particularly harsh punishments and, until the end of the 1960s, could be interned in a workhouse.<sup>138</sup> Yet the association of prostitution as 'not work' but rather 'work-shy' behaviour affected all women who engaged in commercial sex, with state intervention commonplace.

Sources on commercial sex created by state authorities typically viewed commercial sex as a problem, even as bureaucrats grappled with how to interpret women's participation in the 'immoral trade' (*unzüchtiges Gewerbe*). Nevertheless, state-produced sources can contain numerous traces of the daily lives of women who sold sex outside of these interventions. Indeed, it is evident that 'the work of sex work' was hugely varied.<sup>139</sup> Often, it took place in locations more commonly associated with leisure, such as in the streets, in bars and private flats. When viewed in the context of contemporary gendered restrictions in the labour market, such as low pay and limited working hours for women, the flexibility

<sup>135</sup> Kahmann and Lanzerath, *Weibliche Prostitution*, 47.

<sup>136</sup> *Ibid.*, 48.

<sup>137</sup> *Ibid.*, 48.

<sup>138</sup> As part of wider-reaching criminal code reforms, workhouse admission as detailed in the criminal code was abolished in Sept. 1969.

<sup>139</sup> Melissa Gira Grant, *Playing the Whore. The Work of Sex Work* (London: Verso, 2014).

of commercial sex sets it apart from other professions. Here, the working day could stretch into the evening hours, or take place entirely after other people had clocked off their job. Prices charged for services were determined by location, practitioner, colleagues and the range of further associated costs, including drinks, rents and payments to third-parties. Despite variation, or indeed deviation from more typical employment patterns, many women sold sex regularly, returning to the same locations and offering the same services. Moreover, in spite of their social marginalisation, their sexual labour was frequently enmeshed in local economies, particularly in entertainment districts such as Hamburg's St. Pauli. Although women could not be legally employed as prostitutes, sexual labour could accompany other more formalised employment relations.

Over the period in question, the status of prostitution shifted. Admission to a workhouse after a criminal sentence was abolished in 1969, and the crime of vagrancy was abolished five years later. Prostitution, or rather the profits from prostitution, were integrated into the taxation system, yet women who sold sex remained excluded from the rights and protections that came with the recognition of their labour as work, as contracts with clients or brothel owners were judged as void. This contradictory status, which disadvantaged women who sold sex over their clients or third-party interests in the sex industry, would lead in the 1980s to demands that their labour be recognised and protected and its status as 'immoral' be removed. In 2002, when the new Prostitution Act went into force, Germany recognised prostitution as a legitimate profession, and its status as 'immoral' was removed from law.<sup>140</sup>

In recent years, prostitution's status as legitimate occupation has come under renewed threat in Germany. In 2017, the Prostitute Protection Act placed renewed restrictions on the profession. The new law instituted a registration certificate and regular counselling for all sex workers, a development which has been widely criticised, including by the Professional Association for Erotic and Sexual Services (*Berufsverband erotische und sexuelle Dienstleistungen*), for pushing sex workers into illegality.<sup>141</sup> Moreover, proponents of the so-called Nordic Model, which looks to end prostitution altogether by targeting male demand, have gained popularity in Germany. At the time of writing, Germany's Christian Democrats have announced their commitment to criminalising brothels and the purchase of sexual services, claiming that prostitution 'is no job like every other'.<sup>142</sup> Once again, conflicting definitions of commercial sex imperil the status of sex workers, threatening their exclusion from the formalised labour market as well as from state services and protection.

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<sup>140</sup> The 2001 Prostitution Act enshrined the legal recognition of prostitution as a legitimate occupation: employers are now required to pay into Germany's insurance system, and those who work independently have to provide health, pension and unemployment insurance themselves. Annegret Staiger, *Legalized Prostitution in Germany: Inside the New Mega Brothels* (Bloomington: Indiana University Press, 2022), 15.

<sup>141</sup> Simone Schmollack, 'Klage gegen Prostituiertenschutzgesetz: Hurenpass und Betriebskonzept,' *Die Tageszeitung: taz*, 21 June 2017, sec. Öko, <https://taz.de/!5420194/>.

<sup>142</sup> 'Prostituierte Schützen: Sexkauf Bestrafen,' CDU/CSU-Fraktion, 21 Feb. 2024, <http://www.cducusu.de/themen/prostituierte-schuetzen-sexkauf-bestrafen>.