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Sex Work and the Legitimization of Racialized Nation-Building

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SUMMARY

In my study, I attempt to illuminate the connection between the creation of citizen-subjects and recent constructions of the Finnish nation through the designation of racialized, gendered non-citizen others, noting that the constriction of the boundaries of Finnish citizenship coincides with increasing global mobility and tightening immigration control in the West. In the context of the welfare state, this process is particularly articulated through the denial of welfare rights. In order to illustrate this, I focus on migration and sex work in Finland, and how these are entangled with race and nation-building when analyzed through citizenship; citizenship can be understood in terms of the rights we usually tie to formal citizenship, as well as being a multi-faceted concept referring to human rights necessary for agency. Citizenship is also critical for analysis here because if a nation is made up of its citizens, it stands to reason that nation-building is directly connected to who can or cannot be a citizen.

My data set is two-part. First, I analyze tax laws as applied to sex workers, in particular to dancers in erotic bars in order to provide a more concrete example of how taxation regulates/denies access to welfare rights based on nation of origin. Here, I find that the illegitimacy of sex work makes payment of taxes so complicated that it may ultimately result in the denial of welfare, which then operates as denial of citizenship by depriving migrant sex workers of the social rights necessary for agency. Second, I analyze laws aimed at regulating sex work in the context of anti-trafficking and abolitionist discourse in order to demonstrate the ways in which restrictive policies hide behind humanitarian and egalitarian causes, thereby legitimizing the prevention of "illegal migration" and sex work, as well as the surveillance of migrant female sexuality. I find that these discourses not only justify the exercise of stricter migration policy but also that they make working conditions for sex workers (both Finnish and migrant) much more dangerous, in effect depriving them of autonomy and safety. The illegitimacy of sex work is thus useful to the state, facilitating conflation with illegality and international crime that enable the proliferation of state powers along with intimate regulatory interventions in the lives of migrants and ultimately citizens as well.

My conclusion regarding the exclusion and exploitation as propagated by both policy bundles is that not only do they enable the imagining of a certain kind of nation, but they are also directly tied to materially building the (Finnish) nation itself, specifically by determining which bodies can or cannot constitute it. Sex work is thus a site where the Finnish nation is being constructed through the designation of non-citizens, in other words those who are not entitled to free agency, those who are other. This process follows gendered and racialized lines, belying an internal logic that seeks to belong to white privilege through having the power to legislate it. These policies and discourses furthermore intersect to control, marginalize, exploit, and surveil migrants and sex workers with especial damage to migrant sex workers, additionally giving the state the power to manage and surveil its own citizenry. What is immediately necessary on a concrete level is the full legalization and regulation of sex work as a legitimate form of labor, as well as a total re-thinking of citizenship beyond borders and in terms of human rights and freedom.

Key terms: citizenship, nation, sex work, trafficking, Finland, race, racism, migration, welfare, white privilege, surveillance

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Chapter 1

INTRODUCTION

My interest in the status of sex workers in Finland began in 2008, during my first year there as an exchange student. I was active in a local non-profit organization known as Pro Centre Finland (in Finnish *Pro-Tukipiste*)¹, which is dedicated to providing social and health services for sex workers. I had volunteered to help with outreach, informing dancers in erotic bars of the existence of the local center and its location. It was during this time that I began to learn about the obstacles sex workers dealt with when attempting to navigate the Finnish social welfare system. What struck me most was that sex workers, in particular those without Finnish and/or European Union (EU) citizenship, were totally invisible within the system, yet still held accountable to its rules. My project thus began with the decision to gain a better understanding of the mechanisms by which sex workers were being deprived of social rights, and how this varied by nationality. In order to do this, I sought to understand overarching structures, in this case residence laws, tax policies, and the social welfare system, and how they were interconnected in producing this marginalization. Early on, my research led me to the conclusion that (especially migrant)² sex workers' limited access to rights signified the denial of citizenship to gendered and raced working bodies.

This led me to consider the ideological significance of such exclusion; I wondered how the intersection I saw between sex work and immigration was tied to broader processes at the national and international level, and what possible significance it had for understandings of Finnishness and the Finnish nation. If a nation is made up of its citizens, it stands to reason that nation-building is a question of deciding which bodies are fit or unfit for citizenship. When this process follows a logic that operates along the lines of race, gender, class, and nationality, what kind of nation is at stake, and for whom? Launching my study from citizenship (as a nation-building tool and as a concept denoting rights and agency), I found that sex work is one site where such gendered and racialized nation-building takes place, not only as a location for marking non-citizen others, but also as a means for the state to legislate exclusion. By facilitating discourses (such as those surrounding human

¹ All translations are official unless otherwise indicated.

² I use migrant and migration as umbrella terms for cross-border movement, therefore including migrants (those who cross borders) and immigrants (those who cross to stay). However, in the case that I discuss a situation that applies to immigrants specifically (so to those who are planning on residing) rather than migrants generally (who may continue moving), I make the distinction in text by indicating this residence/transience or by using the word "immigrant."

trafficking)³ that allow the state to expand its powers of surveillance and regulation, sex work becomes an ideological vehicle for the state that, when conflated with illegal migration and international crime, serves a means for justifying tighter control of migrants, borders, the citizenry, and subsequently also the symbolic boundaries of nation.

1.1 Sex Work

Sex work is a highly debated field and term in many circles, whether amongst feminists, activists, politicians, researchers, or sex workers themselves, with discussions revolving around how to define it, how to view it, and how to treat it. Sex work as a term refers to a wide range of services, from selling sex to escort services, pole dancing in clubs, and pornographic film production (McDowell 2009). For the purposes of this study, sex work retains this same meaning, although I particularly focus on *women* in the occupations of prostitution and dancing in erotic bars, naming these occupations separately when I refer to conditions uniquely belonging to them. I must make note here, so as not to create confusion, that in some cases policies targeting one form of sex work can affect or be applied to another (for instance laws targeting prostitution can have implications for sex work at large); in this case, when I mention the specific form of sex work (such as prostitution), if I follow with use of the broad term “sex work,” this is intentional and the different terms are not meant to be interchangeable.

The term sex work came about as a move to recognize such activities as legitimate forms of labor in a non-stigmatizing way, with the political significance of connecting sex work to other forms of waged work being that it would then be possible to demand equivalent rights (McDowell 2009; Wardlow, cited in Kontula 2010). It is for these reasons that I use the term sex work. The fact that the notion of sex work emphasizes continuity between selling sex and selling other embodied dimensions of the self, for example in the service sector, is highly debated amongst feminists (McDowell 2009). Linda McDowell, amongst others, contends that it creates a sense of false legitimacy that hides exploitative power relations. Anna Kontula counters that according to the Marxist view of work, the exploitation of sex workers can be seen as part of the exploitation of workers more generally (2010). In this sense, I do not see how the term serves to disguise anything more than the titles of other forms of labor do to hide inequality in their spaces. However, some feminists, such as Carole

³ More on this in chapter three.

Pateman, hold that sex work is not comparable to any other form of labor, because there is a difference between having direct access to a worker's body and controlling how the worker's body is used (cited in McDowell 2009). I would like to point out here that many studies have shown that the way sex workers perceive their work and embodiment therein has varied so greatly, that while the matter is theoretically interesting to analyze and has yielded some insightful thought, definitively arguing the matter in one direction or another runs the risk of determining for sex workers how they view or ought to view and experience their work; the reality proves to be too diverse to be conclusive, and this diversity is what should be highlighted. McDowell seems to make note of this, remarking that the type of work and conditions sex workers labor under affect the degree of autonomy and exploitation they experience, as well as how they and the public see their work (ibid.); I perceive this to be the case in other fields of labor as well.

This latter way of thinking is related to sex-positive or sex-radical feminism, the counter to radical feminism in the (Anglo) feminist "Sex Wars" of the 1980s. Sex-positive feminism⁴ differs from radical feminism⁵ in its view of sex work in three ways: first, the sex worker is a sexual and political person, an agent; second, sex work is a form of labor within which emancipation and exploitation vary; and third, what constitutes the transaction is one part of a broad spectrum of sexual practices (Sloan and Wahab 2000, cited in Kontula 2010). On the other hand, radical feminism views sex work as a crime against the human rights of women and as gendered violence, belonging to and reproducing patriarchy. Sex work is not undertaken voluntarily, but rather coerced in various forms, and sex workers are spoken of in terms of victimization and abuse. (Kontula 2010.)

These same debates are also present in the Finnish context, for instance amongst researchers (Anna Kontula takes the sex-positive position, for instance, while researcher Marjut Jyrkinen stands on the radical feminist side of the debate). However, they are also significant at the social and political level of discussion, circulating as discourses that, as Marjut Jyrkinen demonstrates, ultimately affect policy-making (2009). She identifies, for instance, three metadiscourses regarding sex work (which she refers to as the sex trade, with a distinctly different political meaning) amongst the policy-making elite in Finland. The first is the legal/procedural discourse, which is based on a strong belief in the law's effectiveness in its current form; anything not prohibited by the law is acceptable, and so sex work is a

⁴ Examples of sex-positive feminist researchers include Jo Doezema, Wendy Chapkis, Gayle Rubin, and Gail Pheterson.

⁵ Some prominent radical feminists are Andrea Dworkin, Catharine MacKinnon, and Sheila Jeffreys.

business like any other and should be left alone as such. The second is the sexualized violence discourse, which views sex work through the lens of radical feminism. The third is the negotiated discourse, which hedges between the latter two discourses: sex work is seen as abusive but does not need to be banned. Rather, there is an emphasis on discussion about defining the boundaries of sex work, and a concern with clarifying confusion about existing and necessary policies. Jyrkinen argues that in Finland, discourses among key policy officials regarding sex work are strongly connected to policies and practice. These discourses are thus not only related to making and implementing policy, but are also implicated in the choice not to do so, meaning they exert the power to maintain silence, invisibility, and therefore marginality (ibid.). It is for these reasons that I discuss trafficking and abolitionist discourse later, for if discourse leads to policy and practice, then discourse has a potentially severe outcome for those whom it targets.

The reader may come to notice that in my study I refer to researchers and experts who have a similar view of sex work, namely one that sees it as a legitimate form of labor and is relatively sex-positive, or at least outside of the realm of radical feminism. This is in part because of my own political leanings on the subject, which are the same, and in part because of the nature of my study: in taking a close look at policy surrounding sex work, I inevitably must speak with people who deal with it directly, and so aside from policy-makers or policy experts in certain agencies, this means social workers who deal with how that policy is applied to sex workers. As such, I gain a view of what the policies or laws concretely are (in the former case) and what they mean when applied (in the latter case). In addition, because I am interested in the consequences policies have for sex workers laboring in what I consider to be a legitimate field of work, radical feminism is not instrumental except as a point of critique, since policies derived from it, such as abolitionism, show that it is not concerned with empowering sex workers as laborers at all. That being said, while it is critical to analyze what sex work and the structural problems underlying it mean for women and gender equality, this is beyond the scope of my study. What I am interested in here is identifying forms of structural exclusion that prevent sex workers from being full citizens in Finnish society, and what this means for constructions of nation.

1.2 Citizenship

Citizenship consists of three key elements: rights and responsibilities, belonging, and participation (Lister et al. 2007). Traditions of thought on citizenship tend to fall into two

broad categories: liberal political and civic republican. The liberal political tradition follows a rights approach, in which the state guarantees the freedom and equality of the sovereign individual. In contrast, citizenship as obligation, where political participation is a civic duty, is at the heart of the civic republican tradition. Fundamentally, citizenship means membership and equality within a community, with rights and obligations flowing from that membership. This synthesis of the two sides can be seen in T. H. Marshall's explication of citizenship. (Lister 1997)

T. H. Marshall, a sociologist who has shaped much modern thought on the subject, defines citizenship as a status which consists of three elements: civil, political, and social rights.

The civil element is composed of the rights necessary for individual freedom – liberty of person, freedom of speech, thought and faith...and the right to justice...the political element...[means] the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body...the social element [means] the right...to a modicum of economic welfare and security...and to live the life of a civilised being according to the standards prevailing in the society. (Marshall 1950:10-11, cited in Lister 1997:15-16)

Citizenship thus consists of the right to freedom and justice (civil rights), the right to political participation (political rights), and the right to economic security/welfare and a decent life (social rights). All those who possess this status are equal with respect to the rights and duties it entails. These rights can be more broadly divided into two categories: formal (civil and political) and substantive (social and economic) rights, and are set forth as the prerequisite for fulfillment of human agency (Lister 1997).

It is for this reason that citizenship (or lack thereof) functions as a critical concept in my study for understanding exclusion. Citizenship refers to those who belong to a state, as well as those who are entitled to participate in it socially and politically (Lister et al. 2007), and so conversely it also means that those without citizenship do not belong and are not entitled to social or political rights. According to Ruud Koopmans and Paul Statham, "citizenship is perceived both as a form of membership and 'as a specific cultural imprint of nationhood functioning as a form of symbolic closure restricting the ability of migrants to join the national community' " (2000:19, cited in Lister et al. 2007:79). As such, citizenship,

with its ties to nation, is inseparable from race and ethnicity, along with the exclusionary potential contained in these concepts for exercise against those within and outside of state borders. Abigail B. Bakan and Daiva Stasiulis illuminate this connection, explaining that constructions of citizenship are based on “ ‘the acceptance of the regulatory authority of hegemonic states in determining access to citizenship rights...[according to a] racialized and gendered definition of who is and who is not suitable to obtain such rights’ ” (1994:26-28, cited in Yuval-Davis 1997:75). This marks citizenship’s dually inclusive and exclusive nature, with exclusionary tendencies particularly impacting marginalized groups within or trying to move between nation-states (Lister et al. 2007).

Nation-states control migration with what Ruth Lister calls “gates of admission” (1997:47). The first of these regulates physical entry into the territory, the second residence status (which determines access to social and civil rights), and the third access to formal citizenship and associated rights. These gates set up a hierarchy that leaves illegal immigrants at the bottom, their numbers nevertheless growing due to the increased stringency of regulations (ibid). Such boundaries and related allocative processes serve to include and exclude simultaneously, both operating through formal and substantive citizenship. Formal citizenship refers to one’s legal status of membership in a state, while substantive citizenship refers to the possession of rights and duties within a state, and neither necessarily follows from the other. For most migrants, substantive citizenship, or social and civil rights, tends to precede political rights, making the achievement of permanent residence particularly important and perhaps the most immediately necessary (ibid). Permanent residence, however, is not necessarily a space of safety, for without formal citizenship, denizens are still disenfranchised and therefore vulnerable: “ ‘...if citizenship status is not a decisive determinant of immigrants’ life chances, it remains a crucial determinant of their place in the polity... *the interests of disenfranchised groups do not count for much in the political process*’ ” (Brubaker 1990:385, cited in Lister 1997:49, my emphasis). This situation is amplified for sex workers, who regardless of citizenship status are a disenfranchised group, making the position of those without formal citizenship doubly precarious, if not triply so in the case that they further lack substantive citizenship (more on this in chapter two). This is troubling in light of the anti-migratory political atmosphere within the EU, which in the face of globalization and increased mobility is practicing more strict and discriminatory immigration and citizenship policies.

1.3 Migration and Policy Currents in the European Union

According to Lister et al., “on the EU level there is a growing emphasis on ‘policing of borders’ and terrorism surveillance” (2007:88). This has been accompanied by managed or selective migration, which favors more rights and provisions for skilled and professional labor and is on the rise, allowing only specific categories of workers to enter based on the needs of the labor market. This coincides with increasingly restrictive asylum and migration measures, as well as the intensification of homogenizing (and therefore hegemonic) ethnic assimilation policies, rather than multicultural policies based on pluralist integration. Ultimately, despite some improvements EU policy has managed to achieve in its member states, for instance in women’s rights, the promotion of economic competition is its first priority, and social rights as well as subsequent migration and welfare policies are subordinate to and filtered through this. Thus, the economic imperative fundamentally supersedes the EU’s human rights regime, evident particularly when *both* left and right wing legislation in Europe (during the 1990s) have worked to limit immigration from non-EU countries, so-called Third countries. (Lister et al. 2007.)

Stricter immigration laws have also been coupled with more restrictive citizenship laws throughout the EU (Lister 1997; Lister et al. 2007). While citizenship, as an ideal, “can provide a potent weapon in the hands of disadvantaged groups of insiders,” the “legal definitions of citizenship can exclude (often Black) outsiders” (Lister 1997:4). Women, as a growing proportion of migrants and due to a disadvantaged economic position, are particularly harmed by such “racialized immigration laws” (1997:45). Furthermore, while female labor migration is increasing, so is stratification between different migrant groups based on their qualification and skills (Lister et al. 2007). Migrant sex workers are thus especially affected due to the gendered and unrecognized status of their trade, rendering them even more disadvantaged as a result of stricter labor hierarchies. This marks the gendered and racialized nature of the continuing polarization of the labor market, a process which is “to the particular disadvantage of Black and migrant, minority group and unskilled working-class women,” and is also “likely to be aggravated in the EU under the impact of the Single European Market” (Lister 1997:142).

This sort of intersectional exclusion has led to the image of a “Fortress Europe,” which Robin Simpson refers to as “ ‘fortress Western Europe, defending its own economy, putting up the shutters to ‘outsiders,’ and maintaining surveillance of the ‘outsiders’ within’ ” (1993:92, cited in Lister 1997:46). Lister describes Fortress Europe as having “strict external

border controls; measures to restrict immigration and the rights and number of refugees and asylum-seekers admitted; provisions for the swift expulsion of unwanted aliens, all backed up by a comprehensive computer network” (1997:46). It is thus that freedom of movement within the EU is established by drawing what Lister likens to a quarantine line around it. “Relaxation of internal border controls has been paralleled by the intensification of controls within borders, through the use of identity cards and passport checks. The main objects of such controls are those who “ ‘carry their passports on their faces’ ” (Sivanandan 1993, cited in Lister 1997:46), in other words those who are considered to be racial others. Fortress Europe thus serves exclusionary rather than inclusionary functions, contributing to sexist, racist attitudes and practices that affect not only “outsiders” but also racial minorities within (Lister 1997).

In addition, this strengthening of borders, physically and symbolically, between citizens and foreigners demarcates not only the line between European and non-European but moreover between white and non-white (Lister 1997). Lister refers to this as an ideological form of exclusion “ ‘of those who do not conform to the image that the new Europe has of itself. This image holds, implicitly if not always explicitly, that *to be European is to be white, Christian, and holding to a Eurocentric view of the world, and that to be other than that is to be “Other”, to be outside*’ ” (Gordon 1991:84, cited in Lister 1997:46, my emphasis). This coincides with what Lister describes as a reemergence of “racism and xenophobia... on a significant scale in both Europe and the US,” along with “a more exclusive populist model of citizenship, rooted in a common culture and identity” and “racist expressions of nationalism” (Lister 1997:51). The tightening of EU borders is thus being reflected and amplified at the local level through forms of exclusion exercised by the state in the name of nation.

1.4 Nation

“The myth of a unitary Finnish national culture is still alive in everyday life understandings, and through it racist attitudes can be justified” (Suurpää 2005:51).⁶

“Since the early 19th century the construction of being a Finn or a Finnish citizen has been deeply rooted in the making of the nation state” (Anttonen 1998:357).

⁶ My translation. Original quote: “*Suomalaisen kansallisen kulttuurin yhtenäisyyden myytti elää edelleen arkisissa käsityksissä, ja sen avulla voidaan herkästi oikeuttaa rasistista asennoitumista.*”

The citizenship regime in Finland is based in both liberal political and civic republican traditions. Citizens were originally thought of as members of communities rather than individuals, and so the legal system of individual rights and liberties has its roots in the notion of a collective national identity (Anttonen 1998). Such communitarianism is also due in part to late modernization, before which Finland was primarily agrarian well into the 20th century (ibid.). Furthermore, “the unification of the state and church has fostered a culture of belonging to one religion, to one community and to one nation” (1998:357).

The nation-state is a way of organizing political and social membership, and when linked with citizenship, “constructs the legal and ideological parameters of inclusion and exclusion” (Taylor 1989, cited in Lister 1997:51). Underlying the nation-state is a “ ‘complex articulation of nation with culture and “race” ’, institutionalized in different ways through the boundaries around citizenship” (Williams 1995a:143, cited in Lister 1997:52). This is tied to the myth of the nation and the false notion of ethnically or culturally homogenous nation-states (Lister 1997). This linkage of state and culture is mandated by nationalism (Gellner 1983, cited in Yuval-Davis 1997), which according to Nira Yuval-Davis, is a fiction with the purpose of

[naturalizing] the hegemony of one collectivity and its access to the ideological apparatuses of both state and civil society...[and] is at the roots of the inherent connection that exists between nationalism and racism...it constructs minorities into assumed deviants from the ‘normal’, and excludes them from important power resources. (1997:11)

Nationality, race, and ethnicity have become ways of speaking of and signifying difference (Huttunen 2005). These concepts often intertwine and flow into each other. In the European context of nationality thought, nationality and ethnicity are understood as similar concepts, for both refer to a group with a shared origin and culture (Eriksen 1993 and Hobsbawm 1994, cited in Huttunen 2005). The difference between the two is that a nation is an ethnic group with its own government (Eriksen 1993 in Huttunen 2005). Meanwhile, ethnicity is separated from race on the basis of its cultural emphasis; however, roots in the notion of a shared origin, something common to both concepts, makes ethnicity conceptually leak into race (Huttunen 2005). The defining feature of ethnicity as some sort of essential, immutable culture is also not unlike race-based ways of understanding difference (ibid.). Race is furthermore often amalgamated with cultural difference (Rastas 2005).

Despite this, Finnish researchers and officials have often replaced race with ethnicity as a more neutral concept, based on the Nordic custom of viewing race as something that should not be spoken of lest it reproduce racism (Rastas 2005). In addition, that which might be described as racism in other countries is often referred to as discrimination or intolerance in Finland (ibid.). While this indicates that race is thought differently in Finland and is perhaps secondary to ethnicity as a way of understanding national/cultural difference (due to the local history of such concepts), these factors nonetheless have the cumulative effect of making race and therefore whiteness invisible. Ethnicity thus becomes a discursive mechanism that disguises white privilege, mobilizing the discourse of culture in order to avoid implicating race. In drawing attention to race in this manner, I do not attempt to favor one concept over the other, but rather to indicate that separating the two for the sake of substituting one for the other hides significant power relations, including my strong suspicion (which I explore throughout this study) that understandings of Finnish ethnicity and *nation* are entangled with notions of racial whiteness. It is for this reason that although Finns are understood to be an ethnic group with their own culture (Huttunen 2005), it is not enough to leave it at that. The inseparability of race from ethnicity, the inseparability of both from nation, and the central role of homogeneity in the organization of Finnishness— taken together, these indicate an obviously large hole in the picture: where does race stand in the conceptualization of Finnishness and therefore the Finnish nation? Furthermore, how does this play into defining the boundaries of Finnish citizenship? According to Petri Ruuska:

When, starting from the end of the 1700s until the beginning of the 1900s, other Europeans attempted to define Finns as non-Europeans and therefore as a race of lower worth, Finns reacted by presenting their own justifications for their Europeanness and ‘whiteness’ (Halmesvirta 1990; Kemiläinen 1998). Finns’ Europeanness was thusly negotiated in the early decades of the 1900s, and at the same time accepted and established as an ‘ethnoracial order.’ (2002 in Rastas 2005:79)⁷

Different groups have struggled to be categorized as white in order to improve their position (Rastas 2005). What is revealed here is that the Finnish nation-state underwent such a process

⁷ My translation. Original quote: “*Kun 1700-luvun lopulta alkaen aina 1900-luvun alkupuolelle asti muut eurooppalaiset pyrkivät määrittelemään suomalaiset ei-eurooppalaiseksi ja siten alempiarvoiseksi roduksi, suomalaiset esittivät vastareaktion omat perustelunsa eurooppalaisuudelleen ja ‘valkoisuudelleen’ (Halmesvirta 1990; Kemiläinen 1998). Suomalaisten eurooppalaisuus oli 1900-luvun alkuvuosikymmeninä näin neuvoteltu, ja samalla hyväksytty ja vakiinnutettu ‘rodullisetminen arvottava järjestys’.*”

in order for Finnishness to fall under the umbrella of (Western) European whiteness (“Western,” “European,” and “white” being concepts that cannot be thought separately). This then means that Finnishness must also be thought of in terms of race, in addition to rather than excluded by ethnicity or culture. When used alone, concepts such as the latter only function to obscure ongoing processes that uphold the invisibility of the former, making the construction of whiteness and white privilege silent and unnamable.

Finland belongs to Europe in the sense that it is part of Western Christian and colonial culture, where views based in imperialist ideology of cultural others hold sway (Löytty 2005). However, colonialism is not part of Finland’s national self-image in the same sense as in France or England. The reason for this is that Finland was not a colonial power – on the contrary, Finland was subject to alternatively Sweden and Russia, itself a colony (ibid.). Finland has thus struggled to define itself as autonomous and sovereign in this context, and as previously mentioned has also struggled to negotiate its way out of marginality *through gaining access to whiteness*. These are the markings of *Finnish nationalism*, which Ruuska defines as the building of a Finnish nation. According to Ruuska, the Finnish nationalist project began at the end of the 1800s as nation became a strong political concept in the Finnish context, and continued into the present, appearing deliberate and at times the result of a strong desire (2005). I posit that the present-day manifestations of this drive, or nationalist project, take place along the physical borders of the nation-state as well as the ideological boundaries of Finnishness, materializing around such issues as citizenship and constituting an ongoing process of negotiating Finnishness as whiteness nationally and internationally.

1.5 The Nation-State and Sovereignty

Supranational institutions, in particular the EU, are seen as putting a strain on nation-states, pulling power away from them (Lister 1997). This is not to say that the EU is beyond the paradigm of nation-state or citizenship, for even as a postnational entity its membership is exclusive, “a citizenship for Europeans rather than for all those living in Europe” (1997:54). Nonetheless, the growing importance of the EU, coupled with increased migration and global economic forces (in short, globalization), throw the status of the nation-state into question. Although nation-states that have ceded powers to supranational institutions such as the EU have less autonomy (the capacity to enact decisions), they still retain sovereignty (the right to make and enforce policies) (ibid). States have consequently clung to this, responding to incursions on their autonomy with “a more determined...assertion of sovereignty...in their

capacity as gate-keepers, aided by technological developments which have increased their powers of surveillance generally and over immigrant groups in particular” (1997:56). The nation-state, as the regulator of citizenship, thus becomes the regulator of exclusion, a role which “is being executed with increasing aggressiveness in the North and West at a time when the power of the nation-state is otherwise being curtailed by pressures from both within and without” (1997:65). Hence, as understandings of citizenship as well as immigration policies become increasingly tied to the EU, member states simultaneously oppose the universalistic European citizenship rights it has put forth, emphasizing the primacy of the nation-state (Lister et al. 2007). In this manner, Finland also attempts to negotiate its position as a Western European nation of its own right within Western Europe.

In her analysis of discourse used by Finnish politicians in discussing (rather opposing) the arrival of Romani asylum-seekers, Camilla Nordberg notes that as a young nation-state, Finland attempts to situate itself in relation to other, primarily EU, countries through the use of a “Fortress Finland” image in order to “mediate to the ‘world’ the power of Finnish sovereignty” (2004:723). “The hitherto hegemonic perspective of Finnish national sovereignty [is] challenged by an international...order” (2004:722), and so the notion of Europe is mainly used “as a point of reference to politically legitimize negative decisions” rather than to discuss the obligations of a “common Europe” to promote integration (2004:727). Thus, at a time when the nation-state is becoming less politically and economically pivotal, “nation-states exercise...the power to exclude ‘outsiders’ through the drawing and policing of the boundaries of citizenship and residence in an age when migration and asylum-seeking are increasingly commonplace” (Lister 1997:8). This is done both in line with and in contradistinction to the EU, allowing Finland to define and defend its position within Europe through administrative muscle-flexing.

This use of exclusionary policy furthermore renders access to Finnishness and Finland a matter of class, gender, and race privilege. Correspondingly, it also then enables the exploitation of minority populations, allowing the state to benefit economically and symbolically from this construction of otherness. At the same time, the resultant exclusion (of racial others) becomes a form of legislating whiteness, thereby tightening the bonds between the ethnoracial and the national. Ruuska (2005) implies that Finland’s presence in the EU has triggered the type of reaction in which conformity to EU protocol (in order to improve its situation globally) has also lead to stronger needs to cling to the cultural (based on Chaterjee 1993), perhaps as a form of resistance. In this context, ethnicity and race, or “culture,” become affects that allow Finland to define itself within and against Europe as globalization

is increasingly felt to be a threat to its identity. Simultaneously, this Finnish national identity comes to be increasingly reliant on and consolidated within whiteness. Whereas Finnish nationalism sought whiteness a century ago, Finnish nationalism now seeks to retain a strong position within ideological whiteness (as expounded by Cheryl Harris), using citizenship as a tool to do so.

1.6 White Privilege and Whiteness as Property

Cheryl Harris, who theorizes race from a U.S. perspective, contends that race is ideological, meaning that black and white are concepts that do not operate on a phenotypic basis, although phenotype has been arbitrarily typified and used to assign race to bodies (2003). She furthermore argues that whiteness and blackness are relationally constructed: “Whiteness is the position of relative privilege marked by the distance from Blackness; Blackness, on the other hand, is a legal and social construction of disadvantage and subordination marked by the distance from White privilege” (2003:916). In this sense, then, as Harris sets forth the concept of ideological whiteness, it can be said that white privilege is also constructed in relation to ideological blackness. This is critical in understanding not only how race and race-making operate at the state level, but also how such ideologies and processes are extended to and reiterated at the local level.

Whiteness is a racial group identity that functions to exclude and exploit, and retains the ability to deny group status to nonwhites attempting to claim rights (Harris 1993). Whiteness also retains the expectation of defining norms, or having the power to reify. According to Harris, “Although the substance of race definitions has changed, what persists is the expectation of white-controlled institutions in the continued right to determine meaning – the reified privilege of power – that reconstitutes the property interest in whiteness in contemporary form” (1993:1762). As such, modern whiteness means the power of defining everything at every level of society. Colorblindness is an example of this, but is also the current operative doctrine intended for the modern preservation of white privilege through making mass systematic racism invisible (2003). This invisibility of whiteness and white privilege makes it all the more insidious: in the face of modern racism, those with the power to define claim that race is irrelevant and that racism does not exist at the state or institutional level. In the context of Finland, such “blindness” is easily upheld by a consensus society that – in a time when xenophobia is on the rise in the EU and Finland is visibly becoming more multi-ethnic, multi-national, *and* multi-racial – prefers to speak of ethnicity when race is

increasingly relevant to understanding structural inequality and its connection to nationalism. This not only makes Finnish whiteness and white privilege unintelligible, but also makes the privileges bestowed by Finnish citizenship invisible, thereby allowing the intersections of white/nation/citizen to manifest inequality without its being recognized as such.

White privilege is maintained through “routine, normal, and implicit practices” (Harris 2003). This privilege is the basis of Harris’s argument that whiteness is property (1993). It functions as identity property, status property, and economic/legal property all based on exclusive possession. Harris contends that “according whiteness actual legal status converted an aspect of identity into an external object property, moving whiteness from privileged identity to a vested interest” (1993:1725). While this was written with reference to the U.S. and its history of state-sanctioned racism, I argue that in reading whiteness as an exclusive legal status in the form of *Finnish citizenship* and associated privileges, this description holds. As such, whiteness (and Finnishness) is financial and cultural capital. It functions as self-identity, reputation mediating between internal and external identity, and property in the public realm (ibid). It is also “capable of being valued in the market” (1993:1735).

For the purposes of this study, I refer predominantly to whiteness and white privilege, emphasizing that whiteness, as an *ideological construct*, is not only a matter of skin color, but rather a location of privilege that retains the power to define and exclude, and is inseparable from conceptions of (predominantly North-) *Western* Europeanness. In light of this and the Finnish context, I would also like to point out that blackness is not a literal term solely referring to skin color, but rather a way of articulating otherness that a) describes specifically nonwhite racial otherness, and b) indicates that relative to whiteness, disadvantage and exclusion put black at the bottom of the power-privilege hierarchy. As previously discussed, while Finland does not have a history of being a colonizer, its ideological view of “others” is rooted in European colonialism, which at one point also included the slave trade. This makes “black” relevant regardless of any physically quantifiable presence, which in Finland is quite small, because of what the salience of such ideological views enables (namely the construction of whiteness). Nonetheless, I predominantly restrict use of “ideological blackness” and “blackening” to my discussions of U.S.-based critical race theory, which I apply to describe processes of racialization that enable Finnish national constructions of whiteness. Otherwise, I favor the use of “other,” “otherness,” and “othering” throughout my study. The reasons for this are first that blackness as a term can be confusing when applied to persons who might otherwise be characterized as white based on appearance (although as I

mentioned, race is ideological and not only skin deep), and second that otherness is an umbrella term that captures the multilevel and intersectional exclusion sex workers face, describing more than just race and indicating that “other” and therefore “subordinate” is being constructed on many levels, including gender, class, and sexuality.⁸

In the case of Finland, I do not argue that ideological whiteness existed prior to law, but rather that it came into being as it was *legislated* in the form of racialized citizenship. This is not to say that racism did not exist before the law, but it is important to bear in mind that the Finnish state is a recent construct and with it whiteness as an ideology of privilege. After gaining its independence in the last century, Finland has since undergone rapid modernization. As a country that occupies one of the geographical peripheries of Europe and that for a long time had a marginal status, this process of rapid transformation is, I suspect, part of a larger national project to gain recognition both as a legitimate sovereign and Western nation. This is evidenced by the proliferation of regulations against non-Finnish citizens from countries outside the EU, as well as the uneven granting of privileges within Finland to non-Finnish EU citizens, as I will later demonstrate. If whiteness is understood ideologically as a space of privilege, I contend that Finland, due to historical marginality, has been attempting to renegotiate its identity in conformity with the mandates of whiteness in order to gain access to this space. This has shifted into the legislation of whiteness, which is accomplished through various exclusionary policies that designate bodies as racially other in order to enable self-definition within the space of white privilege (or whiteness). Elina Penttinen refers to this process as naming the abject, a racialized and gendered deviant body, in order to enable Finnish subjectivation, or the construction of the Finnish subject (2008).

I believe that there are two processes occurring simultaneously on the national level: Finnishness is being consolidated against the perceived threat posed by increased migration, and it is also being constructed as a privileged status of power through making it and the spaces it grants access to an increasingly (racially) exclusive property. Hence, through the contracting of the boundaries of Finnish citizenship, Finnishness is made white, while increasingly legislated exclusion is used to construct the Finnish nation as whiteness. It is thus that I argue that sex work acts as a site for racialized nation-building through facilitating the construction of the Finnish citizen (read white, male, heterosexual), a process which is accomplished by inscribing intersecting forms of (non-citizen) otherness, including race, onto

⁸ Given that oppression and marginalization are manifold, it is certainly not my intention to oversimplify and therefore hide this intersectionality; my focus on race (or gender) at some points is a strategic choice within the scope of this study. Furthermore, I do not wish to commit the error of minimizing the oppression of one group of people by conflating it with that of another via terminology (vis-a-vis blackness).

the bodies of sex workers. Sex work is consequently a locus for naming the exotic and deviant against which the Finnish nation can construct itself, and as I will later show, furthermore operates at the discursive level as an enabler for increasingly restrictive policies that allow the state to police its borders and citizens more intimately. In this sense then, not only is sex work a location for nation-building but also its political mechanism, mobilizing forms of exclusion that reach deep into and beyond the scope of sex work.

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I have previously explained key concepts and provided their geopolitical context; increased global migration is being met with restrictive policies on the EU as well as national level, where states attempt to assert their authority through strict physical and therefore ideological border control. This surveillance of boundaries is centered on the issue of citizenship, which as a signifier of subject-membership and thus conversely abject-exclusion operates as a way of constructing the nation, both physically and symbolically. In the coming chapters I will demonstrate how this is connected to sex work.

First, in chapter two I analyze the intersection of residence and tax laws in regulating access to welfare for sex workers. I look particularly at the problems erotic dancers face with regards to taxation, which ultimately block their access to welfare benefits hierarchically on the basis of nationality and implicitly race. I choose erotic dancers as an example because their work is less stigmatized and therefore treated through laws affecting the formal labor market more often than other kinds of sex work. This is significant in two ways: first, it indicates where the minimum is located as far as concerns the exclusion Finnish and foreign sex workers face from substantive citizenship. Second, given the positioning of erotic dance between legitimacy and illegitimacy, dancers' situation demonstrates how the failure of the law to recognize sex workers as either employees or entrepreneurs directly enables the exploitation of their labor, both by those who hire them as well as by the state. This is an instance of how the illegitimacy of sex work allows the state to withhold substantive citizenship.

Then, in chapter three I consider how the illegitimacy of sex work is manipulated in a broader legal context, in particular when it is conflated with international crime and illegal migration, as manifested in the intersection of trafficking and abolitionist discourses. Here, I draw out two key laws and discuss them in terms of what field experts had to say on the subject in my interviews with them. Their commentary, when taken with what countless other researchers have found, reveals that what is at heart of such (in reality punitive) laws boasting noble ends, such as human rights or gender equality, is tightened migration control and

increased powers of surveillance. Cumulatively, these laws, when applied in conjunction with taxation and welfare policy, lead to denial of formal and substantive citizenship, allowing the state to conduct purgations against its internal and external enemies in order to construct its citizenry and the nation. The issues and laws I discuss show that this process follows gendered and racialized modes of logic.

1.7 Methods

Much of the information in this study was collected via interviews with officials in key institutions as well as field experts knowledgeable in sex workers' issues in Finland. Though originally conceived as part of a larger project involving interviews with sex workers as well, the policy portion grew too extensively for this to be feasible within the scope of this study. Therefore, the focus remains on policy and content gathered from those who deal with it directly or else deal with sex workers in their research or work. This may at least explain the missing presence of sex workers' voices here, something which I hope to correct in the future.

I determined that expert interviews were the best way for me to collect the information I sought due to its specialized and "factual" nature. According to Marja Alastalo and Maria Åckerman, a distinguishing trait of expert interviews is that the interviewee is chosen based on his/her position within a certain institution or involvement in a specific process, and is sought out for his/her knowledge in this context (2010). The purpose of such an interview is to gain a clearer understanding of the subject of research from a so-called factual perspective, or to mine the interviewee for "facts" (ibid.). Thus, I turned to those who I thought might have the most detailed knowledge and understanding of the laws and problems I was interested in, meaning those who worked in institutions administering the policies I was investigating, or else those who did grassroots work at the level of policy application, in this case social workers, activists, and researchers working with sex workers in the process of coping with the daily challenges of living and laboring in Finland.

I was able to make contact with these people primarily through snowballing, starting with Pro Centre Finland (*Pro-Tukipiste*). Due to my involvement with the local center, I received help in making contact with the head of Pro Centre Finland in Helsinki, Jaana Kauppinen. I was interested in speaking with her due to her years of field experience working as an intermediary between sex workers and the law. She in turn recommended that I speak with Johanna Sirkiä, the head of SALLI (United Sex Professionals of Finland, *Seksialan*

Liitto, the sex workers' union in Finland) because she could potentially provide me with more legal information. As a result of some unsettling issues that came up during our interview, Johanna subsequently invited me to join her in interviewing Thomas Elfgren, a Detective Chief Superintendent with the National Bureau of Investigation (*Keskusrikospoliisi*), regarding the powers of the police. Lastly, I knew the scholar Anna Kontula personally, and thought it fruitful to speak with her due to her doctoral thesis on sex work in Finland and her broader knowledge of Finnish politics (as a politician herself).⁹

I conducted interviews with these experts before seeking to make contact with institutions, the reason being that I hoped to come by some methods or ideas for communicating that might be more effective than whatever means I had found on my own. In this sense, I also used snowballing in conducting institutional expert interviews (by email), as contacts came either by suggestion from an expert interviewee or by forwarding from someone within the institution. This formed the bulk of my interview data for chapter two, consisting of email communication (conducted entirely in English) with the Social Insurance Institution of Finland (in Finnish *Kansaneläkelaitos*, referred to henceforth as Kela), the Finnish Tax Administration (*Verohallinto*), and the Finnish Centre for Pensions (*Eläketurvakeskus*). The use of email communication was problematic in some respects: I could not always address my emails to a specific person, and so I do not know if a more qualified person could have answered or if in-person contact would have elicited more or better information. In addition, I could not find means to remedy this; organizational websites were not of much help, and in-person meeting was not an option either, the first reason being that no one responded to my offer to visit personally. In each case, I did my best to find and contact the right persons or divisions.

I drafted a semi-formal message introducing myself, describing my thesis, and listing some general questions about the policies of each institution as they relate to striptease dancers working in erotic bars (the central concern of chapter two), and how these could vary based on residence status (see Appendix B for email draft). The open-endedness of my questions was intentional: I hoped to elicit a broad response that might cover various categories, a sort of umbrella, which I could then delve into and pick apart. This method ultimately worked in my favor because I had a hazy idea of the kind of answer I would receive in the first place; I did as much background reading as I could, both in English and

⁹ Further background information about the experts I interviewed can be found in Appendix A.

Finnish, so I was relatively well-versed in much of the policy involved, which allowed me to check responses against my own knowledge.

The responses I received varied in verbosity and quantity of information, though they all tended to dwindle into brevity eventually. This could have been in part also due to a linguistic element, such as discomfort with communicating in English. As a general rule, I carried on with exchanging email correspondence (typically sending about two to six emails) until there was not a single matter left unclear to me, at which point I then asked permission to use the chain of messages in my research as an anonymous response on behalf of the institution in question. All consented to this, and I did not feel that revealing names was relevant due to the legal nature and existence of most of the information in the responses on the internet, scattered through pamphlets and booklets in Finnish and English.

I started with Kela, sending my message to its research branch upon the suggestion of Johanna Sirkiä. Communication was mostly brief but pointed, and although I was not given extensive information, the answers I was provided with were sufficient. My exchanges with the Finnish Tax Administration, meanwhile, were more complicated. I first contacted someone in a high position at the Ministry of Finance based on a suggestion from Johanna Sirkiä during our interview, but this message was forwarded to the Tax Administration. Since this took some time, I had called the local tax office directly and explained my situation. I was given an email address to which I could send my message, from which point it would be forwarded to relevant parties. This dead-ended. I eventually did receive a response from the Tax Administration, and I was completely thrown back – there was a great deal of information but little direction. Most relevant tax laws were immediately listed, but there was little discussion of what they meant when applied to the situation of dancers.

As a consequence, two events occurred: first, I was forced to turn to Sirkiä¹⁰ for help, given her knowledge of taxes as an accountant, and study the plethora of sources she graciously provided in Finnish and English; then, I had to return to the informant to discuss this new information, indicating areas of overlap between policy and reality for dancers, hoping for more concrete answers. To some extent this helped, but unfortunately Sirkiä still had to compensate for many gaps in the responses. I did not feel that I was able to pursue the issue further; my contact at the Tax Administration gave several lengthy responses, but

¹⁰ It may already be evident to the reader that I frequently refer to Johanna Sirkiä in my study. The reason for this is that she is a qualified expert in many fields relevant to my research. Also, during the course of my study I came to realize that such expertise was rare and extremely difficult to come by, in particular with regards to tax law, so whether this may or may not be seen as a limitation, it was inevitable.

finally requested that I ask my questions elsewhere, as they came to be outside of the scope of tax policy.

Contrary to my experiences with Kela and the Tax Administration, my exchange with the Centre for Pensions was extremely brief. The first response mostly reiterated everything that was listed on the website, and provided a malfunctioning link to the one potentially new piece of information. I resolved this problem on my own, and sent some final questions, only to receive a one sentence answer. Fortunately, this was sufficient, and given the length of the response, I felt that whether or not it had been sufficient, the window of opportunity was being shut too quickly for me to ask any more questions. Overall, these somewhat informal interviews via email were successful in generating relevant information in a relatively condensed form. Although they were not as long or informative as I had hoped, they accomplished their primary purpose, and I was very fortunate that in each of the three cases I received a response, or even a chain of responses.

Meanwhile, all of the interview data for chapter three came from interviews with the experts I previously listed by name, each of whom has years of experience in the fields of sex work research and/or sex work activism, the exception being Thomas Elfgren, who has investigated crime in connection with prostitution. All of these interviews were audio recorded with the permission of the interviewees, who also consented to have their names disclosed along with quotations from the interviews. Some interviews were conducted in both Finnish and English, or English only. I consistently spoke English, and allowed the interviewee to choose which language he/she would respond in. If there was something that I did not understand, I asked the interviewee to clarify (either in English or Finnish). The multilingual setting of the interview did not appear to be problematic, although in my interview with Thomas Elfgren I came across some minor difficulties due to criminal law and police terminology. Otherwise, interviewees appeared to be very much at ease with my use of English.

I framed questions and themes relevant to my research for each interview according to the specialization of the expert. I attempted to strike a balance between the information I thought I might need or expect from each individual (based on his/her expertise) and what each personally might have to offer beyond this. As such, I posed only a few general open-ended questions, and asked narrower questions based on the answers that these elicited. This proved at once productive and difficult. Interviews lasted anywhere from one to two hours, with some interviewees experiencing exhaustion. I felt in part that some of the interviewees were trying to give me what I wanted, but could not seem to figure out what that was. This

resulted in some confusion and frustration at times, which was verbally expressed as difficulty understanding the direction or aim of my questions. Meanwhile, I attempted to provide guidance without making the interviewee feel pressured. For the most part the result was positive.

With the exception of my interview with Elfgren, in which themes related to police raid procedure and sex workers' rights when interacting with the police, I developed three broad themes, which I discussed with Kauppinen, Sirkiä, and Kontula in different ways. These themes were, as relates to sex workers:

- residence permits and nationality
- finances, financial policy, and social welfare
- immigration policy and state racism

The new and recurring strand of information that was common to all three interviews and brought to my attention first by Kauppinen was the connection between immigration control, state racism, and anti-trafficking policy. This was indeed unexpected and very fruitful, and ultimately enriched my argument greatly.

After each interview, I listened to the recordings and made rough transcriptions in the form of chronologically organized notes. This approach was more useful to me rather than an entire transcription due to the fact that I primarily needed information, not quotations. Having the data from each interview in condensed form also made it easier to compare information across interviews and with documents and journal articles. Indeed, much of what the experts connected with sex work had to say resonated with arguments various scholars had made, for instance regarding immigration control and anti-trafficking policy. Finding so much similarity in ideas and interpretations of the themes discussed across interviews and journal articles made me feel confident that I had contacted the appropriate persons.

Due to the “factual” nature of expert interviews, analysis of the interview material was challenging. According to Kirsi Juhila, experts have a way of speaking that constructs information as factual, a process she calls “factualization” (*faktuaalistaminen*). In her study, she identifies five strategies by which experts accomplish this, which I will here list in paraphrase rather than direct translation due to their grammatically complex nature. The first strategy involves appealing to personal experience, wherein the expert refers to having seen or heard the event or phenomenon in question firsthand. Juhila notes that inductive logic is often used here, where one concrete example comes to represent truth at the general level. The second strategy is that of presenting no other options, wherein the expert presents the solution to a problem as the only possible and reasonable one. One form of this strategy is the

construction of a chronological cause-effect chain that inevitably leads to the unavoidable conclusion. The third strategy is quantification, which consists not only of presenting numerical data, but also of speaking in quantifying terms, such as “many,” or “marginal.” Juhila presents “all or nothing” discourse as an example, in which either all or none of something or someone is involved. The fourth strategy is reliance on social norms, in other words explaining or justifying something in terms of what is considered to be true or common sense by the majority. One indirect result of this is that the cause of a social problem, for example, becomes hidden as the phenomenon comes to have a life of its own beyond human influence. The fifth and last strategy involves reliance on one’s own expert status, wherein the expert believes his/her level of expertise makes the information factual and true. (Juhila 1993.)

I noticed some of these strategies in most of the interviews as I analyzed them for recurring themes and information, and so in order to draw out the facts produced by discussion (as is the goal of expert interviewing), factualization had to be compensated with cross-reading analysis as set forth by Alastalo and Åkerman. Cross-reading analysis begins at the preparatory stages of interviewing; I as the interviewer needed to know how to thematically structure the interviews, as well as how to handle and react to information that came up during the interview process. This meant that I needed to research the interviewee’s background and read his/her writings, know the background of his/her organization and its current situation, read material related to the interview topic(s) (for instance reports or articles), and understand the interviewee’s position(s) with relation to the interview/research subject. After the interview, it was necessary to then rely on and expand this knowledge base in order to draw out the facts from the discourse. Here, facts should not be thought of in essentialist terms, but rather as being constructed intersubjectively during the interview situation, where the interviewer can contest claims and the interviewee can explain his/her perspective, thereby constituting an interactive process in which knowledge is produced. This does not mean that anything can be factual, but rather that the researcher is responsible for separating the facts from the factualizations (in other words determining when such discursive strategies genuinely indicate facts or else attempt to hide faulty logic) using thorough cross-reading analysis. This entails comparing each interview against the other, and comparing all interview material against other documents. Similarly, document material is not pure (unbiased) fact, but rather produced for a certain reason and for a specific situation. Hence, continuous and critical cross-reading of interview and document material from different sources was indispensable to me during analysis. (Alastalo and Åkerman 2010.)

I also used an abductive approach when dealing with the analysis of factual information. Abductive reasoning is concerned with producing new ideas, and requires that the researcher use a strategy of analysis that moves between data, personal experience, and theory, such that all three develop together dialectically (Mason 2002 and Coffey and Atkinson 1996, cited in Jyrkinen 2009). During my study, each constantly fed into the other, and so ideas led to interviews that inspired more ideas and research, creating a constantly evolving outlook, data set, and understanding of information. This demanded consciousness of my own position(ing) during the research process, which sometimes aided but may have also limited the kind of information generated (due to my own political convictions, and therefore shortsightedness or else influence on the interview setting/interviewee).

In the interviews I conducted, there were many factors to consider, gender and the entangled nationality/ethnicity/race issue among them, but also the added difference of the expert status of the interviewees. This was intersected by language as well, where three out of the four interviews were fully bilingual. One of the central concerns of feminist research is power relations, not only as they concern the subject of research, but also within the research setting. Feminist methodology therefore entails consciousness and analysis of “how power is implicated in the process of producing knowledge” (Ramazanoğlu and Holland 2002:13). This means understanding that knowledge and experience are grounded in one's social location (for example intersections of race, class, gender, sexual orientation), and that this affects the interaction between interviewer and interviewee (Reinharz and Chase 2002).

According to Nencel, power relations within the interview situation are fluid; Nencel argues that although the researcher may assume he/she is in a position of power due to setting the terms of the encounter, he/she does not control the entire relationship (2005). This fluidity of power relations, wherein the previously mentioned binary power frame is upset, can be seen, for instance, when women interview men, (and)/or when the interviewee is an expert or social elite (Schwalbe and Wolkomir 2002; Odendahl and Shaw 2002). Shared gender between the researcher and interviewee cannot in itself create an egalitarian space; there are many social factors and categories that cut across gender, and when the interviewee is a female expert, power relations may be in reverse, as these are women used to being in positions of authority (Reinharz and Chase 2002). The researcher must consequently straddle the boundary between deferring to the expert's authority by conforming to certain ways of speaking or behaving, and asserting his/her own knowledgeability through possessing relevant information and connections to the right people (Odendahl and Shaw 2002).

Connections, aside from being a matter of establishing the researcher's position within the interview situation, are to some extent also a significant part of establishing contact with experts (Odendahl and Shaw 2002). My affiliation with Pro Centre Finland facilitated my meeting of three of the experts I interviewed, and in the case of the ones I contacted later, the ones I interviewed before helped snowball the process, a sort of cumulative networking effect. These connections were what made the interview more egalitarian. I sensed that interviewees were more comfortable speaking to me due to my affiliation with Pro Centre Finland, that on some level it was perhaps an indicator of my having shared political beliefs or interests, therefore of my ability to speak the same vocabulary as well. It also seemed to create a space of familiarity, which facilitated a more casual air to the interviews. This is demonstrative of the ways in which power does not occupy any fixed location within a social interaction, but rather (in this case) fluctuates between actors in the process of knowledge production.

Chapter 2

WELFARE: EXCLUSION AND EXPLOITATION

Nordic welfare statism is based on a national image of homogeneity and therefore ethnoracial uniformity, making whiteness a defining element of the Finnish nation. This is reflected in policy towards immigrants, wherein multiculturalism and tolerance become discourses hiding white privilege. However, beyond migration, homogeneity constitutes an underlying assumption and ideology that pervades legal and political thought, functioning to dominate difference or exclude it, and therefore has the potential for population management. This end is fulfilled by welfare, which, aside from being a right of formal citizenship, is the distributor of the social rights that enable agency and consequently active citizenship. This means that in the universal Nordic welfare state, if having substantive rights is constitutive of citizenship, those with access to welfare are in effect citizens. It also then means, conversely, that denial of welfare rights is a mechanism for deciding who is unfit to be a citizen. In other words, the Nordic welfare state is not so universal after all. Welfare thus becomes a way of constructing and managing the citizenry, regulating membership by determining who has access to substantive citizenship.

Access to welfare is mediated by employment, in particular for those without formal citizenship. Migrant workers' access to welfare in Finland is in this respect dependent upon successful payment of taxes, which is tied to the legitimacy of his/her occupation. This is immediately problematic for sex workers given that sex work is an illegitimate and highly stigmatized form of labor. As a result, sex workers often struggle to find a way to pay taxes, with the failure to do so leading to subsequent exclusion from welfare and therefore substantive citizenship. This exclusion can be exercised against Finnish citizens as well to a more limited degree, but affects those multiply characterized as "other" worst. It is thus that I explore the role welfare plays in regulating the exclusion of sex workers, with particular focus on migrant sex workers, from citizenship in Finland. As previously mentioned, taxation is central to this process, directly determining degree of access to welfare rights, and so tax laws, together with residence and welfare regulations, become my primary target for analysis in this chapter. I explicate their intersection utilizing the example of erotic dancers because their situation vividly depicts the legal context sex workers face, with some unique complications that concretely illustrate how this leads to exploitation.

Citizenship is not divided into a simple binary of citizen versus non-citizen, but rather into a hierarchy with citizens at the top, followed by a range of non-citizen residents, and lastly illegal immigrants at the bottom (Lister 1997). Hierarchies of citizenship occur through a series of boundary drawings (Nordberg 2004). The first boundary is drawn within the nation-state: formal citizenship does not necessarily mean substantive citizenship, or in other words not all citizens are equal. Secondly, boundaries are drawn between formal citizens and non-citizen residents (denizens), who have varying social and civil rights. Thirdly, boundaries are drawn at the nation-state's border in determining who is worth or unworthy of entry, thereby constructing an additional hierarchy of immigrants, designating a site where they are assigned "different [statuses] according to their value in the political world or as individuals" (ibid.:720). It is thus that the construction of the ideal citizenry begins at the border and moves to the center.

Globalization, increased migration across national borders, and the notion of European citizenship in an expanding EU are all factors that have implications for the concept of citizenship, as well as citizenship rights and obligations (Lister 1997). Increasing migration to and within Europe, as well as a growing number of asylum seekers, have raised questions about citizenship and political/social rights, in particular regarding who can have citizenship, who is entitled to which rights, and on what premise (Lister et al. 2007). The multicultural challenge posed by migration also brings into question the traditional framing of citizenship and the tensions between equality and recognition of diversity, as well as the relationship between the national and transnational (ibid). It threatens to disarticulate citizenship from notions of nation and ethnicity, as questions of human rights are coming to frame the basis for citizenship in international (also EU) discourse. However, such a human rights regime, which requires a more liberal immigration policy in the EU, conflicts with EU realpolitik curtailing migration for economic, social, welfare, and political costs (ibid).

The physical "incursion" of migration on welfare states, such as Finland, furthermore represents a paradigmatic challenge to the dualistic insider/outsider conception of the distribution of rights and benefits upon which the national welfare scheme is based. Given that the provision of benefits is strongly tied to belonging, or inclusion for insiders only, the welfare state is thus specially poised to be an exclusionary bastion against the entrance of foreign entities, which may be seen as representing a threat to social rights and resources (Lister et al. 2007). This means that the "tighter, increasingly racist and discriminatory immigration controls" that countries of the "first world" have instated are inevitably intertwined with the regulation of access to welfare provisions; as an example of this, many

countries have added rules specifically for the purpose of making welfare more inaccessible (Lister 1997:45).

2.1 Immigration and the Finnish Welfare State

Until the 1980s, there was relatively little international migration to Finland (Pitkänen and Kouki 2002). Although the percentage of immigrants in Finland is still lower than in other Nordic countries, during the 1990s, the number of immigrants increased in Finland more rapidly than in any other Western European state (*ibid.*). The largest immigrant groups in Finland as of 2005 were, in descending order, Russian, Swedish, and Estonian citizens (Saukkonen and Pyykkönen 2008).

Although the image of Finland both domestically and abroad is one of cultural and ethnic homogeneity, historically this has been a false construct. Finland was not monocultural before this recent wave of immigration; aside from a Swedish speaking population, the Romani and Sámi people also comprise part of Finland's traditional diversity (Saukkonen and Pyykkönen 2008). Moreover, the Finnish nation-state has a long history with managing difference in order to create its prototype culture (and therefore itself), subjecting the Romani and Sámi people to assimilationist policies that were sometimes reminiscent of treatment of Native Americans in the US (*ibid.*). The image of a homogenous, monocultural Finland was thus actively constructed via the state's identification and subjugation of difference, a process of nation-building that is still ongoing. The interlinkage of restrictive immigration policy with intensification of integration demonstrates the manner in which this behavior is a form of national boundary drawing, sealing borders without and enforcing hegemony within (Lister et al. 2007).

During the 1990s, Finland joined the EU and simultaneously underwent one of the severest economic crises in its history. The Finnish welfare state has since then been undergoing reorganization to the effect of continued cuts that have weakened the social rights of citizens (Anttonen 1998). This has been concurrent with attempts to conform to the EU monetary union's economic policy, as well as part of the general tendency for economic crises to undermine social citizenship in welfare states (Lister 1997). Finnish political culture in the 1990s was characterized by increasing consensus, supported by broad coalition governments and a weak opposition party (Nordberg 2004). During this period, with recession looming large in the background, the state became subordinate to "economic forces" (which one might call the rise of neo-liberalism). This heralded the beginning of the

use of economic rationale against immigrants, drawing on nationalist discourse, where “the right of the state to assert its sovereignty and to primarily serve the interest of its citizens [was] emphasized” (2004:724).

Finnish immigration policy can be characterized as having three phases: humanitarian (1940 to mid-1990s, acceptance of refugees, control of state borders), integration (mid-1990s to early 2000s, regulation of refugees), and labor migration (current) (Saukkonen and Pyykkönen 2008). Although integration is still the primary method of regulating immigrants’ lives once in Finland, the regulation of who is selected for entry to Finland is economic: “the administration aims to select immigrants who, above all, are believed to have the necessary qualities to succeed in the Finnish labour market after arrival” (2008:54). This is in keeping with the “managed migration” Lister et al. referred to (see chapter one) as becoming more common within the entire EU, wherein immigrants are increasingly being stratified due to class- (and implicitly race- and gender-) based criteria for determining suitability for entry and therefore suitability for citizenship.

Until the late 1990s, policy geared towards immigrants was assimilationist, seeking cultural cohesion (Pitkänen and Kouki 2002). Policies were written based on the assumption that immigrants should conform to the mandates of the Finnish mainstream. This has been steadily replaced by more pluralistic approaches that favor diversity and allowing cultural minorities to retain their cultural identities. These changes have been brought about by both the increase in the number of immigrants, as well as Finland’s involvement in the EU and EC (European Council), which have an increasingly strong affect on Finnish legislation (2002; Nordberg 2004). What is problematic here is that the models that served as a template for the construction of these newer policies came from countries with a longer history of dealing with cultural diversity (Pitkänen and Kouki 2002). This means that public administration personnel in Finland had to adapt to the ideology of cultural pluralism very quickly, and changes in social structures and practices as well as attitudes have not caught up to the ideological shift (ibid.). This indicates that institutions and their operation are still based on the older, homogenizing and therefore dominating form of “incorporating” difference. Furthermore, typical of a Nordic welfare state, “Finland is characterized by a stress on universal values and solutions,” which as a form of ideological bedrock is easily replicated in immigrant policy such that, despite striving to be pluralistic, is universalistic and therefore assimilative (2002:112), leaving the remaining expectation that immigrants realize equality by integrating according to Finnish cultural norms inherently contradictory due to the hegemonic, dominating assumption that underlies it.

Immigrants exist both as a possibility and as a threat within Finnish discourse. They are either a source of cultural enrichment and an economic resource, or else, as is the more prominent view, a danger to Finnish culture that could cause a rise in crime and unemployment (Pitkänen and Kouki 2002). Immigration has been seen as an economic burden and a threat to national security, political stability, and national identity as it relates to social and cultural cohesion (Brochmann 1999 in Nordberg 2004). Arguments against increased immigration have referred to economic resources and the small population size, as well as Finland's short period of independence (Lepola 2000 in Nordberg 2004). As in Finland, during the 1990s most European countries saw a cutback in social provisions and tighter control and supervision of migrants due to a moral panic about their dependency on social welfare as a result of unemployment (Lister et al. 2007). In this manner, the so-called generous welfare system of Nordic welfare states has served as a justification for restrictive immigration policies, despite the fact that access to such social benefits is based on residency (Nordberg 2004). Such policy approaches have furthermore been justified by the suggestion that the solidarity needed to maintain the welfare state is dependent upon a homogenous population (Freeman 1986 in Nordberg 2004).

Multiculturalism in Finland is based on the public/private divide, wherein the private is a space for practicing one's "own culture" and the public is supposedly a neutral, "cultureless" shared space, where the ideal is equality for all members (Huttunen, Löytty, and Rastas 2005). However, such a relegation of difference to the private in contradistinction to the supposed neutrality of the hegemonic public creates racial and cultural privilege while simultaneously rendering it invisible, precisely by assigning it the status of culturlessness. This understanding of culture or ethnicity is inseparable from the context of the welfare state, and as such is representative of the way in which multicultural programs serve to define nation and the national self, which have the power to determine who is to be tolerated and who is too different to be a part of society (ibid.; Huttunen 2005). According to Yuval-Davis, "multi-culturalist policies are aimed at simultaneously including and excluding...minorities, locating them in marginal spaces and secondary markets while reifying their boundaries" (1997:86). Furthermore, multi-culturalist policies facilitate the continued naturalized hegemony of western culture while minority cultures are reified and constructed as other (ibid.).

This is related to the notion of tolerance, as expounded by Leena Suurpää (2005). Tolerance is a concept based on unequal power relations, in which members of the majority determine the parameters of tolerance for minorities, namely who will be tolerated and what

requirements must be fulfilled in order to be tolerated. Such boundary drawing can be seen at the state level in Finnish immigration politics until the end of the 1990s, as well as behind the currently salient notion of “controlled immigration,” the economically based managed migration Lister et al. refer to (2007; Suurpää 2005). Tolerance ideology thus functions to give the Finnish nation-state the power to decide who remains outside of Finnish tolerance, or more generally outside of Finnishness. It is thereby constructed as a national welfare contract managed by the state (for instance in determining who is worthy of what resources). This “universal welfare state is not morally neutral,” as immigrants are expected to uphold “the norms of Scandinavian solidarity” (Lister et al. 2007:101). Welfare institutions are hence racialized and gendered, exposing the so-called universal, abstract citizen as a white, heterosexual male.

This makes the situation of migrant sex workers multiply difficult. They face potential exclusion for both their foreignness and occupation not only at the border but also within the state. Access to welfare in Finland for the migrant is contingent on residence status, which, if applied for on the grounds of employment, needs to be supported with payment of taxes and pension insurance fees. As the ease with which this can be accomplished is tied to the legality and legitimacy of the labor in question; for sex workers the former payments prove to be sufficiently complicated as to often prevent the latter, assuming taxes are successfully paid in the first place. This problem and the subsequent exclusion it brings also affects those with formal citizenship, though to a much more limited degree. The consequences of this are manifold, but the most concretely if not ideologically troubling result is that sex workers can ultimately be shut out of the welfare system, even if they pay taxes (as I will soon demonstrate). The intersection of gender, race, nationality, and occupation therefore divides a significant number of women into a hierarchy of denied substantive citizenship, a sizeable portion without formal citizenship even.

2.2 Social Welfare: Kela

Social security in Finland is administered by one institution, namely Kela (*Kansaneläkelaitos*), which is the Social Insurance Institution of Finland. Services included under social security range from health insurance, unemployment security, and pension provision to family benefits and student financial aid. To put it simply, the various services administered through Kela make it the nucleus of the social welfare system Finland. All Finnish citizens and permanent residents of Finland are automatically covered by Kela, and

are entitled to all of its services free of charge. Kela receives over sixty percent of its funding from the state and the rest from those covered by Kela and their employers (Kela 2010). Funding is collected in the form of taxes; coverage by Kela is not based upon any sort of membership fee, but rather upon citizenship/residence status. As such, those who are Finnish citizens or else permanent residents of Finland are covered by Kela as a sort of status perk, and those who do not fall into either category, fundamentally those classified as temporary residents or non-residents, are left outside of the system. Only select Kela benefits are made in some cases conditionally available. This is a direct contradiction of one of Kela's mottos as shown in its English language general information brochure: "Kela- a service for everyone" (2010:3). The only way to gain coverage and full access to benefits is to apply for a change of residence status.

Your right to social security benefits in Finland is decided by reference to the length of your residence in Finland. If you intend to move to Finland permanently, you will normally be covered by the Finnish social security system and will qualify for Kela benefits as soon as you move to Finland. The following are regarded as indications of a permanent move to Finland: return migration to Finland, *employment in Finland lasting at least 2 years*, and a marriage or other close familial relationship with a person permanently residing in Finland. As a further requirement, you are expected to have been issued a residence permit valid for at least one year (assuming a residence permit is required in the first place). (Kela 2011a, my emphasis)

For those who wish to acquire permanent residence through employment, there are several stipulations regarding what constitutes valid employment for two years and what particular benefits are available on the basis of national origin and duration of labor. Kela's requirements are that there must be a contractual agreement that guarantees employment for at least two years, with a minimum of 18 hours worked per week and congruency between the income agreed upon and the income received. In the situation that there is no contract, monthly income must be at least 1071 euros as of 2011 (Kela 2011b). In the situation that one moves from one job to another, as long as there is no time gap between job changes one can also be considered to be continuously employed for that time and therefore eligible for permanent residence. These rules apply both to the employed and self-employed.

2.3 Kela and Non-Finnish Citizens residing in Finland: EU and non-EU Citizens

Persons from the EU, and more broadly from the EEA (European Economic Area), are entitled to medical care in the public system and child home care allowance for a four month or less employment agreement. With a contract that lasts between four months and two years, they are entitled to health insurance, unemployment security, and national pension in addition to the previously mentioned benefits. Lastly, with a contract that lasts two years or more they will have full coverage under Kela and permanent residence in Finland. Meanwhile, persons from countries with whom Finland has a bilateral social security agreement, such as the US, Canada, Israel, Australia and Chile, receive benefits only according to the social security systems of their respective countries, but after four months of employment can receive health insurance and unemployment security in addition to building pension rights. However, persons from all other countries are not entitled to any benefits from the Finnish state unless they have a contract to work for two years. (Kela 2011c.)

In addition to the privileged access EU citizens have to Kela's benefits regardless of their residence status, they also do not need to provide any justification in applying for permanent residence, while non-EU citizens must have either an employment- or relationship-based justification for permanent residence in Finland. According to the Finnish Immigration Service (*Maahanmuuttovirasto*),

...An EU citizen...will not need grounds for...residence in Finland. If you wish, you may, however, register your residence on the basis of employment, self-employment...Those registering as employees or self-employed persons are not required to give an explanation of their livelihood...[Furthermore,] a Union citizen is entitled to permanent residence after an uninterrupted period of five years of legal residence in Finland. (Finnish Immigration Service 2011a)

This means that not only are EU citizens not required to provide proof that they have the material means to support themselves, but also in applying for a permanent residence permit they do not need to provide a justification for residing in Finland (such as those stipulated by Kela in the previous quotation regarding changing status). Thus, not only are EU citizens guaranteed more benefits from Kela for a lower employment time than non-EU citizens, but also in having the right to reside indefinitely they are in effect entitled to permanent

residence: they automatically receive the status regardless of employment solely on the basis of five years of continuous residence in Finland.

Such policy constructs EU citizenship as a privileged category on the basis of its ability to grant access to certain benefits of Finnish citizenship. This simultaneously valorizes Finnish citizenship in making such access limited, thereby constructing status exclusivity. Or, as Charles Gallagher has argued, the granting of the “perks of membership,” in this case to EU citizens, serves only to reinforce and strengthen white privilege (2004). Further, Gallagher contends that groups with upward racial mobility can come to be included in whiteness not necessarily on the basis of their proximity to it, but rather on the basis of a shared distance from blackness, constituting a form of solidarity between groups that emerges as the social distance between them becomes smaller than that between them and the stigmatized group (ibid.). In accordance with this theory of racial redistricting, one might thus argue that within the construction of a Finnish – non-Finnish binary, an EU – non-EU binary is developing in which the boundaries of Finnish citizenship are expanding to include EU citizens for the maintenance of a Finnish – non-Finnish, and therefore white-nonwhite ideological color line (ibid.). This might in this case be better named (racialized) citizenship redistricting.

2.4 Sex Work and Taxation: Labor and Legitimacy

The status of the sex worker in Finland is ambiguous in many respects, least of all because of the stigmatization and marginalization that leave sex work outside of legislation except in the context of crime and punishment. Sex workers face the challenge of navigating social institutions with a nonexistent job category as far as the state is concerned. They are bound by law to follow rules of a system that excludes them, rules that in some cases do not apply to or define their situation at all. This problem becomes painfully evident when the issue at hand is taxation.

Although much of the following is applicable to many, if not all forms of sex work in Finland, I focus in particular on the conflicts dancers working in erotic bars encounter within the tax system for reasons previously explained. The first issue a dancer must confront when dealing with taxation is that of residence. One is a resident of Finland if he/she resides there continuously for over a period of six months (Relipe 2011a). This determines the broader nature of the person’s taxation: a resident of Finland is liable to taxation by the Finnish state for income earned worldwide, whereas a non-resident is liable to taxation only for income

earned within Finland (Finnish Tax Administration 2011). While residents are taxed within the normal tax system, non-residents are taxed within the tax-at-source system (*lähdeverotus*), wherein tax withholdings are taken from the payment by the person administering it, and a tax return is not filed (Relipe 2011b and 2011c; Finnish Tax Administration 2011). Whereas taxation for residents is progressive, increasing with wage, for non-resident erotic dancers the percentage is fixed at 35% for private shows and 15% for stage performances (so-called public performances) (Finnish Tax Administration 2011).

The second and more challenging issue dancers must deal with, however, is classification as employed or self-employed, which is determined by the circumstances of labor (Finnish Tax Administration 2011). This distinction determines whether the payment the dancer receives is a wage/salary (*palkka*) or a nonwage cash compensation for her work (*työkorvaus*), and thus also decides the respective duties of the employer and the employee, or the independent contractor and the client (Finnish Tax Administration 2009). An employee works for an employer under the direction of that employer, while the independent contractor, or entrepreneur, works for her own company (Relipe 2011d and 2011e). The decisive factor is thus who has the right to direct and control the work (Finnish Tax Administration 2009). From this it can then be determined who has the duty to pay taxes and make pension contributions.

According to the Tax Administration, for the purposes of taxation, dancers in erotic bars are considered to be in a work situation that fits the criteria for employment, and are therefore not entrepreneurs but rather employees (2011; Sirkiä 2010). This is immediately problematic in that bars have refused the position and duties of the employer (Kauppinen 2011). While the nature of the work relationship is employment according to tax law, matters are carried out on the ground level as though dancers are independent contractors, therefore receiving payment as compensation for labor rather than as a wage. This ultimately places responsibility for all taxation duties and related fees, which the employer should normally pay, on the dancer herself. Dancers are consequently caught between the bars they work at and the law: not paying taxes is illegal, and since bars will not take care of the appropriate tax withholdings (in short, since bars have chosen to repudiate their obligations as employers), dancers are left trying to find a way to pay their income taxes and pension contributions themselves (this situation is illegal, as I will elaborate later).

One method of doing this is choosing the path of entrepreneurship, simply put: self-employment. The category of self-employment that typically fits most dancers is that of “private entrepreneur” (*yksityinen elinkeinonharjoittaja*), which refers to a single-person

company (Relipe 2011e). Within this category are two sub-categories¹¹ that apply to dancers: that of the very minor single-person business (*hyvin vähäinen elinkeinotoiminta*), and that of the self-employed professional working alone (*ammattinharjoittaja*) (Relipe 2011f). The two come with different duties, and so making the distinction is significant. A very minor single-person business is not an official title, but rather a term Sirkiä created in order to provide instructions for sex workers whose income falls between categories, into the cracks in tax policy where no guidelines can be found (2011b). It refers to income that is not quite a wage or compensation for labor, but would be described on a tax return as “other income”. A very minor single-person business consists of the following criteria (as developed by Sirkiä)¹²: the business...

- owner is a resident of Finland
- is very small and occasional
- does not operate out of an immovable business premises
- has no employees
- turnover (volume of sales) is less than 8500 euros/year
- income is less than 6500 euros/year
- clients are private individuals (Relipe 2011g)

Such a business furthermore does not require pension insurance, licensing in the trade register, or a start-up notification to the Tax Administration, but rather simply the filing of an income tax return based on the total sales and total expenses for the entire year (Relipe 2011g; 2011h).

Meanwhile, a self-employed professional (*ammattinharjoittaja*) is more simply defined as a single-person business that does not have any employees or operate out of an immovable business premises (Relipe 2011i). Requirements of the self-employed professional are, however, vaster and more stringent than those for the very minor single-person business. Such an entrepreneur must first file a start-up notification to the Tax Administration with what is referred to as a Y3 form, which accomplishes three things simultaneously: entry into the prepayment register (*ennakkoperintärekisteri*), registration for VAT (value added tax), and application for a business ID (*y-tunnus*) (ibid.). It is also possible to register the business in the trade register if it has a name or is based on an idea that the

¹¹ For a table listing and explaining these categories, refer to Appendix C.

¹² This information can be found on Relipe, which is a site geared toward providing sex workers with information about entrepreneurship and taxation, created by Johanna Sirkiä at the request of Jaana Kauppinen for Pro Centre Finland.

entrepreneur would like to own exclusively, although this is not necessary (Sirkiä 2011a). Filling out a Y3 form requires declaration of a line of industry, which for the purposes of sex work can be declared as “general line of business” (*yleistoimiala*), or else some more specific branch that describes the work without naming it. In a similar vein, when asked for a description, there are other options besides sex work that are still valid (though sex work can be listed), for instance “performing artist” for dancers (Relipe 2011m; 2011n). According to Sirkiä, the lack of official line of industry for sex workers is unjust (2010)¹³. It renders them invisible and simultaneously indicates that sex work is not a legitimate form of labor.

The self-employed professional is legally bound to do accounting, and must keep separate accounts of both personal and business finances, ultimately filing a separate tax return for each (Relipe 2011j). Both tax returns are part of taxation of the same person, as income received as a self-employed person is considered business income (Relipe 2011k). According to Sirkiä, business accounting in particular can be too complicated for anyone but an accountant to manage, as it involves juggling incomes, expenses, debts, and funds (Relipe 2011j). Furthermore, if the volume of sales for the business is over 8500 euros annually, the self-employed professional is additionally VAT liable (sex work is not VAT exempt, as VAT applies to goods and services), in which case it is strongly recommended that the dancer find an accountant to do her business accounting (Relipe 2011L). Thus, as a self-employed professional, a dancer would be responsible for taking care of income taxes as well as VAT taxes, something which may not be manageable for the individual without relevant education and training in the field. In addition, a self-employed professional is responsible for getting pension insurance, since there is no employer making pension contributions on his/her behalf (more on this later).

Taxation for a self-employed professional is different than that for the employee in the sense that taxes are paid beforehand in a prepayment (*ennakkovero*) based on a calculated estimate of profits for the coming year. If at the end of the year too much tax has been paid, or too little, the entrepreneur receives a tax refund or pays outstanding taxes, respectively (Relipe 2011o). Prepayment registration is necessary for making prepayment, and this is where dancers can run into some problems. First of all, prepayment requires that dancers have large amounts of money at their disposal, which is not easily managed in an occupation characterized by irregular work and commission pay. Second, the prepayment register is

¹³ This situation has changed as of June 2011. The trade register now accepts sex work as an official line of industry. This change occurred after the primary stage of writing for this study, and so it was excluded pending further analysis. I hope to address this matter in the future.

exclusively for entrepreneurs, and so persons defined by tax law as being employees cannot enter the prepayment register. Tax law holds that anyone who runs a business is entitled to prepayment registration, but solely under the condition that the form of remuneration received is not a wage or salary (therefore the result of employment-based activity) (Ministry of Finance 2009). For this reason, according to the Tax Administration, dancers cannot register for prepayment, even if they have submitted a Y3 form and are thus entrepreneurs – their work as dancers categorizes them as employees and therefore all money earned from dancing as a wage (2011).

Not being in the prepayment register does not stop one from being an entrepreneur, and being an entrepreneur does not mean one cannot be an employee simultaneously; what varies is who does tax withholdings for which particular payments (Sirkiä 2011a). If one is an employee or an entrepreneur without prepayment registration, it is the duty of the employer, or else the person commissioning the work and paying for it, to take care of tax withholding (ibid.). This means that bars are obligated by law to take care of all tax withholdings (ibid.). The Tax Administration is in agreement with this; tax withholding is a legal responsibility, not an option. In connection with this, the Tax Administration furthermore sees no such scenario in which a dancer should have to obtain a business ID or become an entrepreneur for the sake of paying taxes due to the employer's negligence (2011). According to Johanna Sirkiä, in the situation where the employer or entity hiring an unregistered entrepreneur's services neglects to take care of appropriate employer's responsibilities, he/she is in violation of the law (2011). It is the bar's duty to take care of tax withholdings, pension insurance, and accident insurance; when the bar reneges on these basic employer's obligations, the dancer's rights are being violated such that it is the bar and not the dancer, in the end, that is guilty of breaking the law (ibid.). Sirkiä proposes that the best way for this to be resolved is for dancers to organize and collectively demand that bars fulfill employers' duties, for instance through joining the service sector union known as PAM, Service Union United (*Palvelualojen ammattiliitto PAM*). Meanwhile, when circumstances are such that a dancer wants to pay taxes, cannot get prepayment registration, and has an employer who will not withhold tax from payments, she can do so herself in the same manner as a very minor single-person business would (ibid.).

Three problems are immediately evident here. The first, most glaringly obvious is that bars are exploiting dancers and breaking the law. They keep dancers on the premises, take cuts from their earnings, and profit from alcohol sales to customers who come to watch dances, all the while without having to pay for the source of their income via the taxes and

fees that would provide dancers with state benefits, additionally leaving a labor contract out of the entire process (meaning there are absolutely no protections or guarantees regarding working conditions). Many erotic bars also require or else expect dancers to have a business ID beforehand (Kauppinen 2011), so that they may wash their hands clean of any responsibility for them, creating a situation in which dancers must consent to allow bars to break the law and foot the bill themselves in order to work as dancers in the first place. The second problem is rigidity in tax law that fails to perceive the reality of workers it blatantly turns a blind eye to. Tax law is projected by the Tax Administration as an absolute and as capable of accounting for the entire realm of possibilities. Situations are black or white, they are either legal or illegal, and there is no negotiation beyond that point, there are no shades of grey. This does not however alter the existence of a grey economy, nor does it help curb the vulnerability of those laboring within it. Instead, tax law plays an active role in creating the conditions for exploitation. On the one hand, it does not recognize the ways in which bars avoid responsibilities semi-legally, and on the other, it does not help dancers attempting to navigate the legislative terrain as a consequence of this, pitting them both against their employers and the law. As a result, dancers are forced to shoulder a heavy list of responsibilities, a burden that should not have been theirs to begin with. The solutions they find are ultimately creative coping strategies in order to keep a job and at the same time do so legally, wherein they must either find a way to describe their work as self-employment in order to enter the prepayment register (Sirkiä 2010), or else go around their employers' negligence by resigning to the status of a very minor single-person business, which can come with its own pitfalls (as I will elaborate later). In the end, the result of tax law's continued ignorance of sex work, combined with bar owners' methods for dodging legal responsibilities within this scope (facilitated by this very ignorance), is that dancers – women, both Finnish and foreign – pay the price.

This leads me to the third, much more complicated problem tied to pension insurance and Kela. Pension provision in Finland consists of earnings-related pension handled by pension insurance companies, and residence-based national pension handled by Kela (Hietaniemi and Ritola 2007). The former is financed by employers and employees, or else by the entrepreneur alone, and the latter is financed by employer contributions (or the entrepreneur's prepayment) and tax revenues (*ibid.*). Social insurance contributions constitute one of the various taxes taken from incomes of employees and from employers to cover a full range of services Kela administers: health insurance, unemployment insurance, worker's compensation insurance, and national pension insurance (*ibid.*). In the case of entrepreneurs

making prepayments, the total prepayment includes income taxes, a communal tax, a church tax, and a social insurance contribution, all together the same types of taxes employers and employees pay cumulatively (Ministry of Finance 2009). Fundamentally, what this signifies is that whether a dancer is making prepayments as a self-employed professional or submitting a tax return as a very minor single-person business, she is either way funding the Finnish state and the Finnish welfare system. This means that she should also have access to it: according to the Finnish Centre for Pensions, “when everybody pays, everybody is also entitled to receive social security, guaranteed by the state” (2008:1). This is not always the case, however.

For dancers who are not Finnish nationals, *full access to the services and benefits of Kela rest on having pension insurance* under the Self-Employed Persons' Pensions Act, YEL (*Yrittäjäläkelaki, YEL*), unless the grounds for their residence in Finland are based on something else besides work (Kela 2011b). A self-employed person is eligible for and required to have pension insurance under YEL if he/she is:

- between 18 and 67 years of age
- self-employed for an uninterrupted period of at least four months
- earns an average of at least 6,896.69 euros/year (in 2011) (Finnish Centre for Pensions 2011)

A dancer who pays her taxes as a very minor single-person business is already ineligible based on her income, which cannot exceed 6500 euros annually. This means she also cannot have full access to Kela, her exclusion from benefits being worst if she is from outside the EU. Meanwhile, Finnish dancers who are also on this basis ineligible for YEL insurance have a reduced pension to look forward to in old age. There is furthermore the matter of how affordable, and therefore how feasible pension insurance is; this is tied to what is called the confirmed YEL income. Confirmed YEL income refers not to the entrepreneur's taxable income or business profits, but rather to that person's work input, corresponding to at least the salary which a third party would be paid if hired to do the same work (*ibid.*). While the YEL income determines pension later on, it also determines pension contributions¹⁴ (*ibid.*). For dancers, who work purely on commission, hours of labor do not necessarily correspond to a greater income: income is not fixed, and may at times be totally absent. Pension

¹⁴ As of 2011, the contribution rate is 21.6 per cent of the confirmed YEL income for self-employed persons aged under 53, and 22.9 per cent for persons aged of 53 or higher. (Finnish Centre for Pensions. 2011. “Pension Insurance for the Self-Employed.” Retrieved October 24, 2011 (http://www.etk.fi/en/service/the_self-employed/788/the_self-employed).

insurance contributions based on hours of strenuous work that do not pay off may not be affordable in such a scenario, in particular when a person with a small salary is already having to pay various sizable taxes, potentially also prepayments (which as previously mentioned require having large sums of money available at one time, a near impossibility for a commission earner in a low-earning field) and VAT taxes in addition. Ultimately and disconcertingly, non-Finnish dancers, especially those from outside the EU, who pay taxes but for one reason or another do not have pension insurance, are being nearly completely excluded from the system of benefits yet obligated to pay into it through labor and taxes funding the state. This is taxation without representation.

Two further flaws in the entire pension insurance-Kela model are the assumption that taxes are being paid, and the notion that they should be to begin with. Firstly, one cannot in any way apply for pension insurance without having a taxable income (Finnish Centre for Pensions 2011). Therefore, a Finnish dancer who wishes to secure her pension, and a non-Finnish dancer who strives to secure some substantive rights for herself, must first be capable of paying taxes. For dancers, this means having the financial means to do so, and the necessary accounting skills as well, unless there are also sufficient funds to hire an accountant. None of these is always possible. According to Johanna Sirkiä, bookkeeping requires education in the field, and most sex workers cannot fulfill accounting requirements as demanded by law without the help of a trained accountant (2006). Furthermore, being liable to taxation and bookkeeping is an unjust requirement of a line of work that is not given a shred of legitimacy and is primarily dealt with through criminal law, having none of the protections of other forms of labor. When sex workers have the same liabilities before civil and public law as others, yet none of the same protections and all of the stigma, most choose not to report their work or profits to the authorities at all (*ibid.*). This sets up dancers and sex workers in general for a “damned if you do, damned if you don’t” situation with respect to their rights and the law – whether or not they comply (assuming they have the means to do so), they are penalized in one form or another.

Secondly, one must consider why taxation is a precondition for foreigners to have access to the Finnish welfare system in the first place. Finnish citizens are automatically granted full access to the benefits of Kela, regardless of their employment status or if they pay taxes at all. One must ask why such privileges belong to Finnish citizenship, as it is clear that they are not tied to effort or merit, although the difficulty of obtaining them for non-citizens serves the purpose of implying that this is the case. Access to substantive citizenship is a matter of privilege, regulated by a supposedly neutral financial gateway that in fact is

based on and propagates inequality. This is evident in the way tax laws and state policy have the collaborative result of denying sex workers access to the privileges normally conferred upon those constituted by Finnish tax law as legitimate entrepreneurs, moreover stratifying sex workers along the lines of nationality (and implicitly race) via differential access to welfare and therefore substantive rights. Such marginalization makes attempts to “earn” substantive rights, which is the implication here put forward by the state for those striving for permanent residence (or citizenship, which necessitates the former), even more difficult. It is worth noting that although the Finnish Immigration Service holds that a non-EU national can apply for a residence permit on the basis of self-employment (2011b), this is contingent upon the nature of the business conducted, and sex work is not a legitimate reason for coming to Finland. This is supported by certain anti-sex worker immigration laws which will be elaborated in chapter three. Sirkiä notes that she has not once heard of an instance in which a residence permit was granted for that purpose (2010).

In addition, taxation and issues of legitimacy make it clear that although Finnish law grants EU citizens privileged access to certain Kela benefits, in practice this is discriminatorily applied. It is not only a matter of citizenship, but also of labor category. To begin with, immigration laws and Kela’s policies marginalize bodies on the basis of citizenship status, granting more privileges according to European and Western origins to the specific and deliberate exclusion of those from other continents. However, even those benefits supposedly granted to the privileged few from EU countries can be completely denied to EU citizens on the basis of their labor category, which in this case is sex work. It is thus that by designating illegitimate forms of labor and illegitimate gendered and racialized others, tax law’s constructions of legitimate labor also works with the state to construct legitimate citizens.

What is important to bear in mind here are the ways in which the Finnish state not only disenfranchises its own citizens to a certain extent (on the basis of their labor category) through its institutions of welfare and taxation, but also the ways in which it deliberately uses these institutions to simultaneously exploit the labor of non-Finnish temporary residents of Finland while excluding them completely from the state. This taxation without representation operates on the intersections of race, nationality, and gender, taking advantage of the marginalized status of sex work to exploit the bodies of sex workers without providing for them, in effect mining racial others while keeping these unwanted “blackened” bodies outside of the system of privilege afforded those thereby constituted as desirable, safe bodies. In this context, it is perhaps useful to contemplate the following, in particular because the language

is so similar to that of the Public Order Act (*Järjestyslaki*), which prohibits the sale of sex in public places¹⁵. On the Finnish Immigration Service’s website: “Registration of the right of residence may be refused if a [European] Union citizen is deemed to endanger *public order*, *public safety* or *public health*” (2011a, my emphasis).

2.5 Exclusion and the Preservation of White Privilege

As the above suggests, various state policies collude to uphold white privilege through the designation and exclusion of gendered and racialized others, rendering Finnish citizenship as a kind of whiteness (which, as explained in chapter one, refers to physical and ideological spaces of white privilege). The construction of Finnish citizenship as exclusive white privilege property on the state level can be seen through the stratification of access to welfare, meaning substantive rights and citizenship. This can be interpreted along two axes: the Finnish citizen versus the non-citizen, and the laborer versus the non-laborer. Intersections of these statuses render different spaces of privilege or marginalization, and justify the level of individual “worthiness” for benefits and rights. Being a Finnish citizen makes labor status irrelevant – taxpayer or not, a Finn has full access to the privileges of citizenship – meaning that Finnish citizenship is valuable enough property to entitle one to privilege regardless of any actual monetary/societal contribution. On the other hand, for the non-citizen, being a non-laborer or the wrong kind of laborer (as is the case for sex workers) means being unworthy of receiving state benefits and sometimes even of physical entry into the state. Such state restrictions on migration as well as on immigrants serve supposedly to protect the Finnish citizen’s benefits and resources, as immigrants are seen as a threat to both (Nordberg 2004). This suggests more broadly a move on the part of the state to protect Finnish privilege, or as Harris argues it represents the assertion of the right of whiteness to protect itself and exclude those attempting to gain access to its privileges (1993).

This suggests a libidinal economy of (ideological) antiblackness¹⁶ that not only favors Finns but works specifically to the exclusion of non-Finnish others. A libidinal economy operates on the basis of a non-strategic internal logic that cannot be understood on the basis of external rationality, functioning instead as an “affective formation” that follows an internal logic of desire (Sexton 2007; Sexton 2008), with antiblackness referring to its specifically

¹⁵ The act refers to promoting “public order” and “safety” by prohibiting actions, such as the sale of sexual services, that “endanger” public order, “security,” and “health” (Sirkiä 2009c:6-7).

¹⁶ I must make note here, so as not to confuse, that I am speaking in terms of U.S. critical race theory. As such, I apply concepts in their original form before explaining how they make sense in the Finnish context.

racial ideological nature. Accordingly, a libidinal economy of antiblackness exceeds economic rationality, which in this case would favor more workers and therefore taxpayers (both Finnish and foreign), and would consequently strive to empower the position of marginalized laborers such as sex workers because it would financially benefit both parties. Instead, what is implicit here is a silent collusion on the part of the state to organize a monopoly of labor, resources, and benefits along the axes of gender, nationality, and race for the purposes of exclusion and consequently for the maintenance of Finnish privilege against encroaching ideological blackness, thereby also constructing Finnishness as whiteness. According to Lister, “it is a distinctly *second-class citizen status* which is achieved when migrants are exploited economically as a reserve army of labor and are denied full substantive and/or formal citizenship rights” (1997:45, my emphasis). This libidinal economy of antiblackness thus serves the purpose of upholding whiteness as property (Harris 1993), suggesting an affective dimension of alternative interests seeking *ideological ends*. Valorization of Finnish citizenship and the ideal (white, male, heterosexual) Finnish citizen is therefore achieved through marginalization of the “other” outside borders and within.

This has particularly exclusionary consequences for migrant sex workers; according to Penttinen, as the abject they represent a destabilizing threat to Finnish subjectivity (2008). Consequently, whiteness becomes a necessary refuge against encroaching ideological blackness. Heather Dalmage argues that white safety and comfort come fundamentally from white control of locations of interaction between themselves and racial others (2008). As such, one can conclude that the notion of a Fortress Finland with its fortress welfare system constitutes whiteness not only as a location of power that constructs and reinforces Finnishness as whiteness, but functions also as a site for regulating interracial and international interaction in a way that upholds white, Finnish privilege (ibid.).

Chapter 3

THE LEGITIMIZATION OF SURVEILLANCE AND CONTROL POLITICS

I have previously demonstrated how migrant sex workers are excluded from substantive citizenship on the basis of their occupation and foreign, non-citizen status, contextualizing this in the Finnish nation-state's broader struggle for self-definition within Western European white privilege. I have also argued that due to the gendered and racialized exploitation and exclusion this denial of substantive citizenship produces, sex work is one site where such nation-building takes place. However, as I have noted earlier (for instance in chapter one), sex work is furthermore an ideological instrument of nation-building, manipulated in political discourses and conflated with fears of illegal immigration, international crime, and human slavery. This deliberate conflation allows the state to tighten border control, increase police powers, and expand its web of surveillance over migrants first and ultimately its own citizens as well. In Finland, human trafficking discourse is the vehicle for accomplishing this, and given its entanglements with abolitionist¹⁷ discourse in the Nordic context, results in extremely precarious working conditions for sex workers in Finland generally, making the situation of migrant sex workers multiply difficult and even dangerous.

Women are disproportionately represented in informal economies worldwide. This is also the case in Europe, where sex work and domestic work are the main forms of employment available to migrant women (Agustín 2007; McDowell 2009). According to Anna Kontula, commercial sex is a gendered phenomenon, with most workers being women and clients being men (2010). This fact alone positions laws regulating sex work to be surveillance and control of female sexuality (ibid.). However, when taking into consideration that in Europe, non-European migrants are potentially seen as the most threatening, needy, and problematic group, with the subgroup of "migrant prostitutes" being most troubling of all (Agustín 2007:96), it becomes evident that legislation placing prohibitions on sex work is furthermore concerned with the control of migrant female sexuality. According to Lubheid, public discourses on sexuality legitimate exclusion or acceptance of particular migrants, and discourses about dangerous migrant sexualities legitimize their subordination (2002 in Chapkis 2003). Human trafficking functions as such a discourse, enabling the monitoring and

¹⁷ Abolitionism is in line with the radical feminist perspective of sex work, resulting, for example, in the criminalization of the purchase of sex in Sweden.

marginalization of both sex workers and migrant women, the word migrant usually referring to non-Europeans (Agustín 2007).

Two assertions regarding trafficking have been repeated frequently and without grounds: trafficking is happening on a massive scale everywhere, and those trafficked are victims of modern slavery that should be treated as such (O’Connell Davidson 2006). Yet many people identified as victims of trafficking tend to become “illegal immigrants” who are consequently deported, indicating that efforts to prevent trafficking serve rather to prevent migration itself (ibid.; Agustín 2007). Moreover, Laura Agustín argues that because women who cross borders have historically been seen as deviant, the trafficking panic can also be seen as fear regarding the sexuality of the travelling woman (2007). Anti-trafficking laws therefore use anxieties over sexuality, gender, and immigration for the purposes of immigration control (Chapkis 2003), furthermore discursively binding sex work to trafficking and legitimizing its regulation, belying the desire to eliminate both sex work and illegal migration.

3.1 Trafficking Discourse and the Legitimization of Immigration Control

Government concerns regarding human trafficking tend to be based on anxieties surrounding irregular immigration and transnational crime (O’Connell Davidson 2006). This is evident in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in the November 2000 UN Convention Against Transnational Organized Crime (ibid.). This package of protocols is collectively called the Palermo Protocol, and is designed for inter-state cooperation in fighting organized crime, mandating that states strengthen border controls to prevent trafficking (Anderson and Andrijasevic 2008). It includes a smuggling protocol that, taken with its contextualization in organized crime, reflects “a preoccupation with ‘illegal immigration’ as part and parcel of a supposed security threat posed by transnational organized crime as opposed to a concern with the human rights of migrants” (O’Connell Davidson 2006:9). Thus, border control and police cooperation are what lie at the heart of the Palermo Protocol, not human rights (Anderson and Andrijasevic 2008). Moreover, the framing of trafficking as a crime prevention issue “makes it possible for governments to present measures to prevent irregular systems of migration as though they were simultaneously anti-trafficking measures” (O’Connell Davidson 2006:10).

It is also convenient that definitions of trafficking are vague, potentially at times describing (for instance) all migrants doing sex work (Chapkis 2003). Lack of clarity in

definitions causes a slippage between “illegal immigration,” “forced prostitution,” and “trafficking” that allows anti-trafficking interventions to be de-politicized, directing attention away from the state’s role in creating the conditions for exploitation (Anderson and Andrijasevic 2008:138). When the elimination of distinctions between intentional migration for work and enslavement allows the

abuse of migrants [to become] fully the fault of traffickers...not the by-product of exploitative employment practices, restrictive immigration policies, and vast economic disparities between rich and poor nations, [attempts] to restrict immigration can then be packaged as antislavery measures; would-be migrants are would-be victims whose safety and well-being are ostensibly served by more rigorously policing...the borders. (Chapkis 2003:926-7)

Such a de-politicization is what Anderson and Andrijasevic refer to as anti-politics, smuggling politics of sex, labor and citizenship in under the guise of a “humanitarian agenda” meant to help victims (2008:138).

As the above demonstrates, panic over trafficking draws attention away from structural causes of abuse of migrant workers, in particular state approaches to migration and employment that “[construct] groups of non-citizens who can be treated as unequal with impunity” (Anderson and Andrijasevic 2008:135). Trafficking is portrayed as something that takes place outside of the social framework, where criminal individuals are responsible. This facilitates the invisibility of residency and employment regulations in destination states and the role they have in migrant labor exploitation (ibid.), an issue which I drew out in my discussion of welfare. In addition, the focus on sex work as the main feature of trafficking reinforces the idea that increasing restriction is needed, to the effect that the prevention of illegal migration is necessary to prevent sex trafficking (ibid.). Trafficking policies then appear to solve what is portrayed to be the only problem (sexual slavery), while leaving in place policies that continue to punish the majority of other exploited migrants as well as sex workers (Chapkis 2003).

The significance of movement is what indicates these strategic elisions, for in theory nothing should make being forced into prostitution in one’s home town, for instance, less heinous than being forced into prostitution elsewhere. Disguising the connection between illegal migration and trafficking in political agendas thus makes it (by no accident) difficult to see the role of migration controls in increasing vulnerability to exploitation and abuse.

“Certain immigration statuses create marginalised groups without access to the formal labour market, or to any of the protections usually offered by states to citizens and workers...[equipping] employers with labour control and retention mechanisms that would not otherwise be available to them” (Anderson and Andrijasevic 2008:141-2). The trafficker or employer is hence a figure used to hide the role of the state in constructing vulnerability, when the reality is that “if these individuals were not denying access, the state would. Indeed, *one of the key sources of vulnerability is state-legitimated restriction of access to social rights*” (ibid.:142, my emphasis). The state’s role in constructing vulnerability is thus obscured by calling for the “human rights” of victims of trafficking (though, in contradistinction, not for the rights of “illegal immigrants”) (ibid.).

This indicates that what is at heart of the matter is not only immigration but in reality citizenship. According to Bridget Anderson and Rutvica Andrijasevic, trafficking discourse is part of a broader attempt to depoliticize migration precisely because “migration is one of the most fundamental political questions of all: *who constitutes the polity?*” (2008:142, my emphasis). Citizenship is not simply a legal status, but a dynamic process that is actively constructed. It is “constituted through a continuous interaction between practices of citizenship and its institutional codification” (ibid.:143). Denying that citizenship is an arena of political contestation closes it to questioning. Trafficking discourse does just this by allowing migrants, in particular illegal migrants, to have no other status to occupy but that of the victim. This is because conflation of trafficking and illegal migration means that only the most victimized are entitled to state protection and assistance (in other words substantive rights), creating the false category of “true victim” (ibid.). Due to the fact that victims are not seen as subjects, they cannot engage in the realm of the political, effectively meaning that the only position migrants (migrant sex workers included) can occupy is that which grants no agency or political subjectivity, therefore no formal and at best limited substantive rights. The language of trafficking thus functions to stabilize social and political transformations resulting from migration by relegating migrants to victimhood, which makes citizenship appear to be “a formal legal status administered by the omniscient state” rather than a process (ibid.:143). Not only this, but references to abusive individuals further obscure the importance of formal citizenship/legal status and the role of the state in constructing vulnerability through denying them (ibid.). Anti-trafficking policies conflate illegality and trafficking, presenting, as Anderson and Andrijasevic hold,

Ever harsher immigration controls as being in the interests of migrants. Immigration controls produce groups of people that are ‘deportable’ and hence particularly vulnerable to abuse. The state is responsible for the maintenance of a legal framework within which certain occupations and sectors are deregulated, and exist outside labour protection rules; and it is complicit in permitting third parties to profit from migrants’ labour, whether it is in the commercial sex or other sectors. (ibid.:144)

This can be seen operating clearly at the level of sex work, in particular through the marginalization and/or exclusion of migrant sex workers, which is enabled by trafficking law’s reliance on a distinction between “innocent victims” who did not know they would do sex work, and “guilty sex workers” who knew beforehand that they would be doing sex work (Chapkis 2003). Migrants cannot be separated into two groups, namely those who are trafficked involuntarily into exploitative and slavery-like conditions in the informal sector versus those who are happy and protected in the formal economy (Anderson and Andrijasevic 2008). There is no yardstick for measuring exploitation in the absence of global standards for minimum employment rights (ibid.). This is especially true of grey sector jobs such as sex work. Exploitation and obligation occur in legal and illegal migration, as well as formal and informal sectors. The debate on free choice is also based on the false assumption that it can be separated from obligation, when in reality the two may be at times intertwined (Kontula 2010).

Furthermore, the separation of voluntary and forced sex work also divides sex workers into two groups, of which only one is entitled to receive assistance. A consensus has been reached in international agreements on measures to counter forced prostitution, but there is not a single agreement that intervenes in the abuse and human rights violations of sex workers who voluntarily work in the trade. (Doezema 1998, cited in Kontula 2010:112)

As a result,

If a sex worker states that she works voluntarily, she will not enjoy full civil rights (e.g. legal protection), she [may] be the target of sanctions (e.g. refused entry into the

country)¹⁸, she has no recourse to compensation if she is swindled (e.g. by a pimp), and she has no realistic chance of demanding better working conditions. (Kontula 2010:112)

Governments fail to address the vulnerability of those who have chosen to be sex workers – they are denied workers’ rights and protections under existing laws related to sex work (O’Connell Davidson 2006). They may also be more vulnerable due to their immigration status: migrant sex workers are not empowered and their rights are not protected, while undocumented migrants doing sex work tend to be exposed to even more risks as a consequence of such policy rather than having better access to rights and protections (ibid.; Chapkis 2003). Moreover, the threshold for identification of the “real victims” as set forth by anti-trafficking measures is so high that more undocumented migrants working illegally in the sex industry are identified as illegal immigrants rather than as victims of trafficking and are subsequently deported (O’Connell Davidson 2006). McDowell notes that attempts to rescue foreign born women from the sex trade often result in their expulsion as illegal immigrants, concluding that trafficking laws target women and youth, and that both groups can expect “more deportations under the guise of cracking down on trafficking” (2009:103). In this context, then, it becomes evident that trafficking laws allow the state to profit legally and financially from bodies and dispose of them without any guilt; current immigration regimes and the lack of labor standards in the sex business put migrants in the position to accept poor working conditions and exploitative employment relations, and because they have no recourse they are ultimately deported (O’Connell Davidson 2006).

3.2 Trafficking Discourse meets Abolition: Legitimizing Sexual Control Politics

During periods of public anxiety about social change, moral panics about prostitution become central as a channel for collective fears (Kulick 2003; Kontula 2011). According to Kontula, when Finland gained its independence in the beginning of the twentieth century, the issue of prostitution came to the forefront, becoming an important part of debates in election campaigns and concluding with the banning of brothels (2011). She also explains that the same arguments made then were used in the debates of the early 2000s, when the economic

¹⁸ This refers to the Aliens Act, which I explain on pg. 55.

recession of the 1990s and Finland's joining the EU made the issue of prostitution prominent in public discussion again (Kontula, 2010), in particular in the context of human trafficking.

The connection between immigration regulation and trafficking prevention in Finland was strong in the political discussions of the early 2000s. According to Kontula, the core arguments regarding trafficking were based on the notion that poor women should not be allowed to enter the West. At that point in time, trafficking policy was not aimed at sex workers, but rather was meant to enable the government to tighten immigration. Surrounding the events of 9/11, border politics with regards to men had become more exclusive as part of the war against terror. Due to the fact that the human trafficking discussion was taking place contemporaneously, the administration additionally sought to limit the mobility of women, contending that poor women coming to the West were vulnerable and easily exploited, and therefore should be prevented from coming for their own good. (Kontula 2011.)

Pressure on the Finnish government to adopt anti-trafficking measures first came from the US, in particular after 9/11, which marked the tightening of borders everywhere (Kontula 2011; Chapkis 2003). According to Kontula, the US had a rating system that measured and rated the extent to which each country had worked towards countering trafficking (through drafting relevant legislation), and when Finland's initial score was so poor, a significant scandal ensued. This did not have to do with how much trafficking there was to Finland, but with how Finland looked internationally for lack of anti-trafficking laws. International reputation and the need to save face were thus at the heart of the matter. (Kontula 2011.)

This soon combined with the Nordic context, resulting in the collision of anti-trafficking discourse in Finland with Swedish abolitionist discourse. A few years prior to the debates on trafficking, Sweden took a stand that was markedly different from the trend in Europe. In 1998, Swedish law made it a crime to purchase or attempt to purchase “ ‘a temporary sexual relationship’ ” (Kulick 2003:199). According to Don Kulick, this was tied to Sweden's entry into the EU, where “anxiety about Sweden's position in the EU [was] articulated through anxiety about prostitution” (ibid.:199), as it was in Finland. The 1998 law was based on some rather exaggerated fears that entry into the EU would bring a wave of organized crime, drugs, prostitution, and HIV, with Eastern European women supposedly waiting for Sweden to join the EU so they could enter (ibid.). The law thus sought (for starters) to ensure that a mass of prostitutes would not arrive in Sweden once it became part of the EU. Kulick parallels national borders and sexuality in referring to this as fear of penetration, indicating that sexuality is a site where boundaries in the new Europe are being drawn.

There were, furthermore, simultaneous reports from Finland that it was being colonized by “Eastern bloc” prostitutes and organized crime (Kulick 2003). It is not surprising, then, that when in 2002 the Finnish government began discussing criminalizing the purchase of sex, curtailing human trafficking was used as a justification (Sirkiä 2010). Anderson and Andrijasevic point to the role of state feminists here: abolitionist feminists seeking to ban the purchase of sexual services saw anti-trafficking measures as a way to eliminate the market for commercial sex and therefore commercial sex altogether (2008). Despite this, the criminalization of buying sex was still defeated after being debated in Finnish parliament in autumn 2005 (Kontula 2010). According to Kontula, although Finland subscribes to the abolitionist bloc to some extent through policy that tends to limit sex work, Finland’s being an EU member prevented it from having the same policy as Sweden (2011). Had not Finland been a member of the EU, it would only operate within the scope of the Nordic countries (ibid.).

The importance of international reputation is one site where this Nordic connection results in a merging of interests. Both Finland and Sweden sought to take a stance with regards to trafficking and sex work that was in line with the image of the humanitarian and politically forward-thinking Nordic welfare state. According to Kontula, Finland wanted to portray itself as the model human rights country (2011). Kulick also contends that Sweden responded with abolitionism on joining the EU in order to maintain an important position within it (2003). The fear of becoming periphery and provincial drove Sweden to attempt to be the EU’s conscience. As a welfare state with liberal policies, it saw itself as a moral beacon, and relied upon this asset in order to obtain and keep role model status (ibid.).

As Nordic welfare states, Sweden and Finland also had national moral ideals to uphold in debating sex work and trafficking. According to Kulick, criminalizing the purchase of sex was about pathologizing a group, namely those who purchase sex, in order to entrench an official, national sexuality, thereby defining on a national level what constitutes good and healthy sex, and what constitutes bad sex (2005). Similarly, in Finland, Sirkiä found that social ideals, such as social and gender equality, were deployed in favor of criminalizing the purchase of sex while hiding that such policy would do little to help sex workers (2003). She argues that the object of protection in this case is not the sex worker, *but the nation’s conception of equality* (ibid.). The question is equality for whom, for this situation is, by contrast, *not* equal for the sex workers who will lose their means of earning a living.

3.3 Trafficking in Finnish Politics: Human Rights or Control Politics?

According to Kontula, one cannot speak of a unified government policy towards sex work in Finland. Politics governing sex work are rather a mixture of many different interest groups' goals. For instance, there is: the fundamentalist feminist bloc, which is anti-sex work; the new feminism/social work position, which is pro-sex work and operates from the grassroots perspective; the libertarian approach, which favors economic freedom and freedom of one's own body, and sees the adult industry as a productive part of the economy; the *äijä-blokki* (Old Boy's bloc), whose members purchase sex services and want to keep sex work legal but hidden; and the fundamentalist Christians, who regard sex work as a sin that breaks families and spreads STDs. From this, no unified logic emerges, but rather randomized negotiation and compromise that result in an unpredictable mosaic. Moreover, those with the ultimate power to decide have very little and very uncertain information about sex work. (Kontula 2011.)

The adoption of the Palermo Protocol in Finland raised the same questions at home as it had abroad. SALLI published a statement putting forward its concerns that trafficking propaganda was being used to disguise the fact that the proposed solution resulted in the tightening of criminal law and gave more power to the authorities, allowing them to monitor, catch, punish, and expel migrants from the country to set an example, so that those in poorer countries would not think that they could come to Finland. This culminated with the indirect accusation that trafficking discourse was being used by the Finnish government to legitimize discriminatory immigration politics, as well as to justify why Finland encourages the well-off and educated to immigrate, but wants to prevent those who are poor and uneducated from coming at all. (Sirkiä 2009a.)

SALLI has furthermore raised criticism that anti-trafficking laws are more about exercising control politics than about helping victims. According to Sirkiä, there are no guarantees that a sex worker would benefit from being recognized as a victim of trafficking; in addition, anti-trafficking laws do not even seek to empower those who are vulnerable (2009a). Victims themselves may be in a worse position as a result of these measures, for if they cannot prove that they are victims of trafficking in court, they are simply foreigners suspected of selling sex who can then be removed from the country (2006b). This is especially problematic in light of the Aliens Act, which leaves sex workers from outside the EU with two options: being the victim or being the offender (2006a).

The Aliens Act, which applies to anyone who is not a citizen of the EU, became a law in 1999, and was aimed primarily at Estonians since Estonia was not yet part of the EU at the time. During that period, the entire Eastern bloc was viewed as a potential funnel for the Russian mafia to enter Finland. Those in favor of the law thought that drugs and the arms trade were tied to selling sex, so that if sex workers were allowed to come to Finland, the wave of crime would surely follow as well, leaving the exclusion of foreign sex workers as the only logical option. At this time, prostitution was also thought to be a strictly foreign problem; the authorities did not really believe that Finns sold sex. Only Russians were sex workers, supposedly; their different mode of dress when they arrived in the 1990s made them visibly deviant in comparison to Finnish women, leading to the conflation of Russian sex workers with Russian tourists and making the phenomenon appear much larger than it actually was. (Kontula 2011.)

The Aliens Act, which represents the merging of immigration policy and sex work control in Finland, and operates as a “ ‘kind of sexual morality [that] has more in common with ideologies of racism than with true ethics’ ” (Rubin 1989:283, quoted in Kontula 2010:20), reads as follows:

Aliens Act

Grounds for removing aliens from the country and prohibition of entry

Section 148

Grounds for refusal of entry

An alien may be refused entry into (and stay in) the country if:

6) there are reasonable grounds to suspect that he/she [is selling or intending] to sell sexual services. (Sirkiä 2009c:8)

According to Kontula, grounds for suspicion can even be previous sex work (2010). Although it targets prostitution, the Aliens Act can be applied more broadly based on the assumption that any kind of sex worker sells sex, for instance (Sirkiä 2010). Furthermore, suspicion of selling sex is sufficient grounds for refusal of entry; this is one example of how although proof is needed for deportation, means can still be found to accomplish that end due to grey areas in the law and its application (ibid.; Elfgren 2011).

According to international law, every country has the right to decide what kinds of people can/cannot enter its borders, and so on this basis Finland has the right to refuse entry to sex workers from outside the EU (Sirkiä 2010). In addition, because it is not a crime to sell

sex, the entire process of evaluation and the final decision is administrative – for tourists it is conducted by the police, for anyone else by the Finnish immigration service – meaning anyone who is suspected and as a consequence refused entry or removed from the country has no chance for a trial (ibid.; Elfgren 2011). This is because in the absence of a crime, there is no criminal investigation. Sirkiä makes a distinction here in legal terminology: refusal of entry (*käännitys*) is different than expulsion (*karkotus*), which occurs in the case of a crime; one can be refused entry both from outside and within the country, in the latter case it simply means departure or else removal (Elfgren 2011).

The direct consequence of the Aliens Act is that sex workers and other migrants targeted by the law can be banned from Finland indefinitely (Kontula 2010). Furthermore, their information is entered into the Schengen system, consequently making it very difficult for them to obtain a visa to any Schengen country (Elfgren 2011). This means that the Aliens Act not only increases Finland's but also the entire EU's powers of surveillance over women and sex workers from outside the European Union. Meanwhile, one indirect consequence is that it forces many sex workers, especially those in prostitution, to resort to harmful coping strategies, such as hiding their work, in order to survive (Kauppinen 2010). It has also caused sex workers from outside the EU to increasingly rely on pimps in order to operate invisibly, making them markedly vulnerable to violence or rape at the hands of those who know their legally weak position (Kontula 2010). Not only this, but since there is so much faith in the Finnish police and legal system, power can be abused quite badly if the police should decide to take advantage of migrant women caught in the law's web, with little recourse for the victim, who has the weight of the entire system against her (Sirkiä 2010).

The current trend of operation for sex workers from outside the EU, who not only have to dodge the Aliens Act but also depending on country of origin cannot even enter Finland without a visa, involves sidestepping the issue of residence altogether with tourist visas and/or mobility. Jaana Kauppinen indicates a continuing increase in the numbers of constantly traveling sex workers. Accordingly, many women commute between countries, with potentially no country of origin or destination. They may spend perhaps one week in each city, then change countries and repeat the process, moving through each Nordic country in this manner. Every time they enter a new country, they move from place to place in order to avoid being caught by the police. Sanctions against foreign sex workers from outside the EU, such as Finland's Aliens Act, make it difficult for them to stay in any country for a long period of time. Those using tourist visas or staying in Finland illegally are in an extremely

vulnerable position and have no recourse to the health and social services that permanent residents and citizens have (Kontula 2010; Kauppinen 2010).

At the same time, given the marginalization of sex work and foreign status as propagated by the Aliens Act, sex workers from within the EU are treated as second class, their rights protected according to what EU country they come from and how recently it has joined the EU. They are not given all of their rights unless they are fully aware of and can demand them. Furthermore, they may be able to enter Finland easily, but can have a much harder time staying. EU citizens have to prove that they have an income in order to stay in Finland, something that can be difficult for sex workers because they cannot prove this with their sex work. This is due to the fact that sex work is not seen as a valid form of labor - foreigners cannot receive work permits for selling sex (Lehti and Aromaa 2002, cited in Kontula 2010). Sirkiä has never heard of a case in which someone could apply to Finland for a residence permit on the basis of sex work (2010). According to Kauppinen, work permits were given for erotic dancing in the 1990's until trafficking discourse came into prominence, at which point it stopped entirely. Some strategies that non-Finnish sex workers (whether from the EU or not) use in order to deal with this are to give broad information about their work or else use covers, such as student permits, to disguise and/or facilitate their activities. (Kauppinen 2010.)

Economic inequality is a push factor for both Finnish and foreign women to do sex work in pursuit of better opportunities (Sirkiä 2003). According to Penttinen,

Following the breakdown of socialism...at first an independent and then increasingly organized business swept into Finland from the former Soviet area: topless waitresses, erotic dancers, porn and prostitution. Poverty, the relative big sums available and the invasion of market thinking made sex work an attractive option for women of the former socialist countries. (2004, quoted in Kontula 2010:77)

The bulk of sex workers in Finland come from post Soviet countries, also known as Newly Independent States (Penttinen 2008). Among these, Estonian, Estonian-Russian, Russian, Latvian, Latvian-Russian, and Lithuanian women are in the majority (ibid.). As of 2005, Estonian and Russian women formed the greater part of sex workers, most of them staying only a few weeks at a time (Kontula 2010). Estimates of how many women sell sex in Finland (all nationalities) put the number at 7910 per year; those of them who are visiting Finland "are almost all adults and under 50" (2010:29).

The middle class dominates sex work in Finland (Kontula, 2010). Most sex workers coming from Estonia to Finland are educated and sell sex as a temporary source of income (Lehti and Aromaa 2002, cited in Kontula 2010). There are furthermore many non-Finns who have Finnish citizenship or permanent residence and are involved in sex work (Kontula 2010). They are predominantly from Russia, Estonia, and East Asia. Most people participating in sex work in Finland choose it as opposed to a low paying job, having earnings comparable to those of a service sector job (ibid.). This is a direct indictment of the gendered nature of the labor market and the devaluation of female labor, given that women (especially immigrants) are pinned into the poor corner of the economy and forced to choose between jobs that are valued less and paid poorly, and jobs that are not valued at all and paid even worse. This is even more troubling when considering that women attempting to survive these conditions are consequently further sidelined into the informal economy (where there are no labor protections nor legitimacy, therefore symbolically and materially invisible and insignificant) in order to barely achieve a slightly better than working class standard of living.

It is interesting to note that despite all of the debates and fears surrounding sex trafficking in Finland, after all was said and done, findings showed that “there [was] little human trafficking linked to commercial sex in Finland” (Steering Group Proposal 2007 in Kontula 2010:34). Use of tourist visas for prostitution has also declined since Estonia joined the EU, along with pimping (Kontula 2010). Meanwhile, the geographic make up of sex workers has been changing, with less coming from Baltic countries and more coming from Africa (in particular Nigeria) and Latin America (in particular Brazil) (Kauppinen 2010). Altogether there are 20-30 different nationalities amongst sex workers in Finland (ibid.), making migration increasingly significant to the question of sex workers’ rights and understandings of exclusion.

3.4 Abolition in Finnish Politics: Legislating Vulnerability

While the measure to prohibit the purchase of sex was ultimately not passed in Finland, other subsequent measures to control the appropriate location and nature of sex work were. I have previously outlined policies connecting sex work regulation to the control of migration, and the ways in which the moral panic over sex trafficking was manipulated in political discourse to mobilize support for and legitimize stricter control over both sex workers and migrants. I have also showed how the trafficking discourse was mobilized in Sweden to justify an abolitionist agenda, and how a similar argument was attempted in

Finland. I will now discuss the ways in which other laws directly aimed at controlling sex work, as well as the legal silences creating the trade's illegitimacy, are cumulatively damaging to the autonomy of sex workers, especially those from outside the EU. I will furthermore illuminate how these prohibitions and elisions feed back into anti-trafficking laws, allowing the state to broaden and tighten the net of its control.

Laws regulating sex work have often served the aims of the state rather than accomplishing anything positive for sex workers. According to Sirkiä, although measures such as banning the purchase of sex in Finland have been described in terms of the freedoms and rights of sex workers, they work counter to these in reality, violating the rights to self-determination, inalienability, and personal freedom, exposing the underlying logic as being founded on the notion that sex workers do not need autonomy (2003). In this context, it is clear that policies of this nature are not meant to help those who (for example) initially resorted to selling sex due to homelessness, poverty, unemployment and/or mental health issues, nor do they improve their social position or help them obtain equality (*ibid.*). In other words, “many of the measures used by the authorities for controlling the sale of sex, or even to help sex workers, in reality weaken the social position of sex workers and, therefore, also their control over their own lives” (Scoular & O’Neill 2007:764; Mensah 2006:19; Monnet 2006:34; West and Austrin 2005:143, cited in Kontula 2010:68).

The results of Sweden’s 1998 ban on the purchase of sex demonstrate this. Sex workers have had to take more clients as well as accept the more dangerous types, bordellos have increased in number, and police are having more trouble prosecuting pimps and traffickers. Sex workers have also experienced intensified police harassment, which has been catastrophic for foreign sex workers, who are immediately deported if undocumented. Non-resident sex workers are furthermore not reporting violence in order to avoid being denied a visa, should they wish to return. What is evident here is that laws of this kind are concerned with moral and political posturing rather than the actual effect they have on sex workers. It is thus that, as in the Swedish example, while governments use policies against sex work to negotiate the way they will be imagined internationally, sex workers are paying the price. (Kulick 2003.)

Finnish laws related to sex work are problematic in that they are all prohibitory, legislating an entire set of occupations from the position of criminal law. This furnishes the government and police with more tools and reasons for exercising power, and simultaneously enables the exploitation of sex workers. An example of this is the law on pandering. Although pimping laws prohibiting a third party from benefitting from sex acts are primarily

aimed at brothels, they have made it difficult for sex workers to find housing, advertise services in newspapers or magazines, and cohabit, since a roommate or partner can be seen as benefiting from their sex work (Kulick 2003; Kontula 2010). The Finnish version of the law, which passed in 2004, reads as follows:

Section 9 Pandering (Penal Code)

(1) A person who, in order to gain economic benefit to himself/herself or to someone else,

1) provides a room or other premises for remunerative sexual intercourse or comparable sexual act or for obviously obscene act performed by a child under eighteen years for remuneration,

2) as an established part of his/her business activities accommodates someone engaging in such an act and thereby substantially abets the act,

3) by distributing contact details or by other means promotes someone else's engagement in such an act, knowing that his/her actions substantially abet the accomplishment of such an act,

4) otherwise takes advantage of someone else's engagement in such an act,

5) entices or intimidates someone to such an act,

(2) shall be sentenced for pandering to a fine or to imprisonment for at most three years. (Sirkiä 2009c:2, my emphasis)

Furthermore, in a pimping case the sex worker cannot receive any compensation, even if she has not received due payment for a long time (Sirkiä 2006b). She cannot even attempt to claim some form of compensation as a victim of rape, because no rape has occurred (ibid.). Rather, in a pandering trial all of the money the sex worker has lost to the pimp must go to the state (Sirkiä 2003). This reveals the central injustice that when a sex worker needs help, she is not treated as the victim of a crime, but rather as a witness, as tax liable, and/or as being possibly in violation of public order or immigration laws (Sirkiä 2006b).

Sirkiä points out that this is part of a larger problem: sex work exists in a legal grey area – it is not forbidden, yet there are no proper rules for how it should be done legally and safely (2010). There are laws prohibiting pandering, selling and buying sex in public places, and trafficking, as well as limitations on the rights of foreign sex workers, but all of these are bans rather than clear guidelines on how to do sex work (ibid.). Sex work is thus only regulated by criminal law. In order for it to be protected by labor or privacy law, the

government must first clearly determine where it belongs in the division between work and private (2006b). Since the government has not done this, sex work is instead simply described as generally harmful, leaving sex workers completely exposed (ibid.).

Moreover, because sex work does not fall under laws protecting privacy, and is simultaneously not considered an acceptable form of labor, sex workers' activities can be labeled as "contrary to good practice"¹⁹ (*hyvien tapojen vastainen*) (Sirkiä 2006b). This categorization can be applied to any activity when there is no legislation for how it should be legally done, and has devastating results for sex workers because any activity categorized as contrary to good practice is not protected by the law, meaning sex workers have little recourse when they are victims of crime and face great difficulty in getting justice (ibid.; Sirkiä 2010). This is a serious offence of equality law (Sirkiä 2006b). While sex workers in general do not have any rights under Finnish laws protecting labor rights, freedom of trade, or privacy, foreign sex workers have no legal protection in Finland whatsoever (Sirkiä 2003).

In addition to all of this, sex workers can also face challenges in having access to their rights due to the stigma associated with their labor. For instance, according to law, a resident sex worker has the right to social and health services in her municipality, yet many remain without help due to employee discrimination (Sirkiä 2006b). While Finnish sex workers are not legally excluded and have full rights, they can still unofficially inhabit second class citizen status because of this (Kauppinen 2010). Child protection services can also take their children away from them (ibid.); Kontula saw cases of child protection reports filed against women simply for being sex workers, something which she describes as a violation of human rights (2010). Sex workers can furthermore face losing other jobs they hold or being banned from hotels or nightclubs, and Kontula even came across cases of eviction or efforts to evict based on sex work, along with other forms of harassment (ibid.).

According to Agustín, for a job to be seen as legal, it must be recognized by government accounting as part of the formal economy (2007). While in chapter two I discussed in detail the processes and challenges associated with taxation for sex workers from the policy perspective, I will now explain some more broad reasons sex workers struggle with this same issue. Taxation, as previously outlined, is critical for the realization of substantive citizenship. The lack of proper bookkeeping, furthermore, is punishable. However, these two major reasons to pay taxes aside, sex workers are still faced with the dilemma of deciding whether it is worth the battle. Kontula interviewed a sex worker who described that paying

¹⁹ My translation.

taxes means fearing her landlord because tax information is public, yet not paying taxes means exclusion from benefits and hiding her business activities from the tax authority (2010). Those who pay taxes do so for security, but many do not due to the legal complexity of their job, as well as to lack of access to tax advice (ibid.). No matter what the sex worker decides, she is left to navigate shadow territories on her own, without protections or guidance, each choice a coping strategy in order to survive in a system that does not acknowledge her existence save through taxation (read exploitation) and punishment.

If a sex worker wishes to pay taxes, she must first establish herself as an entrepreneur for purposes other than sex work in order to fulfill legal obligations (Sirkiä 2005, cited in Kontula 2010). This necessitated lying aside, the respective business ID²⁰ may not always be simple or possible to obtain, for instance if one has no right to establish a business due to unpaid debts, unpaid taxes, or unfinished business with the tax authority (Kauppinen 2010). Each case is considered separately, and while dancers usually get business ID's without a problem, those selling sex may be denied one due to the nature of their work (ibid.).

Case by case treatment, wherein evaluation has no standards to be held to because in question is a job that does not exist, causes many inconsistencies and therefore difficulties for sex workers. For example, although according to state law, sex work is not legitimate labor, for dancers this can vary simply based on municipality (Kauppinen 2010). There is no way for sex workers to obtain general information or straight answers without actually submitting an application to become a case for consideration (ibid.). Furthermore, decisions regarding tax applications are made at any office in Finland, not where the application was submitted, meaning the results for the sex worker are completely random and a matter of luck (ibid.). Kauppinen notes that on top of this, even when sex workers opt to report their work as belonging to the general line of industry, it is still complicated for them to obtain pension insurance and make pension payments.

Sex workers, whether or not they pay taxes, must manage their finances in such a manner as to not get into trouble with the authorities for lack of formal income. For instance, fear of getting caught lying about income (the size or existence thereof) and punishment for tax evasion means many sex workers cannot invest in anything expensive, such as an apartment. Yet the fact is that some sex workers do not pay taxes (or else hide the extent of their profits) because they cannot afford to do otherwise. Some of the sex workers Kontula interviewed explained that paying taxes for security could backfire by creating more

²⁰ In Finnish *y-tunnus*, which as discussed in chapter two, is necessary for establishing a business.

economic burden than benefit, with accountant fees, pension insurance, VAT and other taxes costing so much that they could barely get by and were forced to work more in order to break even. According to Sirkiä, a sex worker may end up with so many taxes and fines that their sum is bigger than her earnings from sex work, all due to her being the focus of both the police and the tax authority (2006b). Some sex workers also decide not to pay taxes because they feel that if society does not guarantee them equal treatment, they need not submit to social obligations. Some also find it offensive that if they pay taxes, they must do so under another line of industry. Ultimately, the fact that sex workers are obligated to pay taxes and bills associated with their business when they cannot even receive compensation as victims of a crime (for instance in a pandering trial) is a direct example of structural exploitation (Sirkiä 2006b; Kontula 2010).

Kontula contends that sex workers are symbols of the *prekariat*: they are women, often poor and from abroad as well as migrant, and sex work is almost entirely in the informal sector, therefore lacking labor legislation.

The wage earner, who is in a good position, perhaps working as a specialist of some kind, is able to compete for more pleasant and more challenging jobs. At the same time, there are the *prekariat*, who work in low paid piece or part-time jobs, or else in the grey sector beyond the formal labour market. *Prekariat* refers to the growth of indefinite forms of work linked to the wage labour society, which are typically mutable, transitory and located on the fringes of “financially secure and legally protected forms of living”... The *prekariat* is a so-called atypical workforce, which is permanently temporary and supposed to accept work on any terms whatsoever. The changes to working life are evidenced by poorer working conditions, obstacles to life planning, an absence of earnings-related allowances and working agreements, and, above all, an inability to improve your own situation using the traditional means of industrial action. (Kontula 2010:83)

Sex workers’ position in terms of pension and employment is also worse than that of legitimate livelihoods (Lehti and Aromaa 2002, cited in Kontula 2010). Even those who are Finnish citizens can end up with no sickness or other benefits. Sex workers furthermore potentially face exclusion from the formal labor market due to lack of experience and gaps in their CV (Kontula 2010).

This situation can become much more complicated for those sex workers occupying the intersection of multiply excluded statuses. According to Kontula, because some marginal (gender, ethnic, class) groups may be over-represented in selling sex, members of these groups can have the whole stigma attached to them more easily. An example of this in Finland is the assumption that women from Eastern Europe sell sex.

Double stigma means that control mechanisms related to different stigmas are simultaneously directed at an individual. For instance, the whore stigma intertwined with foreignness concerning Russians serves to increase their vulnerability... One consequence of the... [Aliens Act] is that border control policy seems to be increasingly gendered: at the border every woman coming from a former socialist country is a potential prostitute and therefore suspect. According to the section on pimping of the amended Penal Code that came into force in 2004, renting an apartment for the purposes of prostitution can be interpreted as pimping (Penal Code, Chapter 20). The amendment made it harder to rent apartments for use as brothels, but it also increased discrimination within the property market against all Russians and Estonians – as tenants they appeared to be potential operators in the prostitution racket. (Kontula 2010:51)

In addition to this, cultural and linguistic unfamiliarity further undermine the position of the foreign sex worker, compounded with the racism of the formal job market, strict residence permit regulations, and lack of civil rights. Those who are without papers or language skills are the most vulnerable. (Kontula 2010.)

Bearing double stigma can result in marginalization in the sphere of commercial sex. Within the hierarchy of sex workers, Finnish sex workers earn more than their foreign counterparts, are in a better position to demand higher wages, and are also better protected from stigma. This all fits into the general pattern in which white sex workers tend to be higher up the sex work hierarchy, working better jobs for more money and less vulnerability, compared to ethnic minorities who tend to earn only enough to survive. (Kontula 2010.)

Double stigma also means that foreign sex workers can experience racism and other forms of exclusion from their native-born peers (Kontula 2010). An example of such intolerance within commercial sex is that Finnish sex workers see immigrants as either desperate competitors lowering prices or else as dangerous clients (ibid.). Furthermore, some

countries where certain sex businesses are legal, such as Germany or the Netherlands, do not allow the granting of work permits to non-EU citizens in this sector (Agustín 2007).

European sex workers focused on normalising their own positions sometimes accuse migrants of lowering the value of services by charging less, behaving less professionally and muddling the claim that sex workers are upstanding and autonomous through their involvement in illegal activities, perhaps even ‘trafficking’ (2007:73).

This implies a process of deflecting stigma onto the bodies of racial others in an attempt at reasserting respectability and therefore whiteness; white sex workers may do this in order to lay claim to the status privilege their whiteness should entitle them to. According to Penttinen, there is often the discussion of who counts as a “real” sex worker and who is otherwise a drug addict (2008). This striving for subjectivity is “an exclusionary practice, since it is done by differentiation of ‘real and professional sex workers’ from ‘drug addicts,’ ‘trafficked women,’ and ‘ethnic others’ ” (2008:18). That is to say, the bodies against which they distinguish themselves are not only constructed as other through deviance but also via racial distinction.

This indicates that racism amongst sex workers is a mechanism of passing, which can be understood as resistance to stigma and abjectivity through conforming to the demands of white privilege. Recalling Penttinen’s understanding of Finnish stereotyping of Eastern women as morally loose, there is a reputational interest in appealing to whiteness. Harris identified that whiteness lay not in actually being white, but in who could be considered white (1993). This at once highlights the arbitrariness of the category but also reveals why the act of passing is used. Harris points to passing as a cost of protecting whiteness: the effect was “to devalue those who were not white by coercing them to deny their identity in order to survive (ibid.:1744). Passing is thus part of the valorization of whiteness as “treasured property” (ibid.:1713).

“Becoming white meant gaining access to a whole set of public and private privileges that materially and permanently guaranteed basic subsistence needs...*Becoming white increased the possibility of controlling critical aspects of one’s life rather than being the object of others’ domination.*” (Harris 1993:1713, my emphasis)

The last part of the passage highlights, as far as agency is concerned, why passing (that is, conforming to power even while manipulating it) is a way of resisting object status and attempting to gain a position in the domain of subjects, even while this maintains the dominant power structure.

3.5 Constructing the Police State

EU politics have put a certain kind of pressure on Finland. Many EU countries want sex work out of sight, and have done much police work to this effect. Finland's membership in the EU has resulted in the importation of such police control culture in which raids, checking papers, and making arrests are the norm, as is already the case in some of Europe's largest cities. Thus, as policies increasing the government's powers to control and exercise surveillance over migrants and sex workers proliferate, so do the powers of the police. (Kontula 2011.)

According to Detective Chief Superintendent Thomas Elfgrén, the Finnish police's main concerns with regards to sex work are investigating organized crime related to human trafficking and pandering (2011). In a discussion regarding standard raid procedure, Elfgrén uses the case of erotic bars as an example. He explains that the police tend to assume that there are always potentially illegal activities occurring in erotic bars, and so they are accordingly always of interest to the authorities because they are connected to the perception of illegal activity (ibid.). Elfgrén outlines two probable reasons for a police raid on an erotic bar: one is pandering, and the other is a paper check to see if dancers have the proper work and residence permits (ibid.). The police can also do undercover work in erotic bars, though in this case it is not about the dancers but rather about investigating possible organized crime (ibid.). Despite this expansive power to intrude upon the lives of sex workers, Elfgrén feels that the police behave professionally and can be trusted, and that there is not much corruption amongst officials. According to Kontula, this is in line with the way most Finns view the police: perfect, almost holy, incapable of being unethical or unhelpful (2011). She adds, however, that police PR is handled well, which is why the public has only one (very positive) perception of the police. She also explains that it is a question of class: the middle and upper classes are treated well by the police, while the under classes see a different side of the profession (ibid.).

It is not surprising, then, that sex workers can receive unjust treatment from the police (Kontula 2010). While there is the view that such police activities as raids are meant to be

helpful, in other respects they can be seen as harassment. Penttinen makes a similar critique, stating that sometimes the police simply make the working conditions for foreign sex workers in Finland only more difficult (2008). Sirkiä told of reports SALLI had received of cases in which some policemen took advantage of sex workers' vulnerable position, using threats and pressure when they could not legally intervene in a sex worker's activities (Sirkiä 2009b). In one instance, a sex worker from a former Soviet country, who had a residence permit for Schengen and EU countries and traveled from country to country working in hotels, had a policeman come to her hotel room in Finland to tell her that what she was doing was against the law, and that he would inform her parents and the hotel owner of her work if she did not stop (ibid.; Elfgren 2011). In another instance, a policeman told one sex worker's landlord that she must be evicted due to her having done sex work (Sirkiä 2009b). One Russian woman living in Finland even reported a case in which a policeman entered the girls' quarters by key without permission or orders, a situation which SALLI described as breaking and entering as a way to investigate with the intention of intimidating sex workers (ibid.).

Sex workers from outside the EU have additionally been threatened with removal from the country (Sirkiä 2009b). Foreign sex workers in particular have been lied to that selling sex in Finland is illegal (ibid.). Based on what Kauppinen has heard from sex workers in the course of her work, the Aliens Act can be used as a threat (regardless of whether there are substantial grounds for suspicion or not), thereby allowing a police officer to circumvent the legal process simply by saying, “ ‘If you don't leave now then we can apply this paragraph to you, and then you will be deported and your name will be in every register, so just go back. You have two days, and if I see you then, you know what will happen’ ” (2010). Whether there are grounds for suspicion or not, fear of the Aliens Act's consequences is enough to drive a foreign sex worker out of Finland, in particular considering that it could ban her from entering any other Schengen country as well (ibid.).

According to Kontula, police treatment of sex workers depends on their nationality and their mastery of Finnish. In general, the police have treated sex workers professionally, and most sex workers report positive interactions with them. However, sex workers without papers often struggle with the police. Kontula clarifies that this negative treatment of those in Finland illegally has only in part to do with their paperless status, and more so to do with their possible entanglement with pimps, since those channels are often used because the system is too difficult to manage alone. This illuminates the problematic founding assumption that if a sex worker is a foreigner, then there must be pandering somewhere in the background, meaning that foreign sex workers are seen as either victims or criminals first.

This is (to begin with) because foreigners are more easily reduced to a victim or criminal status due to their foreignness. (Kontula 2010 and 2011.)

In response to Sirkiä's description of some of the above during our interview, Elfgren stated that a police officer's job is prevention, and as a result the police could at times go to any extra length. They could also be capable of what was reported to SALLI, which constitutes harassment of sex workers, but this would be due to some personal moral obligation rather than official orders. Elfgren emphasized his belief in the integrity of the Finnish police, adding that they can say whatever they want, but cannot break the law; some threats therefore have no legal ground, and are not part of an approved method in any case. Elfgren did, however, add one caveat: an officer in a uniform and/or with a badge is a representation of authority and power relations are never equal, so any person working or living in Finland illegally should be worried about police threats and their personal safety. (Elfgren 2011.)

Sex workers in Penttinen's study painted a picture of the Finnish police in line with this last view:

“...They saw what the Finnish police can do to [them]: they follow them, go into their apartments, check the money in their purses, interrogate them and their clients and throw these women out of the country and prevent them from ever entering again” (2008:78).

The Aliens Act thus gives the Finnish police and consequently the state the right to invade the privacy of all non-Finnish, non-EU citizens solely due to their labor category, which due to its gendered nature directly targets women. As such, we see not only how policing, law, and law enforcement are racialized and gendered practices, but also how through their constructions of otherness they allow the exploitation and disposal of unwanted bodies. It is in this manner that policing becomes a race-making institution. The police force can intervene in the space of the erotic bar in the name of “protective” policies that instead lay women bare to invasion by the penetrative arm of the state along the axes of nationality and race. In such an embodied field of work, then, not only are women legally thrown around, but they are furthermore corporally made vulnerable to abuse, with resultant exploitation sex workers face becoming a race-making act in and of itself. At this ground zero, state constructions of racial otherness are inscribed onto gendered bodies through police action against deviants, keeping Finnish whiteness safe and whitespace unpolluted.

It also delineates who has the right to safety. In this case, it means the distinction between whom the police protect and whom they are not bound to protect at all. According to Hayward Derrick Horton, “whitespace refers to those physical and social places that have been culturally defined as being designated primarily as being appropriate for the dominant population” (2006:118). As examples of sites where whitespace is constructed, he names “residential segregation, occupational discrimination, political participation, and interracial relationships” (2006:118). Whitespace is furthermore tied to issues of control and safety, as Dalmage explains.

“Whiteness as an institutionalized norm leads many whites to feel entitled to being safe and comfortable racially and in the world. U.S. [or rather Finnish]²¹ institutions intersect to ensure that racial ideology reproduces a context in which whites can continue to command and demand control of the racial spaces they occupy...Contact that does occur between whites and people of color often takes place in arenas that are white controlled. The institutionally backed power that whites are able to exercise provides whites with a sense of safety and comfort” (2004:204-205).

Although Dalmage refers to the US, this also applies to Finland conceptually in thinking of Finnish citizenship as a racial privilege that renders Finland (as the space to which this privileged access belongs) whitespace. In reading whitespace and whiteness through Dalmage, then, whiteness is the right to safety as well as control in interracial interactions, and whitespace is the white-controlled racial space of which she speaks, wherein whites can exercise the right to safety both through the construction of such spaces and through the control of racial interactions (and racial others) within them. Whitespace hence becomes a “[site] for whites to rearticulate their racial identities” (2004:203).

The Finnish state, with policies towards (migrants and) migrant sex workers that function to keep them out or make life in Finland very difficult, therefore constructs the Finnish nation as whitespace wherein Finns are guaranteed protection, with safety belonging to citizenship and whiteness. As a corollary to this, then, non-citizens in Finland, especially those from outside the EU, are *not* guaranteed protection from the state, and are instead dangerous bodies to be controlled and disciplined by it for the preservation of Finnish control of power structures and the safety of its (white) citizens (cumulatively read as the protection

²¹ My note.

of hegemony and white privilege). The police are one way of enforcing this, protecting the Finnish nation against the threat posed by the deviant bodies of non-Finnish and consequently non-Western European sex workers. The arrival of the police at an erotic bar, while potentially punitive for Finnish sex workers, is a force of state purgation for migrant sex workers, with those from outside the EU receiving the brunt of the assault. As the protectors of Finnish citizens, the Finnish police vividly illustrate the ways in which non-Finnish citizens are conversely vulnerable to attack from the Finnish state. Thus, whitespace as a space of safety for whites and safety as a right of whiteness are won at the cost of attacking racial otherness, materially made visible in the violation of gendered, ethnic, racial bodies by the police and the Finnish state. This, furthermore, cannot be seen independently of nation, which to begin with constitutes the motivation behind *and the ultimate goal* of this process.

3.6 Surveillance and Control: Hiding behind Human Rights

According to Kauppinen, surveillance at the level of residence permits and immigration is the main way for the Finnish authorities to police sex workers (2010). This means that specifically *migrant* sex workers are the target of such monitoring, as is evident in the Aliens Act, which according to Kontula can be used against all women from outside the EU regardless of whether they sell sex or not; it is tied to gender and class, targeting poor women in particular, and is so problematic that even the fundamentalist feminists opposed to sex work want it eliminated. It is a law that relies on intimidation as its regulatory mechanism, having been in reality applied with relatively little frequency, the fear that it creates making it so effective (and damaging). Decisions regarding application of the law cannot be contested, and suspicion is sufficient grounds. Kontula elucidates that this means that a woman can, without any proof or documentation from the authorities, lose her right to be in or come to Finland (as well as all other Schengen countries) on the basis of her sexual behavior, and the ban can be permanent. (Kontula 2011.)

Correspondingly, anti-trafficking measures are used against sex workers (both migrant and native) rather than in their interest. Kauppinen explains that even if sex work is propagandized as part of trafficking discourse to justify consequent legal measures, most cases involving potential victims of trafficking are investigated as pimping cases and not as sex trafficking cases, because in the latter the victim receives compensation but in the former the sex worker receives nothing. Kauppinen furthermore implies that the conflation of sex trafficking and sex work is too useful to the authorities in order to be accidental. While

positive in making a distinction between sex trafficking and sex work, Finnish anti-trafficking laws prosecuting the purchase of sex (in the case that there is reason to suspect that pimping or trafficking are involved) are in application Nordic abolitionist policy used to control and surveil sex workers. (Kauppinen 2010.)

Kauppinen states that “abolitionist prostitution policy actually creates the need for more and more repressive legislation...the main issue is how to criminalize sexual services to try to actually reduce demand” (2010). This indicates, then, that one (indirect or direct) goal of laws generated by the trafficking discourse is to eliminate sex work as a whole. Increasingly repressive regulation furthermore equips the police with more tools to do this. Kauppinen provides an example of what Norwegian social workers reported was happening in Norway: police gave the names of sex workers to hotels, informing them that if these women were to be given rooms, the hotel would be accused of pimping. The same was done with landlords, forcing the eviction of sex workers, thereby demonstrating that the police can stretch such laws (as the pandering law, for instance) to target sex workers. (Kauppinen 2010.)

Trafficking is only a small part of the exploitation people can suffer. According to Kauppinen, “Trafficking is more a political concept...[a] hype, it’s like a war against terrorism...to justify more and more regulation, repressive and punitive laws” (2010). In addition, Kauppinen elaborates that

What we have been criticizing actually is that sex workers are used only to promote that repressive legislation, but when it comes to those serious pimping cases and trafficking cases, then sex workers are in a worse situation compared to for example forced labor, because they are not treated as forced labor, they are treated as the victims of sexual exploitation... and most of the sex workers, they identify themselves as workers, and their labor rights have been violated, so they don’t identify themselves as a victim of sexual exploitation, so they don’t want to actually report to police...and also in...trafficking trials...and this is only for sex workers...the problem is that everybody is asking, “Did you know that you will end up in prostitution?” And if they have been...in prostitution also in other countries, or in their home country, they think that you must have known that you will end up in prostitution. And when they say that “Yeah, that’s why I came here, to work,” then they [say] that it cannot be trafficking, they don’t focus on the circumstances. So they

are in a worse situation compared to other forms of trafficking. But they are always used for promoting that...

EN: So you could say that sex workers are being used by the government for the purposes of getting rid of sex work...—

KAUPPINEN: Yeah, and also to get more repressive immigration policies...it's not a coincidence.

(Kauppinen 2010)

Surveillance of sex workers is thus also a way of surveiling migrants and determining which kinds are desirable or not.

KAUPPINEN: [Trafficking discourse has been used]²² to justify all the actions to get rid of some groups we don't like, and against Roma people it's quite open, but also against sex workers it has been especially Russian whores, and now Nigerians are the group we don't want here. Now they raised also the issue that some of the Roma women are prostitutes...They're just putting together very racist arguments...and then they are saying "no we are not racists, it's just because"...—

EN: It's to minimize crime and violations...they like to use this victimization thing as an excuse then...but they're not really interested in the victims, they're just saying that because people are being victimized...we should get rid of them to stop the victimization.

KAUPPINEN: Yeah.

(Kauppinen 2010)

The US, like most other nations, has many laws that cover the abuses mentioned in trafficking law (Chapkis 2003). Similarly, when discussion of anti-trafficking laws in Finland began, Sirkiä wondered why a law criminalizing human trafficking would be needed, when slavery, coercion, violence and other crimes under the umbrella of trafficking were already

²² My note.

prohibited by Finnish law. After reading about it, she saw that the problem the authorities were trying to tackle was foreigners coming to Finland without papers to work illegally. Such a person could be vulnerable to various abuses, and would not report it for fear of being expelled from the country, consequently submitting to abuse for money. The idea behind criminalizing human trafficking, then, was for the government to find a way to legitimize catching illegal immigrants and deporting them. This is accomplished by claims that they are helping “victims,” who need to be found so that the criminals abusing them can be punished, thus justifying the practice of control politics. (Sirkiä 2010.)

Hence, human trafficking becomes a vehicle for the government to practice control politics while presenting its behavior as a matter of compassion, making immigration control positive by declaring that its purpose is to rescue victims of trafficking. According to Sirkiä, because Finland defends human rights and equality, the government cannot openly state that it does not want foreign-looking (in other words non-European and non-white) people in the country; so, instead, it claims that it wants to protect these same groups from victimization. This is tied to recent discussions about refugees- it is at heart about xenophobia and control politics, and about their legitimization. Accordingly, human trafficking serves as a way to rationalize various kinds of control. Sirkiä gives the example of current debates surrounding the initiative to ban street begging due to the heavy Romani presence there: one argument in favor of the ban was that human trafficking was somehow connected. From this, it becomes clear that the assertion that human trafficking is somehow related to one thing or another constitutes a basis for prohibiting almost anything – immigration, begging, sex work, or any other activity that would lead to the removal of a group the Finnish government dislikes. (Sirkiä 2010.)

A document issued by SALLI furthermore makes the accusation that anti-trafficking legislation, with its claims of helping victims, is intended to polish Finland’s political appearance on the international level rather than being in any way related to humanitarianism. In fact, anti-trafficking law harms sex workers, making their lives, work, and accessing social and health services much more difficult. As a result, the majority of foreign sex workers remain completely outside of the system. This damage to the substantive rights of both Finnish and foreign sex workers raises the question of whether the policies in place for helping the victims of trafficking are really not just a way for the government to justify controlling and surveilling sex work. (Sirkiä 2006a.)

This doubt is compounded by the stipulations that a victim of trafficking cannot receive help, protection, or a residence permit unless he/she can prove victim status and is

willing to a) submit to full cooperation with the authorities, and b) testify against the trafficker in court. Otherwise, he/she will be deported, indicating that although discussion of anti-trafficking measures gives the impression that the intention is to help victims of trafficking, in reality authorities use the laws to gain tighter control of foreigners and remove them from the country. This is explained in another document by SALLI, according to which the human trafficking question is a weave of two ideologies centered on opposing sex work and opposing immigration, respectively. In this discourse, foreign sex workers are always victims of trafficking, and those without work permits (sex workers or other immigrants) are a threat to national security. Both ideologies consequently position foreign sex workers as a threat to society. (Sirkiä 2006b.)

Sirkiä reports that criminalization and control politics only affect how visible sex work is and what options a sex worker has, as well as her possibilities for recourse to the authorities, usually making sex workers' problems worse rather than curbing sex work. SALLI has taken the position that arguments for criminalizing trafficking and the purchase of sex are based on appeals to human rights that prove to be empty – these laws do not give, strengthen, or protect rights in any way – and while such reasons are presented for the sake of political correctness, the true logic behind the laws in question is entirely different. In fact, such politics is instead concerned with finding, legalizing, and legitimizing ways to more effectively control and monitor people who are defined as a threat. (Sirkiä 2006b.)

3.7 State Racism: Legislating the Other, Racializing Citizenship and Nation

19th century European bourgeois discourse held that citizenship had to be both learned and earned (Stoler 1995). Such discourses were based on what Foucault called a “grid of intelligibility,” which is “a hierarchy of distinctions in perception and practice that conflated, substituted, and collapsed the categories of racial, class, and sexual Others strategically and at different times” (Stoler 1995:11). Racism is therefore embedded in nation and the nation-building project, it is “internal to the bio-political state, woven into the weft of the social body, threaded through its fabric” (1995:69). This means that racism is furthermore not only an ideological reaction to the threat of universalistic principles of the modern liberal state, but a “foundational fiction” within it (Stoler 1995:130); racialization within a nation is not just a result of nationalism, but is crucial to the exclusionary principles of the nation-state (ibid.).

The creation of the EU rests on defining who is a European and who is not (Agustín 2007). This is in part accomplished by the conservative trend in the EU with regards to

immigration, which closes borders and simultaneously uses prejudicial means of selection to exercise what Pitkänen and Kouki term “racial rejection” (2002). However, this process of circumscribing Europeanness (hence whiteness) by designating racial others against which European whiteness must be defended is also accomplished via the exploitation enabled by migration policies within EU borders. Receiving countries decide what kinds of bodies are suited to what kinds of work on a gendered, culturally specific, and racialized basis (McDowell 2009). European governments use nation of origin, and the status they accord it, to decide how to label the people coming from abroad (tourists, refugees, immigrants, etc.), assigning them rights and duties accordingly, demarcating a hierarchy of privilege (Agustín 2007). According to Agustín, “everywhere societies create hierarchies of social value for nationalities, ethnicities and regions” (ibid.:89). While receiving countries want immigrants to integrate, they make this difficult by constantly finding them lacking skills and culture, also making legality and security difficult to acquire (ibid.).

There is scarcely a lower-prestige job than ‘maid,’ yet cleaning and caring are said to be ‘dignified’ work (in comparison to selling sex). The result of these contradictions is rampant exploitation for employees. How can one understand societies that first encourage migration and employment of people to do particular jobs and then refuse to recognize or value them? (ibid.:53)

The hierarchizing of migrants at the border followed by the hierarchizing of immigrants within borders is a way of mapping racial otherness onto bodies in order to justify their exploitation (McDowell 2009). First, stricter migration control begets the underground market, creating conditions for exploitation and victimization (Agustín 2007). Then, overlapping exclusive policies within receiving countries further marginalize and exploit by blocking access to basic rights and a decent standard of living, indicating that not only is racialization used as a means for exploitation, but also that exploitation is in itself a way of marking bodies as racially other. This implies a libidinal economy bent on demarcating the boundaries of white privilege around citizenship rights, therefore exposing citizenship as in fact racial membership.

Furthermore, according to Foucault, the goal of government is not in the act of governing itself, but in the improvement of the condition of the population; in other words, policy is intended to *manage and control* the population (Agustín 2007). This discourse is evident in the way those who try to do something about prostitution do so through controlling

the women who sell sex (ibid.). The government's task is not just to govern but to assure the welfare of the population. Philanthropy, such as the so called humanitarian anti-trafficking crusade, is consequently

not to be understood as a naively apolitical term signifying a private intervention in the sphere of the so-called social problems, but [to] be considered as a deliberately depoliticizing strategy for establishing public services and facilities at a sensitive point midway between private initiative and the state. (Donzelot 1979, quoted in Agustín 2007:105)

Correspondingly, “non-conforming individuals...were seen as threats to normal society who had to be steered toward a right way of life, cared for, protected from their erring ways” (Foucault 1979, cited in Agustín 2007:105). This is evidenced by anti-trafficking laws as well as prohibitions on sex work, which discursively construct both migrants and sex workers (therefore poor, primarily non-white women) as a threat in order to “produce new ‘local centers’ of power-knowledge, ‘lines of penetration’ that [allow] more intimate surveillances” (Foucault, quoted in Stoler 1995:139) for the regulation of the populace as a whole.

Moreover, Foucault argued that “state racism is not an *effect* but a *tactic* in the internal fission of society into binary oppositions, a means of creating ‘biologized’ internal enemies, against whom society must defend itself” (cited in Stoler 1995:59). This is tied to what Foucault called the “society of normalization,” which is based on the creation of norms that make it possible to construct internal enemies and thereby conceive racism (ibid.:64). In accordance with this model,

The theme of race will no longer serve one social group against another; it will become a ‘tool’ of social conservatisms and of racisms of the state: ‘it is a racism that a society will practice against itself, against its own elements, against its own products; it is an internal racism – that of constant purification – which will be one of the fundamental dimensions of social normalization. (Foucault, quoted in Stoler 1995:67)

According to Kulick, the Swedish law prohibiting the purchase of sex facilitated the construction of the clients of sex workers as the pathologized contrast against which proper Swedish sexuality could emerge, accomplishing this by embodying the “sociocultural excess

that the discourse of gender parity produces in order to eliminate” (2005:224). This is not unlike the construction of the class of “prostitute” accomplished by trafficking discourse (Agustín 2007); in this case, anti-trafficking policy becomes a “discourse that [confers] specific sexual characteristics to social categories of persons” (Stoler 1995:47), constituting the sex worker as a species against which the state can then exercise “internal racism.” In this manner, the state designates deviant others in order to exert greater control over its citizenry. This is accomplished by the proliferation of stricter regulations and broader surveillances such discourses as those surrounding human trafficking legitimize, enabling intimate interventions by the state in shaping the nation.

It is thus that modern racism is born out of the conversion of race from a discourse directed against the state to one organized by it against itself (Foucault in Stoler 1995), discursively creating others in order to eliminate them. Racism is also therefore “intrinsic to the nature of all modern, normalizing states and their biopolitical technologies” (ibid.:88). Sex work becomes a vehicle for manifesting this, with trafficking discourse and laws regulating sex work enabling macro- to micro-level population control, from determining who can cross national borders to who is entitled to subjectivity within them, giving the state the authority to define the physical and ideological parameters of the nation. Accordingly, racism

will become the discourse of a combat to be carried out not between two races, but between a race placed as the true and only one (that holds power and defines the norm) and one which constitutes various dangers for the biological patrimony. At this point, all those biologico-racist discourses on degeneration will appear as will all the institutions which function internal to the social body as principles of segregation, elimination and normalization of society. (Foucault quoted in Stoler 1995:67)

This is in line with Harris’s discussion of whiteness and the conversion of race from biology to hegemonic ideology. Finnish state racism as such is thus a way of defining and maintaining Finnish citizenship as whiteness, and parallels the shift described by Foucault in that the state has gone from asserting Finnish racial whiteness (as it did in the early 1900s) to being an institution capable of legislating whiteness and therefore white privilege.

CONCLUSION

Throughout the previous chapters, I have pointed out strategic policies and connected them to their concrete effects in an attempt to shed light on the larger ideological apparatuses created by as well as operating behind them. By purposely drawing attention to sex work and migration, analyzing the situation of erotic dancers with respect to welfare and outlining in detail the problematic aspects of various laws targeting sex work, I hope to have illuminated broader processes of race-making and nation-building as negotiated around and through the issue of citizenship, which is not just a legal status but a conceptual tool for understanding who has the right to subjectivity and therefore humanity within a society.

According to Bhaba, the West's self-presentation is discursive rather than factual, operating as an " 'apparatus of power' " that creates "a space for subject peoples" (1983, quoted in Agustín 2007:180). This is evident in trafficking as well as abolitionist discourse in Finland, which, along with stricter immigration control, strive to portray two national images. The first is based on an external logic of morality and humanitarianism for the posing pleasure of Finland within the "international community" (read other Western countries), legislating the Finnish nation into the circle of Western privilege as well as allowing it to hold its ground there through assertion of sovereignty (read exclusion), which according to Foucault is a discourse of legitimate rights that hides the fact of domination (Stoler 1995). The second, meanwhile, hides behind this, bearing the internal logic of Fortress Europe, therefore Fortress Finland, meant to be viewed by those who are subsequently relegated to subordinate racial otherness, locked physically and conceptually, or formally and substantively, outside of the boundaries of whiteness even from within privileged states.

This twofold use of discriminatory policy to imagine nation is directly tied to materially building the (Finnish) nation itself, particularly by designating which bodies can or cannot constitute it. Citizens, as such, exist and are defined through the construction of the category of non-citizens on a gendered, raced, classed, national, and sexual basis. This naming of non-white otherness enables the discursive creation of the white subject, in this context the Finnish citizen, and circumscribes the boundaries of Finnish citizenship (read whiteness) against non-European others, thereby manifesting the Finnish nation-state. Furthermore, the possible disarticulation of racial whiteness from white privilege, evidenced by the situation of Finnish sex workers, indicates a continuous broadening of the parameters

of exclusion in line with Foucault's society of normalization, strengthening and valorizing white privilege through the increasing restrictiveness of whiteness.

The amalgam of (punitive) policies and discourses that intersect to control, marginalize, exploit, and surveil migrants and sex workers with especial damage to migrant sex workers (a key target pursued with particular aggression, it appears), combined with the legal invisibility of sex work itself (except in the case of criminal law), establish a cycle in which the abject and their marginality repeatedly feed each other, sustaining exclusion and white privilege as well as securing the Finnish nation-state's power position in legislating both. Meanwhile, laws allegedly in the interest of sex workers serve only to further rob them of their autonomy and safety, rendering them acts of domination in and of themselves:

Only *evolved* social subjects [are] considered worthy of participation in their own governance... 'Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement' ...this colonialist notion is found today in the kind of helping that disqualifies people who sell sex from self-rule. (Mill 1859, quoted in Agustín 2007:174-5)

Kontula notes that if Finnish policy ever truly sought to eliminate sex work, it would improve women's position in society (for instance with respect to the gendered labor market) and eliminate poverty, for these are often the factors that produce sex workers to begin with (2011). It is not surprising, then, that sex workers' experiences of violence are primarily structural, in particular coming from those sectors claiming to protect them (Kontula 2010). The facts demonstrate, as I have previously shown, that the lack of legal protections for sex workers, not the industry itself, is why sex work can be exploitative (Anderson and Andrijasevic 2008). Sex work is a resource that provides an alternative to low paid and heavy service sector work for women struggling in the gender biased labor market, representing in particular freedom from low paid women's wage labor (Kontula 2010).

Sex work questions the fundamental idea of the wage labour society that working class women should accept whatever (formal sector) work, whatever the conditions and at whatever personal cost. From this perspective, selling sex threatens to undermine the presiding social system and so the formal and informal sanctions imposed on it start to make sense. (Kontula 2010:135-6)

One such informal sanction, as Sirkiä noted earlier, is that the sex industry in Finland does not have any legal terms or conditions of employment, effectively denying the labor category and punishing those within it (2009a). Whereas if sex work were to be recognized as a valid form of labor with its own set of regulations, SALLI would then at least be able to monitor it in order to ensure that all practices are conducted legally and properly.

Anderson and Andrijasevic note that the most important solution to the problems sex workers face is to bring the sex sector above ground and regulate it in the same manner as other employment sectors (2008). Working openly and transparently are a matter of safety for sex workers; agency in determining their working conditions is essential to the prevention of exploitation (Sirkiä 2009a).

The single in-depth, large-scale research carried out on the sex industry concluded that workers' situations can only be improved if governments include businesses in their formal accounting systems. Under this plan, states would tax and license establishments, which would then be required to comply with normal workplace regulations and grant benefits and rights to employees. (Agustín 2007:74)

Moreover, Kontula contends that “sex workers need the status of employment if they are to be able to demand employee rights” (2010:24). This is why legitimacy is necessary; in relegating sex work to the informal labor market, the government enables businesses to exploit sex workers because they are not protected by labor law – when “you don’t have rights, you cannot actually tell what rights are violated” (Kauppinen 2010). Marginalizing migrants and forcing them into unrecognized corners of the labor market has the same effect. Sirkiä argues, as a result, that the best way to help sex workers is to give them autonomy and protect their right to self-determination, advocating the strengthening of legal protections for sex workers and migrants alike, so that they have the power to defend themselves and improve their situation on their own terms (2003; 2009a). In addition to this, legal migration must be made easier, a notion representing the first attempt at a truly functional solution to human trafficking (Chapkis 2003).

These views are synthesized in the manifesto from the 2005 European conference of sex workers, which includes the following statement:

The trafficking discourse obscures issues of migrants' rights. [It] reinforces the discrimination, violence and exploitation against migrants, sex workers and migrant

sex workers in particular. We demand that sex work is recognized as gainful employment, enabling migrants to apply for work and residence permits and that both documented and undocumented migrants be entitled to full labour rights (Sex Workers in Europe Manifesto 2005, quoted in McDowell 2009:123).

This captures rather beautifully the foundational problem in government treatment of sex work and migration, drawing attention to the connections between illegitimacy, denial of subject status, and exploitation. It furthermore makes obvious the simplicity of the solution: exploitation stops where inclusion and recognition begin. This brings us back to Marshall's theorization of citizenship, at the heart of which is the fulfillment of human agency. Civic republican tradition defines citizenship as participation, "[representing] human agency in the political arena," while the liberal political tradition defines citizenship as rights, "[enabling] people to act as agents" in the first place (Lister 1997:36). The unification of these two sides sets agency at the center of citizenship, such that when free agency is regarded as the core of human rights, social rights rise to the forefront as what enables citizens to exercise their political and civil rights on equal terms (ibid.; Gould 1988 in Lister 1997), mandating that citizenship be rethought in terms of agency and substantive rights as fundamental human rights. What is therefore needed beyond compromise here, and what is urgently critical to the achievement of a more humane society, is the dismantling of Fortress Europe (as well as Fortress Finland), and the *re-imagining of nation, citizenship, and human rights worldwide*.

4.1 Discussion

I realize that I have focused a great deal on race, as well as migration and nation in this study, when there was a plethora of directions available. I could have, for instance, taken some of the same subject matter and looked at how nation-building occurs through state management of the citizenry (as opposed to control of migrants), an issue which became apparent in chapter three. This aside, I could have analyzed sexuality alongside race in the construction of nation, something which I feel the need to do in the future, as sex work necessarily has to do with sexuality. Some theoretical directions for this are Joane Nagel's concept of ethnosexuality, which looks at race, ethnicity, and sexuality in the construction of borders. Foucault also opened up various directions for me as I worked more closely with his writings, and I believe an extensive exploration of his work would be extremely fruitful.

I also feel that my research could have benefitted greatly from including interviews with sex workers, had I had more time to accomplish this. I have always valued studies that take their argument from the ground up, and so I regret that I could not do the same (although I hope to change this, should I continue this study further). In addition, I realized after the fact that there were some other laws targeting sex work that I could have addressed, for instance the Public Order Act, as I have heard stories about police behavior with regards to this that establish grounds for a solid argument regarding issues of sexual control and surveillance. Nevertheless, all of these ideas are a few out of a number of issues I would have liked to address; they simply were not within the scope of this project due to limits on its size and on the time slotted for completing it.

The choices I have made do indeed place limitations on my research, as well as on my argument and findings to some degree. However, I would like to emphasize that this study looks at a vast issue using only a slice of the pie. That is, if we consider nation-building to be my central concern, race is only one approach among several for understanding how concepts such as citizenship figure into the matter. Thus, my decisions were deliberate. I am aware of a variety of possibilities, and am very interested in pursuing some of them as well, but given limitations on this present project I chose what interested me most, and that was the significance of race to nation-building in Finland, how this operates on citizenship, and how sex work is both a location and enabler in the process.

APPENDIX A

I would like to take this opportunity to thank all of the interviewees (listed below) for their time and help. They are indeed busy people, all of them with multiple jobs, two of them also parliamentary candidates (at the time of the interview) in the height of pre-election fervor. Special thanks to Johanna Sirkiä for all of her support; I troubled her many, many times via email after our interview to ask questions about various laws as well as about people to contact. Her help was indispensable, and numerous times I would have been completely lost in a swamp of policies if not for her guidance. Lastly, I am very grateful to Pro Centre Finland for the encouragement, information, and contacts they provided; my quest began with them and grew from there.

Thoman Elfgren: has worked as a police officer in Helsinki since 1976, and as Detective Chief Superintendent with the National Bureau of Investigation (*Keskusrikospoliisi*) since 1978 (Elfgren 2011). He was the leader of the investigating unit in the International Criminal Tribunal for the former Yugoslavia, and has worked with the Finnish Border Guard in the field of control of human trafficking by organized crime (Wikipedia 2011). He also ran for election to parliament in 2011 under the Swedish People's Party of Finland.

Jaana Kauppinen: has a master's degree in sociology and is a founding member of Pro Centre Finland, active since 1990. She has been the executive director there since 1997, partaking over the years in administration, advocacy work for sex workers rights, policy making, and international networking. She has also been in several steering committees and expert groups appointed by the government in connection with human trafficking, outreach work, and HIV/AIDS throughout the last decade. (Kauppinen 2011)

Anna Kontula: is currently a member of parliament, representing the Left Alliance. She is a sociologist and researcher of work life, having published writings on immigration, the grey sector, and sex work, one of her most prominent works being her doctoral thesis on sex work in Finland (Kontula 2011). She kindly gave me the English language manuscript of this, as currently it is only published in Finnish.

Johanna Sirkiä: has studied theology (University of Helsinki), business, sexology, sex therapy, sexual counseling, and law (University of Helsinki). She has been an entrepreneur since 1998 and currently owns two enterprises, Trained Masseur Johanna Sirkiä and Relipe Oy, the latter providing advising, counseling, and accounting for entrepreneurs. She was furthermore the head of SALLI (United Sex Professionals of Finland), an organization by and for sex workers in Finland, during its existence from 2002 to 2010. (Relipe 2011)

Pro Centre Finland: the English language homepage of Pro-tukipiste, which roughly translates to Pro-Support Center but has Pro Centre Finland as its official English language title, describes the organization in the following terms:

(Pro-tukipiste ry) is a registered non-profit organization which supports and promotes the civil and human rights of individuals involved in sex work.

We offer professional low threshold social support, health care services and legal advice for sex workers in Helsinki and Tampere regions.

Our services are free of charge and anonymous as well as politically and religiously independent.

As a nation-wide expert organization we offer also consultation on issues concerning prostitution, sex work and trafficking in human beings. (Pro-Tukipiste 2011)

*See footnote for list of references

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APPENDIX B

Below are the first e-mails I sent to institutions in order to initiate a chain of communication. When drafting these messages, I used a standard format which I adjusted based on the policies and agency in question.

E-mail message to Kela:

Hi,

I am a master's student at the University of Tampere, and I am currently working on my master's thesis. I have some questions regarding specific points in Kela's policies related to self-employed persons, and I would greatly appreciate some sort of official response that I can use in my research. I hope I have contacted the right place.

My thesis is about women dancing in erotic clubs in Finland, and about what kind of access they have to the Finnish social welfare system. Since these women are primarily self-employed, what I wanted to know is do they have access to the services offered by Kela?

I looked over the information on Kela's website, and it does not have much information for self-employed persons. I would like to know what exactly are the requirements that self-employed persons must fulfill in order to have access to Kela's services, and how are these requirements different for a foreigner from within the EU, a foreigner from outside the EU, and lastly if there are any extra requirements for self-employed Finns, specifically in the line of erotic work (if Kela has any exceptions for that job).

If someone could clarify some of these points for me, whether via email, in person, or by phone, I would be grateful. If there is any further information I can provide, please let me know and I will do so gladly.

Thank you for your time,

Elani Nassif

E-mail message to Tax Administration:

Hi,

I am a master's student at the University of Tampere, and I am currently working on my master's thesis. I have some questions regarding tax policies and procedures related to self-employed persons, and I would greatly appreciate some sort of official response that I can use in my research. I hope I have contacted the right person, but if not I would be grateful if you could suggest whom I could speak to.

My research is about women dancing in erotic clubs in Finland, and about what kind of access they have to the Finnish social welfare system. Part of this is understanding what kind of taxation procedures they have to undergo.

Since these women are primarily self-employed, what I wanted to know is what kind of taxes do they need to pay and what general steps do they have to take?

I am familiar with some things in this area, but I would like to know more specifically what are the general tax requirements and procedures for self-employed persons, especially for women in the erotic industry (in this case, dancers), and how are these requirements/procedures different for a foreigner from within the EU, a foreigner from outside the EU, and lastly for Finns.

If someone could clarify some of these points for me, whether via email, in person, or by phone, I would be grateful. If there is any further information I can provide, please let me know and I will do so gladly.

Thank you for your time,

Elani Nassif

E-mail message to Finnish Centre for Pensions:

Hi,

I am a master's student at the University of Tampere, and I am currently working on my master's thesis. I have some questions regarding pension insurance for self-employed persons, and I would greatly appreciate some sort of official response that I can use in my research. I hope I have contacted the right person, but if not I would be grateful if you could suggest whom I could speak to.

My research is about women dancing in erotic clubs in Finland, and about what kind of access they have to the Finnish social welfare system. According to the person I spoke with at Kela, for a foreigner who is self-employed here, pension insurance is needed in order for them to have access to the benefits of Kela.

Since these women are primarily self-employed, what I wanted to know is how their occupation factors into their eligibility for pension insurance- if their job itself is evaluated, if it also has an effect on the calculation of earned income.

I read everything on etk.fi in English, but I am wondering if there can be any challenges for meeting eligibility criteria for women in the erotic industry (in this case, dancers), and how are these requirements different for a foreigner from within the EU, a foreigner from outside the EU, and lastly for Finns.

Thank you for your time,

Elani Nassif

APPENDIX C

Table of Sub-Categories of Private Entrepreneurs

<u>—Taxation of Residents in Finland—</u>	
Self-Employment: Private Entrepreneurs	
<u>Sub-Categories of Private Entrepreneur</u> <i>(yksityinen elinkeinonharjoittaja)</i>	
Very minor single-person business²³ <i>(hyvin vähäinen elinkeinotoiminta)</i>	Self-employed professional working alone <i>(ammatinharjoittaja)</i>
<ul style="list-style-type: none"> --owner is a resident of Finland --is very small and occasional --does not operate out of an immovable business premises --has no employees --turnover (volume of sales) is less than 8500 euros/year --income is less than 6500 euros/year --clients are private individuals --does not require pension insurance, licensing in the trade register, or a start-up notification to the tax administration, but rather simply the filing of an income tax return based on the total sales and total expenses for the entire year 	<ul style="list-style-type: none"> --does not have any employees or operate out of an immovable business premises --must file a start-up notification to the tax administration with a Y3 form, which accomplishes three things simultaneously: entry into the prepayment register, registration for VAT (value added tax), and application for a business ID (<i>y-tunnus</i>) --declaration of a line of industry, which for the purposes of sex work can be declared as “general line of business” (<i>yleistoimiala</i>) --is legally bound to do accounting, and must keep separate accounts of both personal and business finances, ultimately filing a separate tax return for each --if the volume of sales for the business is over 8500 euros annually, the self-employed professional is VAT liable --taxes are paid beforehand in a prepayment based on a calculated estimate of profits for the coming year

²³ Sirkiä’s unofficial category

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