WOMEN SOLD THEIR BODIES BUT THE CITY SOLD OUT

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INTRODUCTION: THEORETICALLY FRAMING THE CASE STUDY

Prostitution in Amsterdam dates back to the women who offered sexual services to those passing through its large port, more than 750 years ago. Documentation concerning prostitution exists from at least the 16th century, and since the 18th century, prostitution has been addressed as a social institution, subjected to state regulation (Gregory 2005). From a historical perspective, the existence of prostitutes and their clients has remained constant in Amsterdam’s Red Light District. Moreover, the sexualized social space has, by and large, remained in and around the original localities for prostitution. However, the sex work industry has undergone drastic transformations that have reorganized, reformed, regulated, and ultimately re-imagined this sector of the city, which today bears little resemblance to its former, historically situated self. As I zoom into focus on the most recent- and perhaps, most striking- transformations that have occurred in Amsterdam’s Red Light District, important historical components illuminate the complex trajectory that sex work has followed: as a profession for some, a moral obstacle for many, a source of revenue for honest, as well as crooked entrepreneurs, and as a central focus of social,
political, economic, legislative and ideological discourses, debates and reforms. It is through this economy of discourses that institutions may be revealed and abstracted from the broader context of the city and the world. It is hypothesized that the changing image of Amsterdam’s sex work industry is the outcome of institutional arrangements that re-define and re-inscribe social positions, normal perceptions and dominant ideologies upon social actors and their identifications with and of their social world.

In this article, I look at how subjects’ bodies provide the re-productive material for institutions that function through the notion of bodies as a canvas for cultural scripts and the loci of cultural regulation (Bordo 1989): how the individual becomes a “docile, regulated body practiced at and habituated to the rules of cultural life” (ibid. 13). Ultimately, the central questions to address become: how has the contemporary institutional constellation emerged and become inscribed upon social bodies? And, how, and especially, why has this transformation occurred within socialized embodiments and in the broader context- and collective consciousness- of this social world.

For the purposes of understanding the role that new institutionalism can play for contemporary social scientists, this paper focuses on a recent institutional transition. The theoretical intention of this approach is to utilize a specific juncture in an institutional arrangement as the source of insight into the methodological benefits of a situated, hybridized formula of new institutionalism. A situated approach allows the researcher to hone the methodological framework in correspondence with the questions posed and the kinds of answers sought. This conceptual framework can be seen to counter a common desire or intention to deduce or conclude with a grand theory or meta-narrative of institutional arrangements and outcomes. In other words, the theoretical framework for this research precludes the possibility of an analytical framework that transcends the boundaries of time and space. The hybridization will result from the amalgamation of the various relevant- that is to say, highly influential and/or dominating- institutions, under a paradigm that has been designed around the institutional arrangement of immediate interest. It should be noted that this explanatory rhetoric underwrites the analytical imperative of social constructivism, which in this case, is foundational to understanding the coercive influence of institutions and their relation to the social world that forms them and is informed by them.
Following historical institutionalism, my argument is grounded in the view that institutional evolution is a path dependent, yet unintentional process (Hall and Taylor 1996). In this sense, the historical trajectory of institutional forces is central to the analysis. Additionally, the social phenomena that trigger institutional changes are perceived as spontaneous consequences of the institutional arrangement, rather than [flawed] results of intention. Finally, like many historical institutionalists, I emphasize the role of society’s web of unequal power relations in framing social positions and social interactions. Given the continued efforts that have been made to reshape and regulate problems surrounding prostitution, the analysis draws from the rational choice institutionalism, in addressing these concerns as collective action dilemmas. This is to say, regardless of the specific issue at hand, policies and laws have consistently reflected a rationale in the interest of the majority of relevant actors to legitimate a certain course of action over another. It follows that institutional reforms do not implicitly conform to the ideal solution for a problem, but instead, they can reveal the compromise that appeases the most, which often produces suboptimal results for the collective (Hall and Taylor 1996). The new institutionalism in sociology, discursive institutionalism, is useful for understanding how ideologies become normative and embedded in the collective consciousness through ritualized everyday practices and hegemonic discourses. Discursive institutionalism provides a substantive framework for defining ideas and discourses in terms of both content and context: Discourse is understood as more than what is said, for this approach also considers where, when, how, why and to whom ideas are expressed (Schmidt 2008).

The Changing Faces of Amsterdam’s [De]-Sexualized Spaces

Sexuality, displayed through prostitution and other consumer driven erotica is obvious in Amsterdam. It is understandable that tourists, who spend brief periods in the city, have often described Amsterdam as imbued with sexuality: it is structured into the businesses that are directed towards tourists, and it is perceived as embedded in the liberal minds of the inhabitants and administrators of the city. However, political and legislative actions are consistently geared towards remedying the plethora of social pathologies that have been attributed to the sexualized sector, tainting the city’s centre. The current situation resembles what Teles has termed “liberalism’s entrenchment” in civil society (Teles 2007: 162, in Skocpol and Pierson 2007). This results when Conservative administrators present short-term policy reforms with an underlying intention to alter the context for future decisions and actions. Additionally, conservatives
implement their own institutions and networks to facilitate collective action decisions that consider both ends of the political spectrum (Teles 2007). The outcome has been the political stability in the Netherlands, through what Andeweg and Irwin call “consociational democracy,” characterized by a “politics of accommodation” (2002: 29). This political scheme clearly pertains to the Netherlands’ pillarized society, where heterogeneous groups must work towards an acceptable compromise for collective action and activation. The Dutch Ministry of Justice specifically addresses this ideal, in documenting the tasks of Ministry and other governmental departments:

The ideal climate is one in which unity and commitment flourish, enabling us to live side-by-side, embracing our differences. The Ministry of Justice is working towards this ideal by creating conditions in which people can seek and find justice, and also by making it possible for individuals and businesses to seek help in resolving their conflicts. The Ministry is trying to strike a balance; a balance between individual interests and the interests of society as a whole (Dutch Ministry of Justice, Report on Tasks).

More specifically, a press release from Ernst Hirsch Ballin, Dutch Minister of Justice, presents administrative activities in the Red Light District as a paradigm for how the Netherlands will approach organized crime:

Fighting organized crime effectively is not only about criminal investigation and prosecution. It is also about a comprehensive approach and cooperation by all the parties involved. The underlying structures used by organized crime will then become apparent and can then be tackled. A good example of an integrated approach is the Emergo project in Amsterdam’s Red Light district. The local authority, tax authorities, police and judicial authorities have joined forces to fight criminal concentrations of power – and inter-connections between the underworld and normal society – in any possible manner (Dutch Ministry of Justice, Press Report 2007).

The citation above refers to the current transformations underway in Amsterdam’s sex work industry. In September of 2007, Mayor Job Cohen publicly announced the closing of roughly a third of the windows comprising Amsterdam’s Red Light District. The Mayor acknowledged the historical and economic value of the area, citing these as reasons for maintaining prostitution and its legal status. Nonetheless, Amsterdam’s deputy mayor, Lodewijk Asscher,
has spearheaded the city’s reconstruction, explaining “it is high time to take action...The time is past that we let the old city centre be taken over by riff raff [...] The monumental character of the buildings will be restored...[and] High quality retail” will redirect the tourist gaze”. Moreover, Asscher asserts: “The real soul of Amsterdam is freedom and tolerance. And in the last few years, the Red Light District has not been about freedom and tolerance. It’s been about crime and the abuse of women” (Posthumas 2007). In light of the opinions offered by city authorities, it remains unclear whether efforts to reform the city are geared towards, or in the service of, the purportedly abused and/or exploited women. It is apparent, however, that the transformation of the area is justified through a discourse of correlation between sex work and crime.

The decision for action followed from a volatile story that links one of Amsterdam’s notorious underworld characters, Charlie “fat Charlie” Geerts, to the brothels that the city has recently re-possessed, in exchange for 25 million euros paid to Geerts. This “settlement” came after ongoing, inconsequential legal battles with Geerts, concerning money laundering and drug trafficking that have been linked to his buildings, which formerly served as brothels. From a broader perspective, this action is the bureaucratic response to the city’s historically rooted relationship with prostitution. In a nutshell, Amsterdam has consistently confronted the sex work industry as one component of its social reality: prostitutes and their business have become a fixture and a focus within the city’s legislative, socio-political, economic and ideological discourses; moreover, these discourses structure the city’s policies and procedures, which can be said to structure, organize and oversee prostitution and its realization within Amsterdam.

Unfortunately, the women of the prostitutes’ labour union, The Red Thread, do not believe that the recent changes are in their interest, remaining sceptical of the goal to help women through focusing on organized crime. Instead, Sietske Altnik, a spokeswoman for The Red Thread explains: “By closing down the windows, you take a lot of work away from prostitutes who work independently [...] It doesn’t make sense to penalize the women when you want to go after the owners. Closing down the windows doesn’t help the women” (Hawley 2007). Altnik relayed the frustration of many sex workers: “There’s not much we can do except express our anger with the government and ask the local government to help us operate our own places” (ibid). Altnik is not alone with her resentment for governmental interference in the area. The
conflict of interests between prostitutes and city administrators sheds light on the divergent priorities of these two groups. Metje Blaak, a former sex worker, and the subject of an exhibition that allows viewers to go inside a typical Red Light District window, told CBC news that the women were better off when officials and the public could see what was going on in the windows. Her complaint against the city’s approach is the belief that eliminating windows will result in more danger for many workers. Mariska Majoor, an ex-sex worker and the founder of the Prostitution Information Centre, agrees with Blaak, asking: “What is safe then for the women if you get rid of the windows? [...] They will work in underground systems and in places where you cannot see them, you cannot find them, you cannot offer them help. You only hide the problem then” (Arsenault 2008). The authorities on the issue are clearly not the women who work in the Red Light District. This fact was made apparent through the Emergo plan, the city’s area-specific attack on organized crime in the 1012 district, where the Red Light District is located. This region of the city center, with a large percentage of the city’s sexual establishments and the majority of coffeeshops (where soft drugs are sold and tolerated, though not legal) has been designated as conducive to organized criminals. This view is supported by the assertion that prostitution, coffeeshops and specific kinds of pubs and nightclubs are highly susceptible to criminal activity. In three stages, the administrative force, comprised of the Mayor and the Chairman of Amsterdam centre urban district council, in cooperation with the Public Prosecution Service, the police force and tax authorities, work with the goal of reducing crime in the area. Considerations of the current state of Amsterdam’s Red Light District must account for the departure from the city’s world-renowned, unique approaches for dealing with prostitution in the past; additionally, they must address the contemporary context as a turning point towards a future just beyond immediate transition and transformation. Why has Amsterdam suddenly moved toward the global mainstream in policy reforms and legislative actions? What are the real objectives behind the restructuring of the city centre, through policies and actions that leave the prostitutes unsatisfied and particularly incapable of getting involved? What emerges from the revelation that this city’s historical acclaim as the exception was always already embedded within dominant, transcendent discourses of prostitution as pathology?
The policies and reforms that circumscribe the behaviours of Amsterdam’s sex workers and those who engage with their professional services or their professional lives, reveals a paradox in the common conception of Amsterdam’s radical liberalism and tolerance that are ingrained in the global mind’s eye: On the one hand, the Netherlands’ approach to prostitution is unique in its liberal political and juridical policies and actions; on the other hand, the deployment of liberal strategies in the service of social order and regulation do not substantiate the transcription of liberalism upon the socio-cultural identity and ideology of the city, its leaders and its population. In other words, it is presumptive to ascribe a liberal ideological framework to a city that is constructed and constrained by policies and laws that reflect a liberalist imperative; moreover, a closer look at the authorization of these liberal strategies will shed light on the underlying ideals and values that foreground Amsterdam’s strategic- perhaps pragmatic- and in the end, seemingly liberal strives towards an established, normative and regulated social order.

THE HISTORICAL ROOTS OF AMSTERDAM’S “LIBERAL” POLICIES AND THE SEEDS OF INSTITUTIONAL SOCIALIZATION

The Red Light District in Amsterdam occupies one of the oldest parts of the city. Throughout the Middle Ages, the profession was inextricable from the dishonour and amorality that were universally accepted as a part and parcel of the prostitute’s social subjectivity; nonetheless, prostitution was acknowledged as an indispensable component of society, and thus, the prostitute was the embodiment of this necessary evil. The most interesting aspect of early prostitution in Amsterdam, for the purpose of this analysis, is the means through which prostitution was socially situated: how these dishonourable women were incorporated into the social order and how they emerged in the collective social consciousness. Both legal and ideological discourses contributed to the position of these women, the former gaining effect in the 16th century, largely in accordance with the rise of Calvinism. Restrictions were made on prostitutes’ attire, requiring to appear distinct from respectable women. Additionally, brothels needed to set themselves apart from other social businesses, with a sign or reference that revealed what, or who, the women were. As a business, sex work was restricted to specific locations in the city, with the intention of confining this social ill to the margins of the public domain and beyond the scope of social cognition (Van Doorninck 2001). The administrative objective of these codes was to render prostitution invisible and incapable of
infiltrating the moral, functional lives of the rest of the city’s inhabitants: the socialized subjectivities.

In addition to the upsurge in religious, moral, and/or ideological condemnation of the dishonourable prostitute, laws emerged in the wake of Calvinism, prohibiting prostitution with threats as serious as corporal punishment for the prostitutes (Van Mens 1993). The one-sided legislation, which punished prostitutes and disregarded their clients, was the legislative extrapolation of an ideological framework that spoke for and through the socialized social body. Thus, while the extreme legal codes did not effectively eradicate sex work, they were incorporated into the collective consciousness through discourses that identified prostitutes as social deviants.

The tolerance that has gained prominence in the socio-political identity of the Netherlands can be traced back to the 17th century, during the period that is referred to as the Golden Age of the Dutch Republic. During this time, Amsterdam evolved into a centre of international trade, prospering as a major port of overseas trade. In the years following this economic boom, there was a concurrent shift in the economic structure of the sex work industry: prostitutes moved their business into the luxurious gambling houses, where a wealthier clientele sought more extravagant services and a climate that confirmed their high social status. Many owners of these houses invested in the design, expansion and furnishing of the establishments, as they increased their labour pools with more working women.

Importantly, the shift in businesses reflected the city council’s desires to uphold public order and morality, alongside economic growth. With prostitutes confined to the gambling halls, they had decent living conditions, were kept off the streets, and remained out of public view. Thus, the origins of Dutch tolerance emerge in the paradox of the illegal brothels, which were not penalized unless they disrupted the public sphere. It was a compromise that accounted for the indispensable nature of prostitution in the context of potential pathological inflections upon the moral, social world. Also importantly, at this time, prostitution was increasingly perceived for its economic functions.
At the end of the 18th century, sexually transmitted diseases entered into the business of prostitution, as sexual contact was identified as a source of syphilis. With the emergence of bourgeois society during this time, the prostitute was increasingly seen as a threat to family values and the dominant patriarchy, due to her sexual and financial independence, and as the carrier of a disease that ruined families. The outcome of this intensifying stigmatization of prostitutes emerged as a bio-political force through legislation that demanded prostitutes’ compliance with regular health examinations. Although this bio-power lost its juridical status with the end of the French occupation of the Netherlands, the majority of high-class brothels in Amsterdam still subjected their women to mandatory health checks. Conversely, lower class establishments, where many economically dependent foreign women were employed, ceased requiring and providing these procedures. It is important to note that these ‘other,’ ‘exotic’ women were in high demand, pre-empting a global exchange of women and an international sphere of institutional control over the lives of many sex workers today.

Throughout the 18th century, a new religious tolerance appeared, and a pillarization model organized a segregated populace. Social groups with shared religious or ideological beliefs were assigned to distinct parts of the city, instituting a social structure that minimized confrontations in the public sphere. The result has been referred to as gedoogculture, or “a culture of permissiveness” that was founded upon the spatial divisions of different social groups. This technology for social organization was inextricable from the dominant political discourse of the Netherlands at this time, which has been called the poldermodel. Generally speaking, this political paradigm worked with the ideal of non-confrontational social sectors. Interaction was limited to the function of reaching consensus on the important issues that subsumed the disparate pillars of society. In spite of the deconstruction of the pillar model, the Netherlands has upheld the ideological benefits that were realized through pillarization: today, we still see the Netherlands, and especially Amsterdam, as the epitome of a tolerant, culturally and ideologically diverse, non-confrontational social reality.

The economic crisis that persisted throughout much of the 19th century in the Netherlands again precluded transformations in Amsterdam’s sex work industry. At this time, more women turned to prostitution as the best, or
only, means for supporting their families. Throughout the 19th century, more Red Light Districts sprang up in Amsterdam, along with cellar bars and small brothels, where women solicited customers on the street-a practice that is no longer legal or tolerated in the Netherlands.

As the city expanded, labourers and craftsmen in the Pijp-district sub-let rooms to prostitutes in order to supplement the increasing cost of rent on their homes. These ‘home prostitutes’ were generally self-employed, using advertisements or word of mouth to attract customers. Wealthy students also lived in this area, which became known as the Quartier Latin of Amsterdam: a diverse place where students, labourers and prostitutes would frequent the same shops and bars and operate in the same social sphere (Van Doorninck 2001). From a holistic perspective, the Netherlands underwent transitions that attest to its cultural inclinations towards tolerance. However, it is clear that during this time, prostitution was creeping back into public view, no longer relegated to the margins of social life.

With the public eye on these women, the turn of the 20th century brought new discourses to the forefront, actively expressing anti-prostitution sentiments with reference to the “trade in white slaves.” Sex work was now largely perceived as inhuman treatment of women, who had been coerced into the indecent behaviours that were implicated in the sale of sex (Jeffreys 1997). This was the preface to the abolitionist movement against the new kind of slavery, which was instigated by Josephine Butler, an outspoken member of the anti-prostitution group, the Traffic in Women Committee. “Abolitionist” rhetoric still forms an ideological discourse for contemporary movements against prostitution, perhaps deriving symbolic and discursive power from its linguistic referent, the United States’ prior fight against slavery.

In the Netherlands, Reverend Otto Heldring set up a home for women who wanted to leave the trade. His successor, Reverend Pierson, started the Dutch Association against Prostitution (NVP), which aimed to change the policies of the Dutch government that tolerated such despicable and demeaning work (Van Doorninck 2001). The NVP published books and brochures that expressed anti-prostitution sentiments, calling the Dutch citizenry to rally in opposition against sexual abuse. One Christian movement, de Middernachtszending, introduced notions of responsibility that extended beyond the prostitute. This movement pressed the government to pass a moral law (WvS. Article 250 bis),
which banned brothels and aimed to punish third party abusers; however, as it worked out, few offenders were caught while many prostitutes were left without a place to sell their services. In retrospect, this example offers insight into the current situation, whereby the institutions and strategies directed against third party abusers and criminals ultimately have negative consequences for prostitutes. In response to the new anti-brothel legislation, owners began to operate clandestinely, often using the cover of other businesses. Moreover, prostitutes were resorting to streetwalking and bringing clients to their homes. The abundance of street prostitutes reveals that legislation against brothels did little to end prostitution. Moreover, the police rarely bothered the women in windows who continued to appear throughout the city.

By the 1960s, the Red Light Areas were centres of entertainment and socialization. In the time of the sexual revolution, many sexologists wrote in favour of prostitution, and “in the 1970s, a new understanding of prostitution began to emerge which repositioned the prostitute not as a ‘social deviant’ or a ‘sexual slave’ but as a ‘sex worker’ engaged in legitimate service work” (Chapkis 1997: 70). This discursive reformulation founded the development of new groups that advocated for prostitutes’ rights, in the following decade.

In December, 1984, the liberal, tolerant approach towards sexuality in the Netherlands gave rise to one of the most influential organizations involved of a pro-prostitution position, de Rode Draad (the Red Thread) (Pheterson 1989: 24). This group “organized a congress which led to the forming of the International Committee for Prostitutes’ Rights, and the draft of a World Charter for Prostitute’s Rights was discussed and finalized at a second international congress in 1986.” The World Charter includes a defence of johns, explaining that neither the client nor the prostitute ought to be penalized on moral grounds (Jeffreys 1997). This statement equates the rights of prostitutes and clients, even if these are differently significant. The emphasis was that prostitution was no longer a matter of male domination and female subordination. The Red Thread continues to be a force in ameliorating the situation of prostitutes today. Unfortunately, it confronts the additional challenge of internal suppression from the juridical and political institutions that have self-proclaimed their accountability to the public social body and relegated the sex workers to their corporeal situations, as part and parcel of today’s denigrated Red Light District.
dimension in the 1970s and early 1980s. With an influx of new social actors moving through and around this sexual scene, there was a corresponding trend of increased criminality. This can be recognized in the growing number of street prostitutes and illegal immigrant workers, alongside the upsurge in drugs that circulated liberally throughout the Red Light District. Moreover, new sexual establishments began to spring up beyond the boundaries of the Red Light District, and soon there were sex-oriented cafes, hotels, saunas, massage parlours, private clubs, escort services, sex theatres, peep shows, and sex shops scattered around the entire city.

It was apparent that the government of the Netherlands had implemented inadequate policies and ineffective disciplinary structures within the sexual sphere of Amsterdam, in light of the expansive population of illegal workers and criminals operating through and from Amsterdam’s sex work industry. The response to the stark statistics that were emerging from the heart of Amsterdam speaks to an institutional framework and ideological imperative that have consistently interpreted and implemented what prostitution was: what it meant within the immediate social sphere, for those employed in this profession, and in the minds of those who saw Amsterdam through a tourists’ gaze or a situated worldview. Interestingly, while governmental authorities of the Netherlands began confronting more problems within the sex work industry, the country was globally perceived as the most beneficial and progressive environment for sex workers, due to the unique approach that had been adopted by state authorities and in corresponding legislation. As a result, the First World Whore’s Congress was held in Amsterdam, with funding for the event largely provided by The Dutch Ministry of Social Affairs and Employment, with help from Mama Cash, a Dutch lesbian feminist rights group and de Graaft Stichting, a public, government subsidized documentation centre in the Netherlands (Pheterson 1989). Although many women at this congress felt that it could not have occurred elsewhere, it is important to note that Dutch society was not free from stigma, even if legislation suggested governmental recognition “of the whore’s struggle as a liberation movement” (ibid. 26).

The duality of the sex work industry in the Netherlands, and especially in Amsterdam, emerged from competing discourses of prostitutes’ rights and their pathological existence in society. Mariska Majoor has explained:
Society often sees the prostitute as a victim of awful deeds like incest, rape, abuse and constraint. It is inconceivable that somebody would prostitute herself of free choice unless she is mentally twisted and therefore should actually be protected from herself. When you are aware that a big part of human kind thinks about you in that way, you think twice before speaking honestly about your profession (Majoor 2002:8).

Moreover, many remained victims of the exploitative, abusive conditions enveloping their social subjectivities; and yet, the Netherlands addressed these potential problems in a manner that re-framed common ideologies, institutionally embedding them in organizational structures that clandestinely linked prostitution and crime, disease and social pathology. If this is considered in comparison to the current political and legal agendas, it is obvious that with the new approach, problems in The Red Light District are overtly expressing a common association with crime, which is now a central political, juridical target. Moreover, one would be hard-pressed to interpret the recent policies and legal procedures as emancipatory for the women involved. Instead, the workers’ role has faded into past rhetoric for addressing problems in the city’s sexualized spaces. It seems as though the state’s authorities have prioritized the eradication of crime, at the expense of liberty for those formerly working from the brothels the city has repossessed. The question that arises from this realization is whether the state’s institutions ever intended for sex work to be an emancipated profession. In the rest of this reflection on prostitution in the Netherlands, it is essential to keep this question on hand, for it seems that a façade of liberalism has obscured the real intentions of policies and legislation.

On October 1st, 2000, the sex work industry in the Netherlands witnessed a pivotal legislative decision, in the repeal of articles 250bis and 432 of the

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2 Another similarly disturbing view of prostitutes as victims has been used by many male sexologists as a way to blame prostitutes for violence against them. In this strategy of “victim-blaming” they employ the language of choice as a discursive mechanism for holding prostitutes responsible for whatever actions come their way as a result of their own decisions. This outlook may be understood as running parallel to victim-blaming in legal discourses on rape cases. As ridiculous as these notions seem, they remain salient because they deny the guilt of the perpetrator, whose actions conform to the gender and sexual norms of our patriarchal society.
criminal code. The new legislation legalized brothels and client solicitation, under specific codes for sex work establishments (The Netherlands Ministry of Foreign Affairs 2005). A press release from the Council of Ministers elaborated a key component of this decision, referring to the shift of power from the national government to the municipal authorities. Simultaneously, the Municipalities Act and the lifted ban allowed municipal authorities and local police to monitor sex workers’ identities and businesses.

**The government hoped** to prevent the trafficking and exploitation of minors and migrant workers to constitute prostitution as an occupation the women chose for themselves. Just Wiarda, of the Ministry of Justice, explained the benefits that would follow from “getting a hold” of the industry via the identities of sex workers (Coughlan 2000). Illegal residents who were victims of human trafficking were urged to file complaints through a system that granted them temporary residence permits in exchange for information about trafficking. Through their institutions, authorities were legitimated by subjects’ necessary dependence upon the government to mollify the inhumanity of their social positions.

It is clear that the Dutch government took actions that precluded the realization of the static nature of a sex work industry. Correspondingly, a report from the Foreign Information Division of the Ministry of Foreign Affairs was presented, stating: “To end abuses in the sex industry, the Netherlands has decided to change the law to reflect everyday reality […] By legalizing the employment of prostitutes the government will be able to exercise more control over the sex industry and counter abuses. At the same time, firmer actions will be taken against offenders” (Majoor 2002: 2-3). The Dutch government argued that the legalization of prostitution positioned authorities with stronger control over the sex industry, as it reformed and re-institutionalized the niche that prostitution and prostitutes occupied in Dutch society.

**The Netherlands had** apparently recognized the state’s responsibility to

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3 The law states that it is illegal to: force another individual to engage in prostitution, induce a minor to work as a prostitute, recruit or abduct an individual from another country for the purpose of prostitution, profit from a minor’s or forced person’s involvement in prostitution, or force an individual to surrender her profits from prostitution.
guarantee the rights of those involved or affected by prostitution. However, while the new laws reflected a greater concern for the sex workers’ well-being and safety in their business environments, these legislative actions must be understood in the context of the ongoing relationship between the Law, as it was established, and prostitution, as it was negotiated between transitory lines of juridical rhetoric. It was explicit that the new laws reflected the futility of attempts to counteract the existence of prostitution. With this in mind, it is interesting to understand the institutional role that has been established for legislative bodies in the service of eliminating criminality from the context- both social and ideological- of prostitution. It appears as though laws become effective only in consternation with other established institutions, which coercively ensure civil, social obedience. These institutions can be identified as the mechanisms for socialization, which continue on their mission: regulating the establishments in which prostitutes work, controlling the terms of their employment, protecting the rights of those who choose to work in the sex industry, prohibiting the use of coercion against women and minors, reducing the forced prostitution of illegal immigrants who would not receive the rights of citizens in this employment, and eliminating a major link between crime and prostitution that occurs when prostitution is illegal.

The legalization of brothels was primarily deemed important for combating trafficking in women. With the application of labour laws, the women were supposedly protected from exploitation, coercion, and violence. More influential than the juridical component, it seemed, was the idea that when the brothels were legal, and therefore out in the open, it was much easier to detect malevolent behaviour that might occur inside. The government theorized that strengthening the position of prostitutes would allow them to combat sexual violence and criminal behaviour (the Netherlands Ministry of Foreign Affairs 2005). At face value, one can see the problem of relying on laws for socializing the sex work industry: at a most rudimentary level, this is evidenced by the mere existence of the profession, which has no concern for the law when it does not leave space for prostitution. Instead, it is reasonable and more effective to consider the incorporation of the new laws into institutions that consigned themselves to the service of improving the multi-faceted sex
work industry. With a system of licensing in place, municipalities gained the right to inspect the brothels at the discretion of the Mayor, and police were positioned to pick up signs of human trafficking. Furthermore, a phone line was opened for anonymous reports of suspicious activity. The intention was to convey the rigour with which authorities planned to enforce laws and the ideal of the public’s role in making the sex work industry safer and more socially legitimate. Here is the most overt institutionalization of political authority, embodied by the subjects acted upon.

One of the main conditions for establishing a brothel was that it did not disturb the life of the neighbourhood in which it existed. The municipal authorities were responsible for preventing any public nuisance, so they set rules concerning the conditions under which the prostitutes could work, regulating their working environments in terms of health and security (Majoor 2000). While authorities are unable to refuse permission to run a brothel for moral or ethical reasons, they may withdraw a license or refuse to grant one for numerous other infractions that were selectively considered in determining whether or not a brothel could persist (The Netherlands Ministry of Foreign Affairs 2005). The Association of Netherlands Municipalities has published guidelines for the regulation of businesses in the sex industry, but the local authorities enforce their individual regulations on the brothels within their jurisdiction and maintain licensing responsibilities. Therefore, municipalities can enforce by-laws governing safety, hygiene and working conditions that are suited to the requirements of each municipality. Specifically, in 2003, the Bibob laws were implemented, giving each municipality the authority to determine if a business was run legitimately or if it was suspected to be in the hands of (organized) criminals. Associate professor at the Department of Public Administration at Leiden University, Hendrik Wagenaar explains:

First of all, it became clear that the legalisation law was not succeeding. Policy makers began to have the feeling that a lot of crime was interrelated with prostitution, such as drug trade, trafficking, pimping and money laundering into real estate. But so far we did not have the policy instruments to deal with that, except for the licensing. At some point, through coupling different databases we could effectuate the so-called ‘Bibob’ law. Bibob is an acronym for Promotion of Integrity Assessments by Public Administrators (Wet Bevordering Integriteit Beoordelingen door het Openbaar Bestuur, ed.). Now this instrument is used to deny brothel owners who are demonstrated or suspected of having criminal ties
a renewal of their license. The owner of the real estate which has a brothel in it or windows therefore sees the value of his real estate drop. Then the city steps in and buys the real estate. This method also has to do with an awareness that a lot of real estate is in shady hands (European Union Knowledge Network 2008).

In general, it is the local authority’s job to ensure that employers fulfill their obligations to their employees. If only this task was as easy as recognizing the ambiguity of social subjectivities, which are identified in relation to others, in situated interactions. In other words, the obstacle has been embedded in the distinction between employee and employer, the client and the professional, and the subject of any social service from the object of its oppression. Wagenaar explains this as an institutional conflict of interests:

When it comes to labour rights for example, you regulate the relationship between the employer and the employee. But in prostitution the very notion of ‘employer’ is still an issue. Sex bosses don’t want to be called employers. They want to be seen as hotel owners that rent out rooms, with self employed women renting them. That is not how the tax office sees it though, because these women are not self employed in terms of the law.

While he acknowledges that prostitution in the Netherlands has become “a kind of normal policy field, just like other policy issues” (ibid.), Wagenaar locates the problem in two components of this field. Primarily, he explains that public administrators have consistently avoided issues raised in regards to prostitutes, their business and their social spaces; moreover, he recognizes the incompatibility of the competing administrative forces within this field, as well as the irreconcilable intentions of their actions with the needs of the sex workers. This appears to be the case at hand, yet many people presume that the new responses have arisen from the problems of today. However, throughout this discussion, I have tried to illuminate this as an ongoing impediment to the organization of the industry, in its plethora of manifestations throughout history. In the concluding section of this paper, I hone in on the institutional forces in their field of force relations. Ultimately, I address the most recent transitions in policies as ideologically conflicted and intended for the interests of the collective with the exception of the prostitute. Thus, I end with insights and more questions that promulgate rhetoric of necessary self-reflection on the part of the municipal authorities and across society writ large.
CONCLUSION: FINALLY A SOLUTION?
OR THE BEGINNING OF THE END?

In the proceeding historical reflection and contemporary review, I addressed transformations in the sex work industry, the identities of sex workers and the juridical, political and social responses to these conceptualizations as they have become institutionalized in specific times and spaces. From the beginning, prostitution was a social inevitability that was perceived of as dishonourable yet inexorable from the public domain. While it was highly regulated, and at times, subject to legal control, it was circumscribed by cultural discourses, more than legal or political mandate. This is evidenced by the strict moral codes that dominated the public perception of prostitution, with the rise of Calvinism, and later, through bio-political domination in the wake of sexually transmitted diseases. However, it is essential that we do not overlook the implications of the Dutch Golden Age, when prostitution itself became a highly socio-economic sphere of influence, amidst the 16th and 18th centuries’ modes of coercive social and ideological control. Not only does this intermittent era reveal the economic institutional prerogative over religious and moral ideology, but it also suggests a current outlook on how sex work is considered today. This is most noticeable in economic considerations that inherently underwrite overt ideological expressions in political, legal and socio-cultural discourses.

Needless to say, prostitution cannot be understood through reductive recourse to its economic context, but what I mean to suggest is that economics have consistently provided the lens through which prostitution could or could not be seen. It follows that when the Morality Acts of 1911 proved insufficient in the attempt to ban brothels, the solution was economically motivated and legally sanctioned, rather than ideologically framed as an act of liberation for sex workers. Today, it can be considered quite comparably, if we confront the political and legal reforms that have and will continue taking shape in Amsterdam’s Red Light District. On the one hand, there are clearly moral considerations being made, as evidenced by the overarching goal of eliminating crime in the areas that are most densely populated with sex workers. Yet, in the activation of this goal, economics trumps the opinions and needs of the sex workers: they are not considered in the process of reframing the city’s centre. In fact, they have been disposed of in this context, in exchange for a more refined commodity, found in new designer clothing boutiques. Finally, we must not forget to inquire into the underlying considerations that were made,
in the decision to purchase the windows from a suspected criminal, leaving him multi-millions wealthier, while the women who formerly worked in his buildings are abandoned, or relegated to the margins of thought, without work or any severance pay. In the end, then, the city will uphold its liberal, tolerant façade along with its (reduced) world-renowned prostitution industry. Tourists will still contribute to the city’s economy, which has always benefited from prostitution, and they will perhaps contribute even more through the new high-class establishments that have been structured into the sexualized space.

If the original dilemma that confronted the collective in Amsterdam was criminality in the Red Light District, the authorities on this issue have decided to resolve the problems in such a way that everybody benefits, except for the displaced sex worker. Geerts has money to spend on new buildings or however he finds suiting; the public sphere is less impeded by the illegitimate identity of prostitutes, who are, in many senses, even more stigmatized than before; the municipal authorities will likely enjoy more direct control over the establishments in the Red Light District, without Geerts or his business in the background; and the Netherlands, in the end, can still present itself to the global world as a tolerant, liberal country, with Amsterdam continuing in its notoriety and acclaim as the sex capital of Europe and perhaps the world.

REFERENCES


Doorninck, Marieke van *The History of Prostitution in the Netherlands*. The Prostitution Information Center, Amsterdam, the Netherlands.


