

**Legalizing Sex Work: The Mirage of Sex Worker Autonomy in the Netherlands**

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The brothel ban in the Netherlands was lifted in 2000. Since then, sex work has been established as a legal industry and occupation for sex workers. However, the strict regulation of the sex industry strips sex workers of their agency. Moreover, liberal and radical feminist theoretical interventions into the sex industry pay insufficient attention to the way sex workers' experience their work within a legalized industry. In this study, I consider how the legalization of sex work has affected the autonomy of Dutch sex workers. By connecting with two sex workers' rights organizations in Amsterdam, the Netherlands, I identified and interviewed six sex workers and others closely tied to sex workers' rights. I find that feminist standpoint theory, which emphasizes the lived experiences of the individuals involved, is the most effective way to understand sex workers' experiences. While autonomy remains a critical way of theorizing the sex industry, sex workers themselves need to be at the center of the discussion on how their autonomy functions. My interviews suggest that the stigma that sex workers face in society undermines their workplace autonomy. Through political initiatives geared towards the sex industry without sex workers' interests in mind, the need for a double identity, and the narrative of sex workers as victims of sex trafficking, sex workers' autonomy is constrained. This research also underscores the importance of taking care when collecting data on the sex industry due to strong social stigma experienced by sex workers.

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## 1.0 Introduction

As seen in the literature, radical and liberal feminist perspectives on sex are utilized by various scholars as frameworks to analyze the experiences of sex workers within the global sex industry. Their respective ideologies have been key agents in influencing policy with the intention of bettering the lives of sex workers<sup>1</sup>. Liberal feminists characterize the narrative of personal choice and self-determination, advocating that sex workers should be able to autonomously choose to work in the sex industry. Radical feminism, on the other hand, advocates for the complete

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<sup>1</sup> I utilize the terms “sex work” and “sex worker” to describe the industry along with its workers. Activists have generally considered the term “sex worker” to be more respectful than other terms such as “prostitute” or “hooker,” which usually have negative connotations. The term “sex worker,” on the other hand, emphasizes sex workers’ position as laborers. Although I have chosen these terms, the language of my research participants will remain the same. When discussing their experiences, I will use the same terminology that they choose because they use several terms for themselves besides “sex worker.” The push for the broader use of the term “sex worker” as opposed to “prostitute” is understandable, but it is not the intent of this research to manipulate the language of the individuals participating; the intent is the opposite, in fact, and aims to amplify their voices and experiences. The knowledge this research intends to produce is from the perspective of sex workers and does not aim to contribute to activist debates on language and terminology but rather to be accessible and representative of the community participating in this research.

abolition of the sex industry following the belief that the sex industry is inherently violent and coercive and therefore individuals cannot autonomously choose to be a part of it (Outshoorn 2012). The literature and research on the sex industry that exists, lacks the perspective of sex workers and their lived experiences as the primary agents involved in the legalized sex industry. This research analyzes both liberal and radical feminist perspectives through the lens of sex workers by using the Netherlands' legalized sex industry as a case study for sex worker autonomy<sup>2</sup>. The primary question that this research explores is, thus, how and to what extent sex workers understand their experiences of autonomy within the Netherlands' legalized sex industry.

By centering the voices and experiences of sex workers, this research aims to rethink the feminist theory associated with the sex industry. I find that radical and liberal feminist approaches to understanding the sex industry are insufficient in analyzing the sex industry in the Netherlands and instead approaching the narrative of sex workers' rights in a legalized sex industry is found to relate more closely to the feminist theory of standpoint. Utilizing the Netherlands' legalized sex industry as the specific location of analysis, I employed qualitative research methods to answer the research question surrounding the narrative of sex worker autonomy. I interviewed four sex workers, a sex workers' rights advocate, and a public health nurse whose position is to work solely with sex workers who all work within the Netherlands' sex industry. In light of the small number of interviews for this study, this research suggests that every individual experience matters and is substantiated on its own. Methodologically, the issue of stigma surrounding the legalized sex industry and how it specifically inhibited my ability to interview sex workers shows the constraints

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<sup>2</sup> Autonomy in this paper refers to the extent that an individual has control over their own personhood and body.

to engaging a severely stigmatized community. Grounding my analysis in the feminist consciousness of standpoint theory, the interviews revealed that sex workers face a lack of autonomy within the legalized Dutch sex industry due to the societal constraints of stigma that they are forced to work with. Sex workers experience policing measures that interfere with their work and daily lives in ways that other legal occupations do not face and have been subject to political initiatives that disregard them as agents. Retheorizing their experiences of autonomy through feminist standpoint theory aims to give them back some of their lost autonomy.



## **2.0 Literature Review**

### **2.1 Radical and Liberal Feminism and Their Critiques**

Radical and liberal feminist theories on sex have dominated the debate on global sex workers' rights in feminist circles. These theories often take the form of activism that result in legislation directly affecting the lived experiences of sex workers. This has particularly been the case in the Netherlands. In the 1900s, the legislation on sex work followed a radical feminist pro-abolitionist narrative where sex work was completely illegal, and the legislation categorized sex workers as victims in need of saving (Outshoorn 2012). The Morality Laws were formally established in 1911 and were mainly the work of hygienists and religious reformers aligned with pro-abolitionists. Sex workers were seen as women in need of saving and were therefore not criminalized but the system they worked within was with brothels, pimps, and consumers prosecuted under the Morality Laws.

The 2000s shifted to a period of liberalization, where activists rallied around the liberal feminist theorization of choice, producing a legal and highly regulated sex trade. By aligning their political motives with politicians and other relevant decision makers in the Netherlands, feminists were able to gain positions within these legal debates. With this new alliance of liberal feminists and politicians, they created a list of three demands: “lifting of the ban on brothels to improve the position of sex workers, residence permits for women who were trafficked so that they could testify against their traffickers, and higher penalties for traffickers” (Outshoorn 2004: 186). The shift from legislation that reflected radical to liberal feminism was the result of the growing sex trafficking industry, not necessarily sex workers' rights.

Radical and liberal feminist theorizations on sex work are therefore more than just processes of thought, they have directly impacted sex workers' daily lives in the Netherlands and continue to do so to this day. It is therefore essential to understand these feminist frameworks and their relation to the actual lived experiences of those they directly affect, the sex workers themselves. Although the following literature review draws on work done in various contexts, the critiques are geared towards the understanding the radical and liberal feminist frameworks in regard to the Netherlands' sex industry. The critiques also reflect radical and liberal feminist critiques of each other.

### **2.1.1 Radical**

“Radical feminists characterize prostitution as an abuse of human rights, regardless of whether it is forced or voluntary, and have fought for its abolition. They have had a substantial impact on the development and adoption of anti-trafficking legislation and instruments in various countries and at the international level” (Sutherland 2004: 141). This quote by Sutherland (2004) encompasses the radical feminist view on the global sex industry and exemplifies the extent that it has impacted legal structures associated with the sex industry on a transnational scale. Radical feminism therefore needs to be critically analyzed from the standpoint of individuals within the sex industry to understand what the impacts of this theory actually are when they are translated into legislative action.

Farley (2004) echoes the sentiment of radical feminist theory when she posits that the sex industry is harmful to those involved. “It is a cruel lie to suggest that decriminalization or legalization will protect anyone in prostitution. There is much evidence that whatever its legal status, prostitution causes great harm to women” (Farley 2004: 1994). Critical to radical feminist

theory and Farley's (2004) statement is the gendered aspect of the sex industry. In fact, one of the main positions of radical feminist theory on sex work is that it is a form of gender oppression. Regardless of context or situation, the act of selling and purchasing sex is an act of violence on the body of the recipient according to radical feminism. The notion of selling sex as oppressive and violent does not end with the body of the recipient, however, but extends past the free choice of the individual, and onto the bodies of those affected by a male dominated society: women. The position of radical feminist thought disregards the self-determination of individuals entirely and instead only regards sex work in terms of the gender category of women and their subordinated position to men (Jaggar 1997).

This highly gendered aspect of radical feminist thought lacks the intersection that is so greatly needed when analyzing the effects of patriarchy on sex workers. In critiquing the narrative of gender, it is important to understand that, 1. It ignores the fact that other genders work within the sex industry, 2. It acknowledges a gender-binary that excludes marginalized individuals who do not conform to being either "male" or "female," and 3. It substantiates that the gender identity of "women" constitutes inherent victims rather than initial and conscious actors in their own existence.

Focusing on sex work as a women's issue is relevant due to the large number of female sex workers who make up the supply side of the industry. The very existence of sex work is founded upon notions of female sexuality as opposed to male sexuality, so the binary constructions of gender cannot be left out when discussing the industry of sex work (Mottier 2008). The global sex industry itself also feeds into gendered power hierarchies that rely on the subordination of women. While it is important to note the instances where the global sex industry is highly gendered, it is highly problematic to theorize the autonomy of individuals in the industry from solely a gender-

based perspective. While most notable perspectives on sex work as a broad profession agree that the industry predominately affects the gender category of women, the solely gender-based argument that sex work constitutes violence against women systematically erases other gender identities from the debate. The erasure of other identities is critical in analyzing and critiquing the narrative radical feminism paints of the sex industry.

Crenshaw (1991) delineates how intersecting identities create even more marginalized communities among groups that are already in precarious and underprivileged systems in society when theorizing intersectional feminism. In terms of sex work, we must then ask ourselves, what identities are at located at the margins? In terms of gender, those who do not identify as female or those who are not a part of the gender-binary are often left out of the radical feminist perspective. Therefore, radical feminist perspectives regarding gendering the sex trade is often critiqued both in terms of the gender-binary notion it perpetuates and how it marginalizes different gender identities that participate in the sex industry.

Radical feminist theory also uses a problematic history of gendered constructions of female sexuality and this history is thus utilized as a justification for the abolition of the global sex industry. Mottier (2008) discusses the ways in which female sexuality has been monitored and policed by noting how female sexuality is often socially constructed as passive and in opposition to male sexuality. Meanwhile, male sexuality is socially constructed as aggressive and uncontrollable. Feminists have consistently worked to deconstruct similar notions associated with female sexuality. However, radical feminist thought has greatly perpetuated this construction of passive female sexuality versus aggressive male sexuality within the sex industry. By continuing to place female sexuality in opposition to male sexuality, the argument that sex workers are

oppressed heightens the idea that female sexuality is passive and that sex workers need “saving” (Mottier 2008).

Radical feminism also describes how not only all sex workers regardless of context are oppressed, but how they are also actors in their own oppression. A central focus of the argument of women’s oppression under sex work is that under patriarchy, women are forced into subordination. Radical feminism theorizes that the effects of patriarchy are so interwoven into society that women submit to their own subordination (Sutherland 2004: 142). This theorizing victimizes individuals who are involved in the sex industry by erasing their specific positions and their lived experiences by conceptualizing them as oppressed to begin with.

Mohanty (1988) delineates the way in which conceptualizing an “Other” as oppressed is inherently problematic because of the way it victimizes the “Other” without any significant context. By conceptualizing all sex workers as a distinguishable category that faces systematic oppression, radical feminist theory leaves out the specific contexts and experiences that are crucial to sex workers lives. Therefore, radical feminist theory takes away the autonomy of sex workers and their ability to conceptualize their own experiences by justifying their existence as inherently rooted in oppression.

There are also misconceptions that are used in justifying the abolition of sex work in all contexts regardless of specificities. Anderson (2001) argues that sex workers cannot be autonomous workers because of the nature of the sex industry. “The principal problem with treating sex as just another use of the body is that it is inconsistent with a number of the restrictions that make autonomy possible in sexual conduct” (Anderson 2001: 763). In this line of argument, Anderson (2001) fails to state how sex work as a job is regulated differently within different locations.

Anderson's (2001) article describes how a condition of sex work as a job could be unwanted sex that employers could force upon employees. When looking at the regulation of the sex trade in the Netherlands, sex workers are constituted as free agents rather than employees, making the relationship of employee versus employer insignificant. The view Anderson (2001) presents is consistent with radical feminist thought in relation to sex work and the conception of the inherently oppressive use of bodies.

Another critique of radical feminism regarding the sex industry is the way that sex work and sex trafficking are often conflated as one singular phenomena. In fact, a lot of activists against sex trafficking work towards the abolition of sex work in general, drawing from radical feminism's theorizations. For example, Miller (2008) describes the worldwide phenomenon of sex trafficking and its effects on individuals within the industry. Miller (2008) rightly defines sex trafficking as slavery but in describing this "modern slavery," he says, "Today, the news media and academics unthinkingly use words- 'forced laborer,' 'child soldier,' and 'sex worker'- that have their own anesthetic effect, and along with others, I have insisted on calling slavery by its right name" (Miller 2008: 54). The conception of "sex work" as a form of slavery or as sex trafficking is then promoted further when Miller (2008) argues,

The 21st-century Dutch are leading exponents of the idea that legalizing and regulating prostitution can reduce sex slavery. But as they have discovered, it is hard to promote a legalized sex trade, with its inevitable links to organized crime, without becoming a magnet for slave traders (55-56).

Miller's argument lacks empirical evidence supporting the loaded statement that legalized sex work promotes organized crime and sex trafficking. The lack of empirical evidence on the

influence of the legalized sex trade in the Netherlands on the sex trafficking industry appears to be evident in research on the sex industry and further necessitates research in this area.

In advocating the approach that legalized sex work opens the door for the illicit sex trade, other authors have also used either a lack of evidence or faulty evidence. For example, Cho, Dreher, and Neumayer (2013) use economic theory to calculate the flow of trafficked individuals within legalized vs. illegalized economies of sex work. While this model is based on existing data, the authors themselves state how the data is unreliable and inconsistent, “One of the biggest challenges of doing research on human trafficking is the scarcity of reliable and comparable data” (2013: 69). The authors then go on to discuss their use of data in terms of “reflecting fragmented information only” (Cho et. al 2013: 69). Therefore, although the authors conclude that a legalized system of sex work increases the flow of sex trafficking, they are unable to provide or use any sufficient data to support this.

The authors also describe that when sex work is legalized, the sex industry grows regardless of sex workers’ free will. The effect described is termed the “scale effect.” The authors claim that increasing the sex industry’s market (by making sex work a legal occupation) increases the amount of sex trafficking to the legal sex work industry. Cho et al. (2013) attempts to show how the legalization of sex work has detrimental effects to the illegal sector, but the authors’ line of argument is inherently flawed and cannot be used to analyze the Netherlands legalized sex industry.

Cho et al. has a transnational focus of analysis and therefore the authors fail to take into account how the construction of certain national laws and policies would complicate this line of reasoning. The phenomenon of sex trafficking is policed in a multitude of ways when it comes to national policies. The definition of what constitutes sex trafficking is even interpreted in a variety

of ways across different national contexts. Meaning, what constitutes an act of forced sex work may differ across different borders. Also, the data between forced and voluntary sex work is inaccurate due to different policing measures and policies. Different countries categorize the distinction between forced and voluntary sex work differently and have different practices when it actually comes to how the law deals with both. Aside from these two methodological flaws, the authors fail to recognize that reporting measures for sex trafficking are not consistent across nations making the numbers they analyze only applicable within a specific nation and its reporting mechanisms. To analyze the effect of legalization on sex trafficking in the Netherlands, specific data and classifications from the Netherlands would have to be used and then translated across different national contexts.

To add to this argument, Wagenaar and Altink (2012) discuss the way in which policies regarding sex work in general are often regulated regarding morality. In this way, the authors describe that when looking at numbers such as statistics, morality politics are different from others because the numbers are used for their symbolic value rather than their factual value. For example, Wagenaar and Altink (2012) discuss the case of sex work and the numbers that are usually associated with data as being over-inflated but accepted. The acceptance comes both from distinct issues of measurability and the concern for sex work as an emotionally charged issue, where those concerned with its moral value have little incentive to report accurate numbers (Wagenaar and Altink 2012: 284-285).

When looking at data that is supposed to be reflective of sex trafficking, one would need to analyze the ways in which sex trafficking exists in certain locations and contexts. The way that sex trafficking is combated, documented, and policed vary worldwide. This is apparent through the different models of legislation that are present across different national governments. The



legislative model of criminalization of the sex industry in itself has various distinct forms, such as the criminalization of all activities in regard to selling sex in most of the United States, the criminalization of everyone involved in the selling and purchasing of sex except the sex workers themselves in Sweden, and the decriminalization of sex work in Denmark where sex work is allowed to exist but is not regulated (Bjønness 2012; Carson and Edwards 2011; Crowhurst, Outshoorn, and Skilbrei 2012; Gould 2001; Yttergren 2016; Zaharie 2014). Therefore, one has no way of knowing whether the data each nation provides is reflective of sex trafficking without a further contextual analysis.

In analyzing radical feminist theory regarding sex work, it is apparent that there are many flaws in its logic including the narrative that sex workers are victims of their own design, passive in their own oppression, completely gendered, and in no way autonomous in their decisions. Therefore, radical feminism is not a sufficient framework in analyzing the global sex industry nor the sex industry in the Netherlands. Discussions of gender and the misuse and interpretation of sex trafficking data show the importance of analyzing the sex industry from a more grounded feminist theory that accounts for the lived experiences of sex workers in specific locational contexts and their relation to feminist politics.

### **2.1.2 Liberal**

“Sex radicals have offered compelling opposition, shifting the focus from the abolition of sex-work to the human rights of sex workers. Their legal interventions have been geared toward self-determination for sex workers, including decent working conditions and freedom of movement” (Sutherland 2004: 141). This statement reflects the values of liberal feminist theory in action. Liberal feminism is categorized by the aspect of choice and free will. In the case of the

global sex industry, this translates to the notion that sex work is a form of labor that one can autonomously choose to work in. The concept that sex work is an acceptable form of economic labor is one that completely contradicts the radical feminist perspective. Liberal feminism also disregards the Marxist conceptualization that all forms of labor under capitalism are coercive (Tucker 1978). This ignorance of Marxism is problematic because liberal feminist theory thus presupposes that capitalism operates on a solely individualistic level when in reality the forms of labor that exist under capitalism are the result of patriarchal systems of oppression.

Roberts (2012) describes how there is a dangerous trend towards Transnational Business Feminism which is a neoliberal and capitalistic approach to feminism in which gender equality is categorized as women having the same amount of economic power as men. Transnational Business Feminism is described as a quick fix that feminists turned to to impose more gendered dynamics within the capitalist global workforce. This feminist framework is present within the liberal feminist theory of the sex industry in that liberal feminism's only concern is the individual and not the labor system they function in, i.e. capitalism. "While many Marxist and other critical IPE [International Political Economy] scholars have argued that the [2008 financial] crisis revealed deep structural contradictions and tensions in contemporary capitalism, transnational business feminists claim to have discovered an easy fix: a healthy dose of estrogen" (Roberts 2012: 90).

Womanhood and the qualities associated with being a woman are constructed in terms of profitability in Robert's (2012) critique of the trend towards Transnational Business Feminism. As argued by Roberts (2012), part of feminist consciousness is to dismantle systems of oppression, such as labor markets, rather than integrate into them. "TBF [Transnational Business Feminism] tends to view labour markets as the key to women's liberation, from a critical feminist perspective, labour markets are themselves constituted by unequal power relations between capitalists and

labour, as well as between men and women” (Roberts 2012: 94). While the legal sex industry in the Netherlands is constituted as a labor market where women and other marginalized communities have the ability to profit off of their own bodily labor and on their own terms, it is insufficient for feminist theory to be complacent with the system of capitalism. Capitalism as a system institutionalizes the oppression of marginalized communities and so it is not enough to integrate into the system. When viewing the Dutch sex industry as an aspect of capitalism, one must ask, why is liberation characterized by being able to participate in oppressive systems? When seeking liberation for gender equality, we must ask equal to whom? Therefore, liberal feminist theory lacks the critical analysis of how structures such as capitalism can impede the self-determination of individuals.

There is also a problem in the way that conceptualizing sex work as an individual choice operates under liberal feminist theory that draws attention away from the intrinsic issues that are present within the global sex industry. Kempadoo and Doezema (1998) describe how the focus on free will subjects sex workers to the notion that they chose their working conditions. While many activists have agreed that sex work is a personal choice and disconnected from sex trafficking, they often use this discourse to remove themselves from the front lines of advocacy for sex workers and instead place all their efforts into advocacy work for victims of sex trafficking. The narrative is one where the personal choice of sex workers to work within the sex industry is one that means that they are complicit in the sex industry regardless of any injustices they face. This narrative then leaves sex workers as advocates for themselves and as complicit victims in their own oppression (Kempadoo et.al 1998). This view on the global sex industry can be utilized in analyzing the Netherlands legalized sex industry and how free choice operates to affect the working conditions of sex workers.

Another main focal point of liberal feminist theory is discussing any type of sexual relations in regard to consent. Liberal feminist theorizing of consent regards everyone as equal (Sutherlands 2004: 144). The notion that everyone is equal in society contradicts feminist theorizing which holds that the standpoint of distinct groups is essential and that they experience different intersections of oppression rendering equality-based feminism inaccurate. Instead of advocating for equality or feeling satisfied with equal statuses, a core component of feminist thought in general is the critical analysis of what equality really means and to strive for equity-based justice instead.

## **2.2 Standpoint Theory**

In light of the problems associated with radical and liberal feminist theories and their views on the global sex industry and how they relate to the Dutch sex industry specifically, the feminist epistemology of standpoint theory encapsulates the way that the legalized sex industry in the Netherlands operates in ways that affect the autonomy of sex workers under the liberal feminist framework of legalization. Radical and liberal feminism are insufficient frameworks for analyzing the perceived effects of the Dutch sex industry on sex workers lives because both feminist perspectives lack the inclusion of sex workers' lived experiences. Standpoint theory delineates the importance of centering the voices of those whose experiences the analysis is actually rooted within.

Standpoint theory is rooted within feminist methodological analyses that understand the typical research methods and relationship between researcher and research subjects as a product of patriarchy. Harding (1987) describes how there is an inherent difference in the way men and

women experience the world and feminist analysis needs to look past the category of gender to encompass the differing experiences of womanhood as a basis of analysis and critique. Smith (1987) also delineates how research tendencies are rooted within a patriarchal relationship in which the researcher understands their subject through preconceived knowledge production from above:

He works with facts and information which have been worked up from actualities and appear in the form of documents which are themselves the product of organizational processes, whether his own administered by him, or of some other agency. He fits that information back into a framework of entities and organizational processes which he takes for granted as known, without asking how it is that he knows them or what the social processes by which the phenomena which correspond to or provide the empirical events, acts, decisions, etc., if that world, may be recognized. He passes beyond the particular and immediate setting in which he is always located in the body (the office he writes in, the libraries he consults, the streets he travels, the home he returns to) without any sense of having made a transition (Smith 1987: 88 and 89).

It is therefore essential to utilize knowledge production from below, centering the research subject, to eliminate biases and constructions of knowledge that are not interpretable to the research community.

Taking a step past the gendered construction of knowledge production, Harding (1987) describes how there is no “universal woman” and therefore, suggests studying women from the

perspective of their own experiences rooted within their distinct and intersecting identity categories such as race, class, and culture (Harding 1987:7). The understanding of “woman” not constituting a singular category of analysis has long been the query of Black feminist scholars who have argued that their experiences as Black women are intrinsically different than those of White woman and cannot be understood through the same contextual analysis (Crenshaw 1991; Hill Collins 1989; The Combahee River Collective 1977).

By utilizing standpoint theory as a tool of feminist analysis, researchers are thus able to decenter the hierarchy that places them at the forefront of knowledge production. The production of knowledge is thus inherently rooted within the relevancy of those personally affected. Standpoint theory encompasses the notion that the real-life experiences of a community are essential to knowledge production, and not just abstract theories of how power operates and emphasizes the direction of knowledge production being aimed from those situated within the research (Alcoff 1991 and Haraway 1988).

Alcoff (1991) delineates the essential need for knowledge production to stem from the community itself being studied. Alcoff (1991) describes the discursive practice of what she terms as “speaking for others” and how those in privileged positions over their objects of study can inadvertently reinforce oppressions that exist. Alcoff (1991) then goes on to describe how the problematic and hierarchy enforcing practice of speaking for others does not simply mean that one must “retreat” from speaking on behalf of anyone but oneself.

There is no neutral place to stand free and clear in which one’s words do not prescriptively affect or mediate the experience of others, nor is there a way to decisively demarcate a boundary between one’s location and all others. Even a complete retreat

from speech is of course not neutral since it allows the continued dominance of current discourses and acts by omission to reinforce their dominance (Alcoff 1991: 20).

Therefore, Alcoff (1991) effectively describes how knowledge production must be rooted from the position of those personally affected. One must listen, rather than teach, and analyses must be grounded with structures of power in mind. The central point made by Alcoff (1991) is that where knowledge stems from matters. Both radical and liberal feminist theorizations that have been employed to understand the autonomy of sex workers in the Netherlands have reinforced and perpetuated the power hierarchy of domination by conceptualizing the sex industry from outside the perspectives and lived experiences of sex workers.

Mohanty (1988) also echoes the importance of standpoint theory when analyzing the experiences of those within marginalized and what she terms “Other” communities. When scholars and activists conceptualize these “Others” from outside the specific context they operate within, the knowledge produced invalidates their actual experiences and further perpetuates the notion of otherness (Mohanty 1988). Feminist scholars and activists have long been aware of the implications of studying and understanding marginalized communities from outside of the specific contexts they operate within. Marginalized communities must be at the center of knowledge production. The feminist theory and epistemology of standpoint reiterates the importance of location and its effects on knowledge production. In understanding the autonomy of sex workers with the Netherlands’ legalized sex industry, sex workers themselves need to be at the forefront of the analysis.

### 3.0 The Netherlands: A Brief Background into the Sex Industry

The Netherlands is an interesting and peculiar case to study the experiences sex workers have as agents. Sex work has been regulated and documented in the Netherlands since the year 1413, where the Bylaws of the city of Amsterdam stated that prostitution was a tolerated activity (Brants 1998). The city of Amsterdam as a city of port was long established as a city full of “whorehouses” and one where the act of selling sex was tolerated. Pol (2011) describes how early Amsterdam saw thousands of criminal cases on the rampant sex industry, but yet, sex work was more or less allowed to operate.

In 1911, there was a push for reform in the Netherlands in general. Religious reformers who had long been against the toleration of the sex industry joined forces with hygienists and radical feminist abolitionists to create and implement the Morality Laws (Outshoorn 2012). These laws criminalized the act of buying and selling sex, and the brothels in which the sex industry operated within. As described by a research participant however, the brothels, particularly in Amsterdam, did not just disappear. Sex workers would still operate within brothels except they would appear to be offering other services. Sex work therefore existed in the Netherlands, but as long as it was not out in the open nor reported, criminal measures would not be taken.

In 2000, the brothel ban was lifted making sex work a legal occupation again. In lifting the brothel ban however, sex work was not just tolerated, but it became a legalized industry that came with strict regulations. Gone were the days of letting sex work in the Netherlands function on its own or behind closed doors. Politicians saw the legalization of the sex industry as a way to regulate and control it, under the premise that they could then further attack the illegal sex trafficking industry (Outshoorn 2012).



The model of the legalization of the sex industry is very specific to the Netherlands and its municipalities. Sex work is a legal occupation in the Netherlands, but each municipality in the Netherlands has the ability to regulate it as they see fit. Instead of legalizing sex work and integrating the sex industry into the labor and economic sector of Dutch society, legislators also made a plethora of new rules and regulations specific to the industry. For example, research participants described cities only allowing a certain number of licensed sex venues and then being forced to work under a licensed sex venue, having to undergo interviews by sex venue owners to predict if coercion was present, paying taxes as independent workers but not being able to work independently, and the need to be a certain age to work as a sex worker in certain municipalities. All of these described regulations are specific to the sex industry and are not placed on other legalized and regulated labor industries.

To understand the way that sex workers experience autonomy in the legalized Netherlands' sex industry, it is essential to first realize the specific conditions of the Netherlands' sex industry and what legalization means. Legalization does not therefore entail that the sex industry is able to freely function on its own, but rather that it is allowed to exist under the specific guidelines that the Dutch government and its municipalities see as fit.

#### **4.0 Research Question and Theoretical Intervention**

The specific question this research analyzes is how and to what extent do sex workers understand their experiences of autonomy, or lack of, within the Netherlands legalized sex industry? Through semi-structured and in-depth interviews with sex workers and others closely associated with the sex industry, the epistemology of standpoint theory as opposed to radical and liberal feminist theorizations, was found to more fully encompass the autonomy experienced by sex workers in the Dutch sex industry. This research is exploratory with the aim being to gain critical insight into the lives of sex workers in the Dutch sex industry. This research shows the importance of centering the voices of sex workers in discussions on their autonomy and is likely to shed light on how autonomy functions within the context of the legalized sex industry in the Netherlands.

## 5.0 Methodology

In the literature on qualitative research and its implementation, stigma is typically not addressed. When it is addressed, it is not addressed in terms of the constraints on data collection. Rather, it is described as a result of a hierarchical relationship between interviewee and interviewer and in terms of the validity of the data (Cook 2012). In working with stigmatized populations, it is essential to move beyond the hierarchy that exists between the researcher and the subject to exemplify prior methodological constraints that exist. Before the relationship between a researcher and research participant exists, the researcher must make concentrated and respectful efforts in gaining trust.

Snowball sampling is known as being a qualitative data collection tool that has been praised for its ability to integrate into stigmatized and otherwise hidden populations. Snowball sampling entails making contact with a population and then utilizing one's contacts to provide other informants from the population. This method entails gaining the trust of individuals within a community and relying on this trust to recruit other research participants. The reason that this method is so relevant to researching marginalized communities is because it does not require the researcher to have abundant or visible access to the community at hand (Biernacki and Waldorf 1981; Browne 2005; Cohen and Arieli 2011).

Biernacki and Waldorf (1981) describe how snowball sampling as a method of data collection, specifically within marginalized communities, has its limitations. One significant limitation is the initial contact with informants when they consist of a stigmatized and therefore hidden population. "Possible study populations, because of the moral, legal, or social sensitivities

surrounding the behavior in question, have a very low visibility and, as a result, pose some serious problems for locating and contacting potential respondents” (Biernacki and Waldorf 1981: 144).

In regard to literature on sex work and sex workers, numerous researchers describe how those in this particular industry face stigmatization, yet few describe how stigma constrained their methodological approaches to their research (Begum, Hocking, Groves, Fairley, and Keogh 2013; Bungay, Halpin, and Atchison 2010; Wong, Holroyd, and Bingham 2011). Previous research on sex workers from a sex-worker-centric perspective delineates the methodological approach of snowball sampling as being an effective way of integrating into the community. By making initial connections with a trusted member or ally of the sex worker community, researchers have been able to interview sex workers and their experiences of working with the sex industry. While research on sex workers’ rights from sex workers themselves are scarce, the community of sex workers has been effectively analyzed from qualitative methodological procedures that take into consideration the stigma that exists for this community. Researchers have taken particular care in maintaining their relationships with the community, being accessible, and allowing their research to progress over a significant amount of time (Begum et al. 2013; Bungay et. al 2010; Wong et. al 2011).

## **5.1 Data Collection**

To understand how autonomy is experienced by sex workers in the Netherland’s legalized sex industry, four sex workers, a sex workers’ rights advocate, and a public health nurse specializing in the field of sex workers’ rights were interviewed. I was only able to spend two months in the Netherlands and so my interview data was constrained by the lack of time I had to

engage the community. The research participants were contacted through a snowball sample stemming from my connection with two sex workers' rights organizations: Prostitution Information Center (PIC) and P&G292 (Prostitutie en Gezonheid Centrum 292)<sup>3</sup>. Prostitution Information Center is a sex worker run organization and advocacy center for sex workers' rights. Their primary goal is to educate the community about sex workers' rights from a sex workers' perspective and they are directly connected to the Dutch sex workers' union. P&G292 on the other hand is a health facility sponsored by the city of Amsterdam that specifically offers services to sex workers.

For my methodological analysis, I used experiences from my time spent at the Prostitution Information Center to produce some brief ethnographic data. I was able to gain the trust of my interview participants and my time spent engaging this community culminated in observational data that helps exemplify the methodology of data collection within the sex work community. Prostitution Information Center is located on Oudeskerksplein which is a distinguished section of the Red Light district. This section is located outside of the main canal streets of De Wallen (the primary location of the Red Light district) but is only a block away and caters to sex workers and clients from a variety of different backgrounds. The proximity of Prostitution Information Center to the Red Light District also enabled me to engage in the public sector of the sex industry and collect data through time spent in the public sphere of the sex industry. Ethnographic data was not collected through formal collection methods but is intertwined with my methodological process of collecting interview data.

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<sup>3</sup> This translates to "Prostitution Health Center" and 292 refers to the street address.

## 5.2 Method of Analysis

To analyze my interview data, I utilized Seidman's (2012) guide for conducting qualitative research. My focus encompassed Seidman's (2012) four themes: 1) human nature as temporal, 2) a subjective understanding of imperfection, 3) lived experience as the foundation, and 4) an emphasis on meaning making.

All of the interviews were recorded and fully transcribed. After the recordings were transcribed and all words that could potentially identify my interview subjects were omitted, I permanently deleted the recordings. It is essential to this research that the transcribed interviews remain completely anonymous due to the sensitive nature of the community being researched. In coding the interview transcripts, I went through several different stages.

My first round of coding was simply to reduce my data. This stage was characterized by distilling my data into smaller units. The interview transcripts were refined to see where different meanings arose. In this phase, I started to be able to see connections across my separate interview transcripts. In this specific phase of coding, I was not looking for any predetermined result, but rather letting the data speak for itself (Saldaña 2015).

In my second round of coding, I focused on a more advanced refining and reorganizing of the interview data. In this phase, I started to see different categories arise and I was able to connect the separate categories. In this round, categorical, thematic, conceptual, and/or theoretical ways to organize and separate my data arose. Therefore, similarly coded excerpts from my first round of data analysis were compressed.

I also utilized four forms of qualitative coding analysis to make sense of my data: 1) pattern, 2) axial, 3) focused, and 4) theoretical (Saldaña 2015). Pattern coding took place in my first round of coding as it is the simplest form of coding. It looks for explanatory or inferential codes to

identify an emergent theme, configuration, or explanation. This form of coding is characterized by brainstorming connections and commonalities that arise in the data. It is simply searching for rules, causes, and explanations that may arise. For example, searching for explanations such as: “A results in a because...”

Axial coding usually corresponds with grounded theory. Axial coding makes connections across codes establish in the first round of pattern coding via a combination of inductive and deductive thinking. The next form of coding I utilized is focused coding. In focused coding, I found comparability and transferability across codes by finding the most significant, salient, and frequent codes from pattern and axial coding. The last round of coding utilized was theoretical, which synthesized the categories developed in the previous rounds of coding to establish a theoretical understanding of my data (Saldaña 2015). In light of utilizing grounded theory methodology to produce codes in my data, existing theories to understand the codes such were utilized. Grounded theory coding was used strategically as a way to decenter myself as a researcher. After the coding process, I was then able to go through the data more carefully to connect what arose naturally to existing theories.

The methods of data collection were ensured by the University of Pittsburgh’s IRB to make sure they met ethical standards. One serious ethical concern for my research was my ability to provide complete anonymity to all of my interview participants. To do this, none of my interviewees were asked to identify themselves and all identifying information was completely eliminated from the transcriptions.

## **6.0 Findings: Legalized but Stigmatized, Stigma Resulting in a Lack of Agency**

### **6.1 Two Separate Worlds: Agency in Work Does Not Equal Agency in Society**

“Usually the outside world of sex work is the most dangerous place, not the sex work itself.” Mila, a sex worker who has been working in the Dutch sex industry for the past twenty-six years said that stigma was what has affected her the most as a sex worker. In discussing stigma, about an hour of our interview had to go unrecorded and remains outside of this research for her own safety. Every other interviewee echoed the idea that stigma from the outside world as being dangerous.

Respondents raised numerous examples of how stigma endangers sex workers. For example, Zoe, a sex worker who works primarily with elders and those physically and/or mentally disabled, discussed how sex workers are harassed by police:

And sometimes the police can also behave very rudely, because they have to check the girls’ ID papers, also to make sure that they really are the person that rented the room. So, I can rent a room and put a sixteen-year-old in the windows, that would not be possible. But they can ask questions that you think, “What gives you the right?” “Do you have children?” “Yes.” “Whose taking care of them now?” Would you ask that to a shopkeeper or the girls in supermarkets or when you go to your doctor, “Whose taking care of your children now?” That’s silly! So, what gives them the right to ask that of sex workers?



Zoe then went on to discuss how this discrimination further stigmatizes sex workers. If someone is suspected of being a sex worker who is working without a license, police are given the right to raid their home to see if they are working illegally, i.e. without a license. The process of raiding the homes of suspected sex workers is in and of itself an institutionalized way that stigma is placed on sex workers. Julia, who works as an escort through a licensed escort agency described the dangers of home raids as follows:

But they are very intrusive, very traumatic for some people, but the consequence of that is that if you are found to do sex work in a house where it is actually not allowed because of the housing corporation does not allow it in the contract for example, but the municipality has sort of an agreement with the housing corporation that they will be a tattle-tale to the housing corporation, if they find you doing sex work. So, that means that the people doing the control will tell the housing corporation of the place where you live, that you are doing sex work, and that's like unlawful use of the premise of that building because, I don't know, the owner decided so, which means that you will lose your house.

When houses are raided, the entire community is made aware and the housing company is notified that there is the possibility of illegal activity happening on their property, whether or not the police actually verified it or not.

Police behavior during raids also reinforces the idea that sex workers are not full and equal citizens that deserve their protection. Sophie gave a chilling example of a police raid that took place and how after it was over, the woman who was raided followed the police outside. In view

of the police officers, two men started to kick her and beat her up. The police did not interfere but simply went on their way, allowing the stigma on sex workers to result in physical danger.

It is important to note, that the illegality of being a sex worker, as described above, simply means that one is working in the sex industry, but not under a venue that has a license. Simply put by Julia, “You can work as an illegal sex worker while you are inscribed within the chamber of commerce and you pay taxes, you would still be considered illegal.” While being a sex worker is a legal occupation, it is illegal to be a sex worker operating individually outside of a licensed venue. In my interview with Mila, she gave a very useful trick to show how this form of legislation further marginalizes and stigmatizes sex workers:

There’s a very easy trick that I can teach you. Whenever they speak about sex work and measurements and regulations, whatever, you can always change the word sex worker by another profession. Take taxi driver, take an employee at McDonald’s, or, if you like, a self-employed person, self-employed hairdresser... Just change the profession and then again just think about the regulations.

Mila herself is an illegal sex worker in that she operates independently and outside of a licensed sex venue. If Mila was working as an independent hairdresser that met clients at their homes to give haircuts, Mila would not have to worry about having her home raided by the police. Even though Mila pays her taxes to the chamber of commerce every year as an independent worker, she lacks any legal protection as a sex worker working outside of a licensed venue. For example, let us imagine Mila as a hairdresser working independently again. If a client attacked her, she would be able to call the police and take legal measures but as an independent sex worker, she is not able to reach out to the police for help.

You only call the police if you think you are going to die. Otherwise, you don't do it. There's too much risk and the repercussions are very severe." At our legal team we have seen cases where people have lost their house, lost their kids, because when the child protective services get involved and they find out that you're a sex worker, so you could be seen as an unfit parent if you are doing sex work, even if that is something in your past and you are out of the industry already, that can still be seen as grounds to see you as an unfit parent. I don't know if they would actually say this to you, but we've seen many cases of how it works. It's a big mess. (Julia, Interview July 25, 2019)

Because sex workers do not have the same rights and legal opportunities as other laborers in Dutch society, they lack agency through the way society and legislation treats them. All six interview subjects described being fearful of the dangers associated with being a sex worker outside of their actual work. The agency they lack is specific to sex work, but not because of the inherent conditions that come with being a sex worker. Rather, sex workers lack agency due to the way society polices them. In describing the conditions of her actual work and not conditions of the outside world, Mila, stated "You can see my face when I talk about my work, I feel so happy about it, and at the same time, there's this stigma and I cannot match it in my head that I'm doing such a wonderful job. I'm so appreciated by my clients. They love me so much for what I am doing. At the same time, society spits on me. I cannot match it in my head!" She then goes on to say, "The safety inside the business is not as bad as people portray it. The outside world is the unsafe world for me."

At the same time, the strict regulations and policing measures that marginalize and stigmatize sex workers in society as a whole affect the conditions of sex workers within the sex industry as described by my respondents. Sophie described how the stigma that society places on sex workers is leaking into their jobs, “The stigmatization of course, discrimination. People don’t look at you as a normal human being. They look at you as an object. Nowadays, I believe clients are more and more thinking, ‘Oh, I paid for it so I can do whatever the fuck I want!’” Mila echoed the same concern when she said, “That also has a lot to do with people feeling that they can get away with it, clients can get away with it because of the stigma. She’s not going to the police or especially if someone is not working in the licensed industry.” The fear of danger as working as a sex worker from within the sex industry was described in two interviews, but both associated this danger as being a result of the stigma they face from the outside world.

The lack of agency sex workers face within the industry is not a result of the nature of the industry, but the result of politics and others’ morals. One cannot simply look at these experiences through the lens of radical and liberal feminism. Violence is present alongside choice, however, the violence stems from societal concepts and regulations of the sex industry. Sex workers may have the free choice to work within the industry, but they cannot choose how they are treated. To better theoretically understand the experiences of sex workers, one must be able to decenter the violence inherent within societal structures of power.

By centering the experiences of sex workers, such as those described above, feminist standpoint theory creates a more accurate picture of what agency in the sex industry looks like. These examples illustrate how the sex workers I interviewed all freely chose to work within the sex industry but how the choice of working within the sex industry itself does not give sex workers full autonomy. The obtrusive policing and the stigma sex workers face from society at large does

not allow them to be fully autonomous in their work. This stigma and policing measures placed on their occupation distinguish them from other laborers in society. Sex workers thus face societal constraints on their autonomy that are forced upon them due to the nature of the industry. By listening to sex workers, it is clear that the way power functions operate outside of the abstract realm of theory, it stems from their societal position and the marginalization of their specific community (Haraway 1988 and Mohanty 1988).

The societal stigma that produces a dangerous outside world for sex worker also was depicted as inherently creating a separate inside world. The four sex workers interviewed all talked about their double lives. Even though my interview procurement methods necessitated that all of my interview participants remain anonymous, as an outsider, not just as a researcher, I did not have the opportunity to know any of the sex workers' I interviewed "real" names. Due to the nature of the highly stigmatized nature of the sex industry, even the sex workers' rights advocate who did not herself identify as a sex worker described having a double identity in that she used a separate name in her work as well. The double identity was used as a tool to combat the societal stigma placed them.

Emma, the sex workers' rights advocate described the need for this double identity in the following statement: "It's still a highly stigmatized job and with social media and a photo travels in two seconds, it can be quite dangerous. I know as a sex worker you always want to be the one deciding when to out yourself as a sex worker and if to out yourself, and a photo can out you, and that is why it's so dangerous." In describing her double identity, Sophie described how she has completely eliminated herself from a social media and Mila described how being outed as a sex worker in the past has put her in dangerous situations.

The narratives supplied by my interview participants suggest that these double lives are necessary products of the conditions of being sex workers. In this way, we have to reorient theory to understand the agency in anonymity. One has the agency to choose to be anonymous, but with constant fear of “outing.” The ability to remain anonymous is also complicated when we further understand anonymity as a necessary condition. Can you be an autonomous individual within a society that doesn’t even know you exist?

To critically engage how the need for anonymity affects sex workers’ autonomy, it is crucial to understand the labor conditions of the sex industry as a specific case. Anonymity functions as a necessary protection that sex workers take, but protection from whom? It was clear from the conversations with my research participants that sex workers are protecting themselves from society as a whole and not just the inside working conditions of the sex industry, particularly the clients. All of my interview participants that worked within the sex industry use their double identities both when working with clients, but also in their personal relations with friends and even family. Sophie described how keeping her work identity from those close to her was isolating but worth the isolation due to the way she felt they would act.

While liberal feminist theory suggests that sex workers are autonomous in their choice to work within the sex industry (Outshoorn 2012), the narrative of choice leaves out the how regulations constrain choice and how the need for a double identity is a choice made from fear and not pure want. On the other hand, radical feminism suggests that autonomy is not able to exist within the sex industry and this was found to be true, but from a completely different perspective. Radical feminism posits that the act of selling sex equates to violence that erases individuals’ autonomy (Outshoorn 2012), when in fact, sex workers themselves described the act of selling sex as the only part of the sex industry where they felt safe and felt they had autonomy. It was the

radical feminist narrative itself, that constrains sex workers as illegitimate laborer's and the morals that influence society in this regard that barred sex workers from being autonomous in their lives.

## **6.2 Legalized not to Secure Rights but to Secure a Specific Narrative**

“If you really hate prostitution, legalize it!” Mila’s statement seems to contradict what an autonomous sex worker would want, a legal profession. Every interview subject however, described the legalization and the end of the brothel ban as a way to control the sex industry, sex workers, and as a way of securing political and monetary power. The system also effectively pushes sex workers into the category of victim. Mila, for example, is working illegally and therefore without any protection. Her choice to work illegally stemmed from regulations that effectively push marginalized sex workers outside of the scope of employment. Some sex workers freely choose to work illegally due to the restraints placed on sex work as a legal occupation. Mila described how working under a legal license limits the type of sex work a sex worker can choose to do and how it also constrains their independence. As an escort, Mila found it difficult to find an escort agency she could trust and that would allow her to work in the way she wants. Therefore, Mila has always remained “illegal” in her occupation even though she pays taxes and follows the general law for Dutch citizens. Although Mila was the only sex worker I interviewed who claimed the status of illegal (although she said she should not be), all of the other sex workers I interviewed hinted at working within the sex industry without a legitimate license at some point, showing just how hard it is to actually work under the Dutch regulations.

Sex workers are continuously painted as victims for the benefit of others. Their perceived victimhood results in their lack of rights. Wouldn't we want victims to have more rights? It seems

completely contradictory. Julia explained that as a measure to protect “sex workers” they were closing their workplaces. If you have no place to work, you are suddenly less safe. However, the closing of safe places to work is speculated to be the result of the city wanting to profit from the high value of these properties. Sophie expressed her concern with this by stating that the city of Amsterdam wants to close down all the major brothels but move the sex workers outside the city. Sophie then explained how dangerous this area was. If the area is dangerous, then this cannot be in the best interest of sex workers or “victims.”

Zoe also questioned the motives behind the closing of brothels when she gave this statement:

We think this area is now one of the most expensive areas to live in. If you want to live here, you need a big bag of money. It’s so expensive. One hundred years ago it was a slum, but no more now, that’s gentrification. It happens in all big cities. We think that the city would like to get rid of all the brothels so that they will be able to have very expensive apartments and expensive hotels built in this area for the rich people. But the buildings have a license a sort of destination license, it is licensed, this property is designed to be a brothel, you can’t just remove that. So, they need other ways to make it impossible for brothels and sex workers to work here. First, the position of the women was used. It’s humiliating for women to be put behind windows. That’s again making them passive, that they are put behind windows. They don’t, they hire a sensible working place, nobody puts them there. Now they blame the tourist lots.



Yeah, the tourists are much too noisy and there's beer drinking and misbehaving, which is true for certain groups, but they blamed prostitution for that. If the windows wouldn't be there, the tourists wouldn't come as well. Only, you see the same thing in cities like Barcelona and Venice. Misbehaving tourists, drunken people, too many people, and they don't have Red Light Districts, so you can't blame prostitutes, only they get the blame.

Sophie and Zoe both described in different ways how the decision to move and eliminate the windows in Amsterdam in specific was not actually benefitting sex workers. The conceptualization that closing down windows in Amsterdam and/or moving them to a location outside of the city as being better for sex workers and society as a whole, stems from those in positions of power over sex workers such as politicians. In making political decisions on the state of the sex industry, Emma described how up until recently, every decision made about sex work in the Netherlands left out the perspective of sex workers:

Until recently, very excluding of sex workers. I see a little bit of a change because there's now, I mean, they are making plans and they are inviting sex workers. Also, in the Gemeente, which is what you call it, the Gemeente is the- it's where the politicians make their decisions about the municipality. They've accepted the law that if they talk about sex work, they have to include the opinion of sex workers, so that means they have to talk to PROUD [The Union for Sex Workers in the Netherlands that Partners with PIC] if they want to make any changes to legislation. So, in that way I think it's

changing. So far, all decisions that have been made have been made from, as you said, talking to police officers and social workers, but not the sex workers.

By not having sex workers at the front and center of these decisions, sex workers are further marginalized and used as political tools rather than agents. For example, Zoe gave a startling example of how the narrative of sex workers has been appropriated by those in power in regard to an advisor that was hired by the city of Amsterdam.

But the opinion was that they believed that one the city level that almost all of the girls were victims of human trafficking here and that was because they hired an advisor who was later discovered to be a fraud. She pretended to have worked in the windows, she wrote columns in the newspaper, lots of misery and misery and misery, they were impressed by that, they hired her as an advisor, but it turned out she hadn't been in the windows at all.

All of my interview participants described a forced registration regulation that has been discussed in the Netherlands for years and even implemented in some municipalities. The reason behind the forced registration of sex workers given is that it would allow public officials to save victims of sex trafficking. As Mila pointed out, there is no research that suggests that by registering sex workers, victims of sex trafficking could be more easily found. In fact, Mila gives the example of the city of Utrecht and how this idea completely backfired.

In Utrecht, they already implemented a system of registration. Forced registration of sex workers in a special database. Everyone working in the windows, they had a lovely canal

with boat houses which gave the possibility for two-hundred sex workers, maybe somewhere around we can find a picture of it because it was a really lovely canal. There was no one else there, it was no nuisance for the neighborhood at all, and they were boat houses and you would have to go over a little bridge to reach the door of sex workers. Walking towards the door of sex workers was already a nice evaluation, I'm going to say yes or no to the client, and everyone loved working here. Two-hundred places. This city mayor implemented forced registration of the sex workers and everyone was against it, but he went ahead anyway and after a while, even with registration, he said, "I have suspicions of trafficking so I'm going to close down all of the windows." He closed down two-hundred working places. Where are these sex workers now? Now you would think registration is really handy because now we can keep track of them because maybe they are in a less safe working place. No one knows. No one knows!

In this example, Mila emphasized how the sex workers who worked in safe conditions are now untraceable even with their forced registration. Not only are they untraceable, but their safe places of work were taken away from them, forcing them into unemployment and an even greater position of precarity in society. Forced registration was used as a way to help victims of sex trafficking and exploitation, but now we must wonder, what happened to those who were not trafficked into the industry now that they do not have any place to legally work?

In discussing forced registration, Sophie gave the following description:

So, besides your chamber of commerce [registration for taxation purposes where your occupation does not have to be listed], you also had to register separately that you are a sex worker. I know an era where they did that and it was '40-'45 with the Jews, because Jews were registered also, and I also heard things that we all have to live in suburban areas, outside of the city, in just one neighborhood.

This description that Sophie gave is extremely thought provoking in her reference to the Holocaust. During the Holocaust, Jews were a stigmatized population who were forced to register and live in segregated areas. The forced registration of sex workers and the proposition to segregate sex workers to specific locations is eerily familiar. The narrative echoes the same one the Nazis used to commit genocide against the Jewish people, that they are immoral and harmful to the greater community and so they therefore need to be controlled. Sex workers are facing the same mechanisms of control by those in power who have deemed them “Other.”

Sex workers therefore lack agency in their ability to control the narrative of their own lived experiences. Simplifying this down to them being victims or the idea of free choice within a capitalist system distorts the reality of the sex industry. It is essential to understand the narrative of sex workers from their own conceptualizations rather than those who maintain power over them. Standpoint theory as a feminist method of analyzation derives from the notion that those in privileged positions cannot accurately depict the lived experiences of those marginalized under them.

Harding (1987) and Smith (1987) describe how the subordinated position of women to men created different spheres of knowing and understanding the world and how therefore theorizations

rooted within the patriarchal experience don't accurately capture the experiences of women within society. This theorization of standpoint was then taken beyond the categories of gender to show how theoretical interventions and knowledge production are only significant if they accurately portray the experiences of those being analyzed. Alcoff (1991) also asserts that those in power cannot accurately portray the lives of those marginalized and how even those who have good intentions may be replicating the systems of domination that marginalized individuals in the first place. In the case of the Netherlands, we must go even further to ask, is the intent of legislators and those in roles of power actually for the greater good of sex workers or victims of trafficking? While they paint the picture that their initiatives are to help victims of sex trafficking, the next research finding that arose through the interviews suggests that exploitation in the sex industry is not even effectively addressed.

### **6.3 Legislation that Ostracizes Sex Workers and Ignores Exploitation**

“The control and the regulations are almost only designed in the meanings to fight human trafficking. It's not necessarily designed to help the girls. They might check your ID when you work in the window, it's about every two weeks, the police may ask for your ID, but they will not stop people from taking pictures.” Zoe describes how every regulation is meant to stop trafficking but does absolutely nothing in the form of protection to anyone. The act of taking photos of sex workers who work in the windows of brothels was described by all of my interview subjects as an extreme danger sex workers face. As described previously, sex workers work safely by having a separate working identity that cannot be traced back to them as a sex worker. A photo is a traceable object that can travel extremely far with social media, the internet, and face recognition tools.

In fighting sex trafficking, all of my interview subjects described how measures taken in the name of “saving” trafficked individuals did more to push sex workers into positions of precarity. For example, closing windows as the city of Utrecht did only force sex workers to go under the radar. Zoe described a particular project meant to combat trafficking and how it affects the safety and autonomy of sex workers,

They want sort of diminish the Red Light Districts. In 2007 they started Project 2012, you’ve probably heard about that. One of the goals they had was to fight human trafficking and one of the ways they tried to reach that is by closing one hundred windows. Well, these windows, we count windows, we do not count brothels. We count the number of windows. It’s very safe place to work at, this area is one of the safest places to work for sex workers, also working in the window is the most autonomic way to a sex worker, you set the rules, you decide who you let it and how much you charge them. So, if you want to fight human trafficking, closing the windows is not the right thing.

It was also apparent in the interviews that sex workers were not the only one’s hurt by initiatives to combat human trafficking, but the victims of sex trafficking themselves were often ignored. One of the regulations that sex venues are forced to adhere to is interviewing any potential sex worker that would work under them to establish if they were coerced into the industry. Business owners have no training to establish what “coercion” would look like and yet they are required by law to know. This regulation becomes even more peculiar when there actually is a situation of coercion present that goes unnoticed. If a sex venue owner were to report that there

was a case of coercion present with one of their workers, they would be fined twenty-five thousand euros and the whole business would shut down, placing all the other workers who worked under the businesses license into positions of unemployment. Julia described how this regulation discourages business owners from reporting cases of trafficking and how sex trafficking continues to go unnoticed regardless of the strict measures of control. The irony of the situation was further described by Mila who said,

Because the owner of the business has to do a really thorough screening to make sure the person is not a victim of trafficking. They want to have zero victims. So, just think of the situation of where maybe a business owner gets aware of a situation which is under the strict, very strict, law of trafficking and exploitation. What does the brothel owner of the windows do? If you come forward with it, you get a fine. If you don't report it, you leave the other person helpless clueless. If you go to the police you will get in trouble, if you don't go to the police, you're in trouble because there is also in the law that you have to report it. You're stuck between a rock and a hard wall!

My research participants also described how coercion does not always equal sex trafficking and how individuals may choose to work as a sex worker, but there may be someone also taking advantage of them. Mila stated,

The police are very very very very forceful on every sex worker that comes forward of an exploitative situation, it might not always be trafficking in itself, but taking the share of the money.

They force- well, they can't really force force you, but they will tell every brothel owner that you cannot hire a room to this person is a victim of trafficking, then you know it's a victim of trafficking and you will get this fine. They force you to stop working. So, maybe you are dealing with a person who is exploiting you, but that doesn't say anything about the job itself. Maybe you want to make money!

This measure was described as another way that victims of sex trafficking go unnoticed. In any other industry, Mila described how a condition of you coming forward to express concerns over your safety and autonomy in the work would not be grounds to completely bar you from working in the industry. She used the example of farming, stating that if your boss was withholding money from you and you went to the police, they would help you, and then you would be free to find another job working on a farm. In the case of sex work, you are completely barred from working in the industry upon seeking help. In discussing sex work, Julia mentioned how economic coercion is present but how "we all have to work, so is it really coercion?"

Lastly, another key point that was brought up in the interviews was the notion that there is not one narrative of being a sex worker. Contradicting liberal and radical feminist theories, Julia described how the concept of free-will versus inherent victimhood are inadequate in analyzing the sex industry and sex workers as a whole. Relating directly to standpoint theory, Julia stated, "There are no two groups. It's a diversity of people and only if we have full respect for the diversity of the people doing sex work and the spectrum of motivations that come with that and the different needs, then we can address situations affectively." To echo Julia, the location of individuals in regard to the sex industry matter. We cannot continue to conceptualize sex worker's outside of



their own lived experiences. This is critical when we look at the issue of sex trafficking and exploitation.

Sex trafficking and sexual exploitation are phenomena that exist within the sex industry and they need to be effectively addressed. All of the interview participants reiterated the importance of addressing sex trafficking affectively. In doing so, it was reiterated time and time again that sex work cannot be conflated with sex trafficking and that issues of exploitation need to be dealt with as a crime, not as a result of the industry itself.

## 7.0 The Sex Industry from the Standpoint of Sex Workers

Although I was constrained by the lack of time I was able to spend in the Netherlands engaging the sex work community, the interviews and the time I spent immersing myself into the industry offers some critical theoretical insight into how autonomy within the legalized sex industry in the Netherlands operates. Previous feminist theorizations on the legalization of the Dutch sex industry do not encapsulate the complexity of the reality of being a sex worker. What was clear from my interviews was that sex workers want to be listened to and taken seriously and their perspectives matter.

Feminist standpoint theory emphasizes the need for knowledge to stem from below, for specifically marginalized communities to be the ones in power of conceptualized their reality and experiences. There is no one identity of sex worker, just as there is no singular identity of “women.” (Crenshaw 1991) Sex workers are a cohesive group in that they are stigmatized, but their experience as sex workers extends way past their sameness and to affectively conceptualize their autonomy, their unique and individual experiences matter.

It is hard to integrate into the world of sex work and into the reality sex workers produce due to their stigma, but my interviews suggest that by rooting my analysis in feminist standpoint theory, the singular interviews in themselves offer unique insight into the conditions of autonomy experienced in the sex industry. Like Alcoff (1991) described, it is not sufficient to retreat from discussions as a researcher where a power hierarchy or incongruity with lived experiences is present, but rather, one must engage and center the voices of those who really matter as a way to decenter existing power structures. In centering the voices of the sex workers and those involved in the Dutch sex industry, this is what this research aims to do.

## 8.0 Conclusions: Future Direction of Research

In conclusion, my research critically engaged the legalized Dutch sex industry into theorizations of sex worker autonomy. Radical and liberal feminism offer compelling narratives of how autonomy and self-determination operate within the sex industry; however, they lack the crucial perspective of those whose lives are the core analysis of their theory. In this research, I delineate how the feminist theory of standpoint is a more accurate representation of how sex workers experience their autonomy in their work and within society. By using the specific location of the Netherlands as a case study, my data sheds light on new ways of retheorizing autonomy within the sex industry from feminist perspectives outside of the traditional radical and liberal feminist perspectives.

By utilizing qualitative methods and grounded theory, this research produces results that center the experiences of sex workers. My contribution is theoretical, seeking to retheorize autonomy within the legalized sex industry in the Netherlands' as the basis and platform for other research aiming to amplify the position of sex workers in society from a critical feminist framework. This research found that the stigma sex workers face in the legalized Dutch sex industry impedes their autonomy by creating a separate reality for sex workers outside of their work, creating a narrative of the sex industry that does not include their voices, and the constant conflation of sex work with sex trafficking.

For future research engaging with the sex worker community in the Netherlands, I plan on spending a more significant amount of time in the community. This exploratory research raised questions regarding the identity of being a legal versus an illegal sex worker and how certain regulations may impede sex workers' choices of legal employment. Also, this research shows that

there is variation among sex worker identities within the Netherlands that can be further analyzed such as distinctions within the work and foreign versus Dutch sex workers. It is clear that the method of snowball sampling works well in engaging stigmatized communities, but only when it is given the proper amount of time. By setting up a theoretical foundation to understand how sex workers understand their autonomy within the legalized sex industry in the Netherlands, future research on the subject should ask more specific questions as to how sex workers actually experience their autonomy in relation to the certain laws and regulations that are present.

Also, due to feminist standpoint theory being the most useful way to conceptualize the experience of sex workers, future research should delve further into the specific ways that sex workers identify and how the type of sex work influences worker experiences. For example, one of the sex workers I interviewed described working in the porn industry and fetish industry, three described working as escorts, two described working primarily with the elders and the disabled, two mentioned working behind the windows at brothels, two mentioned working for agencies, two mentioned working independently, and one mentioned being illegal. It is crucial for future research on the sex industry to analyze the intersections of these specific categories and the others that exist within the Dutch sex industry. For further research, it would be essential to sample across individuals who work across all the different sectors of the sex industry. The individuals who make up the Dutch sex industry, and therefore feminist standpoint theory, should be centered in the discussions, policy and legislative action, that surround the Netherlands' sex industry.

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