

# **Should Women be Free to Choose Sex Work in the Netherlands?**

Dagmar I. Boer

Campus Fryslân, Rijksuniversiteit Groningen

Capstone Bachelor Thesis

Dr. Maeve McKeown

June 25, 2025

## **Abstract**

Sex work is a heavily debated and stigmatised occupation. In the Netherlands, this trade has gone through various stages of legislation and is currently legalised. Although, sex work has historically been perceived as a necessity and natural part of Dutch society, nowadays it is mostly seen as an industry with non-autonomous women, who have been coerced into the industry. Therefore, this dissertation researches whether women in the Netherlands should be free to choose sex work. This was accomplished by analysing the Dutch historical background of sex work, from the Middle Ages until current Bills, exploring feminist perceptions of relational autonomy, that look at the different effects of social context and critical reflection, and feminist perspectives on sex work, where I explore sex work in relation to gender inequality and the effects of legislative systems on sex work. This essay poses critical questions towards the definition of autonomy, what implications legislation, and Dutch societal perspectives have on those in sex work. In conclusion this paper demonstrates that women should indeed be free to choose sex work, and that the Netherlands should apply a decriminalised system framework for sex work, as this enhances safety within the industry, and leaves women autonomous to choose sex work.

## List of contents

<b>Abstract .....</b>	<b>2</b>
<b>Introduction .....</b>	<b>4</b>
<i>Technical terms.....</i>	<i>4</i>
<b>Part I – History of sex work in the Netherlands .....</b>	<b>5</b>
<i>The Middle Ages – until the Nineteenth Century.....</i>	<i>5</i>
<i>The Act Against Immorality in 1911 .....</i>	<i>6</i>
<i>From 2000 onwards.....</i>	<i>7</i>
<i>Act Lifting the Ban on Brothels into Parliament .....</i>	<i>7</i>
Bill Regulating Sex Work.....	8
Bill Municipal Supervision Sex Businesses .....	9
<i>Implications Bills .....</i>	<i>9</i>
Privacy .....	10
Unlicensed workers.....	10
Stigmatisation .....	11
<b>Part II – Autonomy.....</b>	<b>12</b>
<i>Traditional versus Relational Perspectives on Autonomy.....</i>	<i>12</i>
<i>Procedural and Causal Autonomy compared to Weak Substantive Autonomy.....</i>	<i>12</i>
Weak Substantive Autonomy .....	12
Procedural Autonomy .....	14
The Causal approach.....	15
<i>Adaptive preferences .....</i>	<i>16</i>
<b>Part III – Feminist Perspectives on Sex Work.....</b>	<b>17</b>
<i>The effects of sex work on gender inequality.....</i>	<i>17</i>
<i>Practical application of sex work.....</i>	<i>19</i>
Should sex work be illegal? .....	19
Should sex work be legal? .....	20
Should sex work be decriminalised?.....	21
<b>Conclusion .....</b>	<b>22</b>
<b>References.....</b>	<b>23</b>

## Introduction

Sex work is said to be the oldest profession (Drexler, 1996), and yet, it is a topic that many still do not agree on. In 2000, the Netherlands became one of the first countries to legalise sex work (Outshoorn, 2012). The exact amount of people in the industry is unclear, however, in 2010 there were approximately 25,000-30,000 people in the Netherlands legally practicing sex work (Wijk & Leiden, 2010). Unfortunately, there is not more recent data on those in the industry. There is more data of sex businesses, which has seen a stark decline since the legalisation of sex work in the Netherlands (Bleeker & van den Braak, 2021). Sex work is a stigmatised trade, and is predominately female-dominated, with 80% of the industry being women (McKeever, 2025). Additionally, women in the Netherlands face oppression: gender equality in the Netherlands has decreased by 1.9% compared to 2024, now ranking 43<sup>rd</sup> place worldwide compared to 28<sup>th</sup> last year (Universiteit van Amsterdam, 2025; World Economic Forum, 2024, 2025). Sex work is tailored to the male desire, and it symbolises women as less than men, which is visible in the amount of violence against the workers, and the fact that men would not want a spouse that does sex work (Satz, 1995). Therefore, having negative effects on gender inequality as long as it stays a female-dominated occupation (Satz, 1995), which has led to the research question; “Should women in the Netherlands be free to choose sex work?”.<sup>1</sup>

In Part I, I outline the historical background of sex work in the Netherlands, as well as the current and proposed legislation. Part II looks at autonomy, where I outline feminist relational approaches to autonomy, opposing to traditional approaches. Lastly, in Part III, I delve into feminist perspectives on sex work, where I explore different perspectives on sex work and three different legal systems for sex work: legal, illegal, and decriminalised. By examining this, I argue that the Netherlands should apply a decriminalised framework for sex work, as this creates a safer industry, and values women’s autonomous choice to practise sex work, which is not the case with the current and proposed legislation.

### Technical terms

To define sex work in this paper I have chosen the Dutch government's definition of sex work; “making oneself available to perform sexual acts with another for payment” (Daalder, 2015, p. 7).<sup>2</sup> I am aware that many others prefer the term “prostitution” as the term “sex work” is thought to obscure the harm that happens in the industry. Whereas I do not condemn, nor do I want to ignore this harm, I believe it is important to abstain from using such a loaded term, to prevent further reinforcing the stigmatised status of the trade, as well as highlighting that sex work can be a job.

My research question does not focus on the moral debates that often surround sex work. Though these concerns are touched upon in the historical background in Part I, through attitudes towards the occupation, as they played a role in its societal and legal status.

---

<sup>1</sup> For the purpose of this paper, I often refer to male customers and female sex workers since they are the majority groups (McKeever, 2025).

<sup>2</sup> This is a translation of the original Dutch quote: “Prostitutie is het zich beschikbaar stellen tot het verrichten van seksuele handelingen met een ander tegen betaling.”. For the sentence structure I have left out the translation of “Prostitution”.

## **Part I – History of sex work in the Netherlands**

To examine whether a woman should have the ability to choose sex work in the Netherlands, it is important to understand the history and perspectives behind it, because the general public's perspective on sex work has shaped legislation throughout time. Therefore, in this part I will give a historical background of sex work in the Netherlands from the Middle Ages until current day legislation.

### **The Middle Ages – until the Nineteenth Century**

The following section is based on H.W.J. Volmuller's book "Het Oudste Beroep" from 1966. Sex work in The Netherlands has taken various forms throughout history.<sup>3</sup> In the early Middle Ages sex work was perceived as "an integral part of society" (Volmuller, 1966, p. 3).<sup>4</sup> Since it was seen as something natural it was allowed to exist out in the open. Nonetheless, sex work was despised, and the sex worker was perceived to "save" the "honourable" women, as sex work existed to satisfy male sexual desire.<sup>5</sup> Because of these conflicting views at the time, there were also times of prosecution, where sex work was penalised with death.<sup>6</sup> Nevertheless, the following century the occupation persisted, grew, and started to attract tourism.

In the 16th century, the authorities aimed at combating sex work due to the rise of syphilis. In 1568 in Amsterdam, the municipality enforced the law that a woman would be heavily penalised when she would eat or have sex with a man that was not her husband, however, public brothels did not cease to exist.<sup>7</sup>

Due to influence of Calvinism, from 1578 onwards in Amsterdam all those who engaged in sex work or were complicit, such as brothel owners, were punishable, in some parts of the country even with death.<sup>8</sup> This led to sex work going from being open and public to being temporarily secret and private. However, the penalties did not manage to contain the profession, and in the 17th century there were both public and secret brothels again. During this period sex work flourished in Amsterdam, although, to the disadvantage of the women within the trade, as there were victims of human trafficking. In the 18<sup>th</sup> century the church had less power and thus sex work, mainly in the second half of the century, became more public again; nonetheless, the government still had an interest in combatting sex work (Volmuller, 1966).

Due to the French Revolution there were more medical checks, and when the Netherlands was invaded by France (1795-1813) sex workers had to get regular sexual transmitted infections (STI) checks. This was not received well by a part of the public as they

---

<sup>3</sup> In Part I, when I speak of the Netherlands I refer to the current geographical territory of the state. With this I hope to have acknowledged that the state was politically different throughout the time period that I discuss.

<sup>4</sup> The original quote is: "een integreerend deel van de samenleving".

<sup>5</sup> The distain against sex work had its roots in Christianity, and when there was a rise in religion this was visible in the attitude shift towards sex work.

<sup>6</sup> In Amsterdam those who got warned three times on spots where sex work was illegal, were even buried alive.

<sup>7</sup> These penalty would consist of losing an ear.

<sup>8</sup> During this time the church saw a need to uproot sex work, which meant that they put punishments on other sins as well, and since they thought sex work its roots were in Herbergs, dancing, and theatre, this was no longer allowed. See page 7 of (Volmuller, 1966).

perceived it as “women being treated as cattle” (Volmuller, 1966, p. 26),<sup>9</sup> causing a lot of commotion the rest of century. In the 19<sup>th</sup> century “all owners of public or music houses or of the so-called silent houses had to be registered at the police” (Volmuller, 1966, p. 26)<sup>10</sup>, because sex work was seen as a necessary evil, but still an evil, partially due to STIs. During this period sex workers who lived in the brothels had to get an STI-check twice a week, under their own costs.<sup>11</sup> When a sex worker had a STI, they received a card banning them from working as long as they had the card, and when a brothel did not obey to these rules they had to close (Volmuller, 1966). After a while the authorities concluded that they still did not want any sex workers under the age of 21, as well as wanting to keep the regular STI-checks, although without the card system. During this period many sex workers working in the brothels started working on the streets, leading to a Royal order in 1818 that municipalities should create city plans for sex workers. Apart from The Hague, cities remained resistant, even with pressure from the military and health care authorities. At this time illegal schemes were created, such as having to pay the police to do sex work, which made it more difficult for sex workers to work. Yet, around 1847, sex work was seen as a legitimate trade, as it became regulated through law (Volmuller, 1966).

### **The Act Against Immorality in 1911**

The following section is based on Post et al. (2018). Towards the end of the 19<sup>th</sup> century the Dutch political landscape changed. Additionally, there was a growing fear that because the moral standards of the poor were declining, society as a whole would also decline. This, as well as the failure of other legislative measures, led the government to implement the “Act against Immorality” in 1911, which meant that brothels and pimping were criminalised.<sup>12</sup> Sex workers and customers were not criminalised, since the Act focused on the system that put sex work in place, which they thought were brothels, their owners, and pimps. The government perceived sex workers as “a victim of immoral and criminal behaviour on the part of others” (Cleiren and Ten Voorde, 2016, as cited in Post et al., 2018, p. 106). Nonetheless, the Dutch state believed themselves not to be moralists; however, Post et al. (2018) argue that their reasoning for the ban on sex work was based on moral grounds. They thought that “every actual attack against public morality should be adamantly repressed, [and] public life should be kept clean” (Kamerstukken II 1908/09, 293, 3, as cited in Post et al., 2018, p. 106). Their reasons were not only based on moral grounds, they were also from a male perspective, as they wanted to protect men from “the constant danger of temptation” (Kamerstukken II 1908/09, 293, 3, as cited in Post et al., 2018, p. 107). This shows a changed perspective on male desire at the time, since in the Middle Ages sex work was seen as an “outlet” for the male desire to protect young girls and marriages (Pateman, 1999; Volmuller, 1966). In this period, it was expected that men should abstain from their sexual desires, as well as women’s bodies being the fault for men’s sexual desire. Another reason for the Dutch government’s

---

<sup>9</sup> This is a translation from the original Dutch quote: “vrouwen als vee gekeurd werden”.

<sup>10</sup> This is a translation from the original Dutch quote: “Alle houders van publieke of muziekhuizen of van zg. stille huizen moesten bij de politie worden ingeschreven.”

<sup>11</sup> This was 15 “stuivers”, which is equivalent to 75 eurocents.

<sup>12</sup> When I speak of pimps or pimping I refer to the (often) male who is the middle person between a sex worker and a customer. They often control, manage, and profit of the sex worker.

ban was to protect women within the industry, as they were presumed to be suffering in the brothels, as well as that their autonomy and freedom was affected. However, they remained unfazed by the possibility that sex workers might also do the work voluntarily (Post et al., 2018).

The ban did not help to combat sex work, as brothels and sex work continued to exist. Consequently, the Dutch authorities realised that sex work was a part of their society that could not be overcome. From the 1920s onwards when brothels did not cause any major nuisances or criminal offences, they were allowed to stay in business.<sup>13</sup> In the late 1960s and early 1970s, a shift in public opinion happened. Sex was seen as a private matter, and authorities should not intervene. A strong feminist sentiment arose that sex work should be seen as work. This changed the political debate from a moral one to a juridical one (Post et al., 2018; Sekswork en geweld in Nederland, 2018).

As municipalities were limited in their ability to implement tolerance policies, in the early 1980s, “the Association of Dutch Municipalities and the mayors of [...] the four largest cities in the Netherlands, began a discussion about lifting the ban on brothels” (Post et al., 2018, p. 108). However, this was only successful when the Christian Democrats were not a part of the government in 1994 (Outshoorn, 2001), as they were heavily against lifting the ban (Post et al., 2018).

## **From 2000 onwards**

### ***Act Lifting the Ban on Brothels into Parliament***

The government assumed that the demand for sex work would continue existing in the upcoming years, which is why on the first of October 2000, the “Act Lifting the Ban on Brothels into Parliament” was put in place (Post et al., 2018; Stb. 1999, 464; Stb. 2000, 38). The lifting of the ban created a separation between illegal and legal forms of sex work, the exploitation of minors and involuntary workers was criminalised, and voluntary sex work became legalised (Kamerstuk II 2020/21, 35715, Nr.4). The focus of the legislation was on those who were forced into the industry, as opposed to being a moral ruling (Post et al., 2018). Nonetheless, sex work was seen as a “special profession”.<sup>14</sup> The industry needed to be transparent and safer, and in order to achieve this, the legislators thought it would be best done by the municipalities, as they would know what their areas needed (Outshoorn, 2001). This is why, “starting in 2000, city councils have been permitted to adopt by-laws, in which regulations are laid down with regard to the regulation of prostitution in a municipality” (Post et al., 2018, p. 109). In doing so, the municipalities had the possibility to focus on improving sex workers’ positions, as well as “limiting nuisance”.

*“[T]he main objective of the Act Lifting the Ban on Brothels was the prevention and reduction of harm caused by prostitution for prostitutes and residents of municipalities. Moreover, prostitutes were protected against harm by the strengthened criminalization of trafficking in women, of involuntary prostitution, and of prostitution by minors.” (Post et al., 2018, p. 110)*

---

<sup>13</sup> Examples of these criminal offences are sex work by minors and forced sex work.

<sup>14</sup> Examples of this discrimination are that a sex worker must be 21 years old, or a freelancer to get an insurance with them. In addition, sex workers have only been able to open business bank accounts and insurances since 2023, while insurance companies can still discriminate on who they accept as a customer (KVK, n.d.).

The current decentralised model is causing fragmentation between legislation of municipalities. In most municipalities, sex workers can only work in sex companies that have a license or when the worker themselves has a license; working at home is often not possible (Kamerstuk II 2020/21, 35715, Nr.4). Municipalities have put their own age limits in place.<sup>15</sup> This model has led to an effective “zero policy” in some municipalities, which is not legally allowed but has happened due to the strict requirements to get a permit (Kamerstuk II 2020/21, 35715, Nr.4).<sup>16</sup> Another effect that arose because of fragmentation is the *waterbedeffect*, which is when the strict regulations in one municipality causes sex companies to move to other less strict municipalities (Kamerstuk II 2020/21, 35715, Nr.4).

### ***Bill Regulating Sex Work***

The following section is mostly based on Post et al. (2018). Since 2000, sex workers were seen as “legitimate entrepreneurs”. Nonetheless, the lift of The Act Against Immorality was less successful than expected. The public had a change of perspective on sex work, to which the government responded with the introduction of the “Bill Regulation of Prostitution and Combatting Abuses in the Sex Industry” (Wps) in 2009, which was amended and renamed to “Amended Bill Regulation of Prostitution” in 2014 (Kamerstuk II 2020/21, 35715, Nr.4; Post et al., 2018). There were people who wanted the bill to go further, since recent media coverage and some reports had highlighted human trafficking in the Netherlands.<sup>17</sup> During these years, as Post et al. observe, “the picture of the [sex worker] has slowly, but fundamentally, changed from that of an independent and autonomous person to a victim of exploitation and coercion as a result of deception and maltreatment.” (2018, p. 110).

The idea behind the bill is to identify who is in the industry, to stop victims from entering the industry, and give brothel owners a duty of care (Kamerstuk II 2020/21, 35715, Nr.4; Post et al., 2018). With the intended to make it easier to combat criminals in the industry and protect those who are vulnerable to abuse (Kamerstuk II 2020/21, 35715, Nr.4).

The bill emphasised the “special nature” of sex work, and those who faced abuse in the industry. While reinforcing the public idea that a sex worker was not able to “to choose their profession independently and voluntarily” (Post et al., 2018, p. 111). Some of the administration of sex work would be centralised, such as a national licensing system, to combat the fragmentation between municipalities (Kamerstuk II 2020/21, 35715, Nr.4; Post et al., 2018). The bill mandates sex workers to have a license, whereas many workers currently do not have a license, as they might work as a freelancer. To get a permit, the worker must request it in-person from their mayor, this is followed by an interview done by two civil servants.<sup>18</sup> The worker must be a minimum of 21 years old, cannot be working under

---

<sup>15</sup> This is on the basis on “Algemene Plaatselijke Verordening” (APV), which allows municipalities to put regulations in place that are tailored to their locality.

<sup>16</sup> A zero policy is when sex work is prohibited, and an “effective zero policy” means that due to the strict regulations it.

<sup>17</sup> The main report was “Prostitutie in Nederland na opheffing van het bordeelverbod” by A.L. Daalder in 2007. This was also during the period in which the “Sneep” case happened, which was a huge human trafficking case that mostly happened in Amsterdam, on the Wallen.

<sup>18</sup> The civil servants are specifically trained for these interviews.



coercion, must show a capacity of competence,<sup>19</sup> is well-informed about the risks of the trade and their rights and duties, and lastly, they must know where to find help and health care (Kamerstuk II 2020/21, 35715, Nr.4). Municipalities would still have a say in where they allowed sex work and can protect the public against the harm of sex work. This can lead to a “zero policy”; however, the policy is not allowed to “be based on moral grounds” (Post, 2016 as cited in Post et al., 2018, p. 111).

The following section is mostly based on Post et al. (2018). The Senate had many objections against elements of the Bill, as were based on paternalism, such as when a sex worker was not registered or the criminalisation of sex workers under the age of 21. The bill is supposed to protect young people from the risks of sex work, and by criminalising them the opposite happens, whether the young sex worker has been forced into the trade or not (Amnesty International, n.d.; Autoriteit Persoonsgegevens, 2020; Kamerstuk II 2020/21, 35715, Nr.4). Due to the Senate’s and Council of State’s objections, under the amended bill, unregistered sex workers, and sex work under the age of 21 are no longer punishable although they are still illegal (Kamerstuk II 2020/21, 35715, Nr.4; Post et al., 2018).

In 2016, the Amended Bill Regulation of Prostitution and the Bill Penalizing Abuse of Prostitutes Who Are Victims of Human Trafficking was approved by the Lower House of Parliament. The second Bill is aimed at penalising the customer, as it is “morally reprehensible and condemnable” to use the service of a sex worker who was forced into the work (Post et al., 2018, p. 113).

The Bill was renamed in 2021 to “Wet regulerend sekswerk” (Wrs) (Bill Regulating Sex Work) and was reamended in 2022.

### ***Bill Municipal Supervision Sex Businesses***

Since the Wrs has had a tremendous delay, the “Wet gemeentelijk toezicht seksbedrijven” (Wgts) (Bill Municipal Supervision Sex Businesses) is supposed to bridge the difficulties municipalities are currently facing, until the Wrs is in-place (Autoriteit Persoonsgegevens, 2023). The Wgts would change Article 151a of the municipality law, it mandates municipalities and sex business owners to build up files of sex workers to make sure that local sex work legislation is being complied with (Veiligheid, 2024).<sup>20</sup> These files include “special categories of personal data”, which conflicts with the Dutch constitution, regarding privacy in the same way as the Wrs (State, n.d.). The bill therefore seems to be a way to gradually implement the aspects that Wrs and other regulatory bills have been stuck on.

### **Implications Bills**

When considering the proposed laws Wrs and Wgts, we can see various problems arising. I have divided these in three categories: first, the impacts and effect the usage of “special categories of personal data” have on sex workers; second, several effects of the licencing system; and last, the stigmatising effects of bills on the industry.

---

<sup>19</sup> The Dutch term for this is “zelfredzaamheid”, the interview has also been called the “zelfredzaamheidstoets”, meaning the self-reliance test. The criteria that one must fulfil to be self-reliant will be decided on band put in the “Algemene Maatregel van Bestuur” AMvB (Kamerstuk II 2020/21, 35715, Nr.4).

<sup>20</sup> Sex businesses entail all businesses that sell sex, such as brothels or sexclubs.

## *Privacy*

The files that are being built up in the interview (Wrs) and registration system (Wrs & Wgts) use “special categories of personal data”. The documentation of these data make sex workers more vulnerable, trackable by the state and, most importantly, violate privacy, according to the AVG and Dutch constitution.<sup>21</sup> These privacy issues have been criticised by the Council of State, Autoriteit Persoonsgegevens (AP), and many other organisations.<sup>22, 23</sup> The need for the violation of privacy is not argued clearly enough and, therefore, it seems to be discriminatory towards sex workers (Autoriteit Persoonsgegevens, 2023). In addition, in both Wrs and Wgts the retention time of the documentation is not specified clearly enough: in Wrs it has been said to only kept for five years; however, due to the vagueness in the bill is possible to keep the data for an infinite amount of time (Kamerstuk II 2020/21, 35715, Nr.4; Raad van State, 2024).

The violation of privacy will be a hurdle for the registration of sex workers, as they are afraid of losing their anonymity (Kamerstuk II 2020/21, 35715, Nr.4). It is probable that sex workers would avoid registering to ensure their privacy. This has happened in Germany, where a similar registration system has been implemented. After two years of having their registration system, almost 83% of the sex workers are not registered, thereby working illegally (Degenhardt & Lintzen, 2019). Both bills, but especially Wrs, have great implications regarding sex workers’ safety. When we take Germany as an example, we can see the effect of violating workers’ right to privacy. I argue that if Wrs and Wgts are implemented in the Netherlands, the chances of many sex workers’ work becoming illegal is thus high, and the intended effect will not only be contradictory to the stated aims but may in fact worsen the situation.

## *Unlicensed workers*

Third parties who are in any way involved in facilitating unlicensed work are punishable through this Wrs. The customer is punishable as well, if they know or if they were able to know that the worker is unlicensed, although especially the latter is often hard to determine (Kamerstuk II 2020/21, 35715, Nr.4). The aim of the legislation is to criminalise those who are involved in unlicensed sex work, which is similar to the Nordic Model.<sup>24</sup> This causes those that are in the illegal industry to be in a worsened position, as third parties and customers will have more reason to manipulate a sex worker into not seeking help when necessary.

Wrs raises the working age for sex workers from 18 to 21 years old due to this age category being the most vulnerable to abuse and being forced into the industry. I condemn

---

<sup>21</sup> Algemene verordening gegevensverwerking (AVG), which is based on Regulation (EU) 2016/679 (General Data Protection Regulation). The constitution that this is conflict with are Article 10.1 and 10.2.

<sup>22</sup> The “Authorities Personal data” create the privacy laws and give advice on the managing of personal data in Dutch legislation. “The AP supervises compliance with the legal rules for the protection of personal data. Other important tasks of the AP include advising on new legislation and regulations, providing information about privacy legislation and international tasks.” (Zaken, 2016). DeepL has been used to provide the translation of this quote.

<sup>23</sup> Examples of these organisations are Amnesty International, SoAids, PROUD, and others.

<sup>24</sup> The Nordic Model is the sex work legislation in Sweden, which penalises everyone involved with sex work except the sex worker themselves.

this on two principles. First, it implies that this age group cannot make an autonomous decision on whether they want to work as a sex worker. An interesting point PROUD (n.d.) has pointed out is that at 18 years old one becomes “legally competent”, and one is able to enter the army, a field of trade where individuals often encounter a lot of violence, possibly even death. This yet again portrays sex work as a special occupation and therefore has the right to be treated differently. Second, the illegalisation of this age group in sex work has reverse effects, since the work they do will automatically be in the criminalised industry, exposing them to more violence and abuse.

### ***Stigmatisation***

Sex work is a stigmatised trade, and the Bills, due to the registration systems, have a high likelihood of furthering this stigmatised social position. When someone is stigmatised, they are viewed as deserving of less respect, thus encountering more abuse (Shrage, 2006). Consequently, when we want to lower harm in the sex industry, we should see sex workers as autonomous people, who are deserving of respect.

Sex work is often seen as a “special” occupation, as earlier mentioned. The proposed laws would reinforce this idea and enhance stigmatisation (Kamerstuk II 2020/21, 35715, Nr.4). By needing a state official to confirm sex workers’ self-reliance the Wrs portrays sex workers as people who are not capable of making autonomous decisions. Moreover, the tracking of sex workers is depicted as necessary for them to be safe. Since the industry is made-up of 80% women, this belief might stem from gender inequality as well as reinforce it; on the basis that women need protect and saving (McKeever, 2025).

Further, the Wrs has unclear standards that sex workers mentally need to adhere to be “fit” for the trade, this makes the interviews very susceptible to subjectivity, and discrimination (Kamerstuk II 2020/21, 35715, Nr.4). Lastly, the fact that there is no empirical evidence of a similar regulatory system working, and that various legislative organs, as well as human rights organisations, have advised against the registration system and that the legislator has ignored these pressing points, show that sex work is still seen as a “special occupation”. Supporting the already existing idea that sex workers are not autonomous, enhancing the idea that sex workers cannot be autonomous.

In Part I, I have demonstrated that sex work has been a part of Dutch society for a long time. Throughout history we can see societal perspective change from it being a part of society, to being morally condemned, especially when the church had more power, to being accepted as a part of society. However, until 2000 it has always been tailored to male desire. From 1911 until 2000 there was a (ineffective) ban on sex work. Since the lift of the ban in 2000 it has been seen as a “special” profession that needs control. Therefore, the two bills Wrs and Wgts have been proposed, to give an insight into the industry and combat abuse. However, they raise questions surrounding privacy, unlicensed workers, and stigmatisation. The bills might have reverse effects; push workers into the illegal sector and undermine autonomy and safety.

## **Part II – Autonomy**

The Dutch societal perspective on sex workers has undergone a shift in the last years, from independent and autonomous workers to women who are coerced into the industry, which has led to the bills Wrs and Wgts. Therefore, in Part II, I will explore whether women should be able to decide to go into sex work if they wish to do so. I will look at what a woman needs to be autonomous in her decision to do sex work, for which I will draw on feminists' understandings of relational autonomy. To do this, first, I will examine traditional accounts of autonomy, and how relational autonomy differs from this. Then I outline the debate between causal procedural autonomy versus weak substantive autonomy and argue that causal procedural autonomy is preferable, from a relational feminist perspective. Last, I will investigate how adaptive preferences play into autonomy.

### **Traditional versus Relational Perspectives on Autonomy**

Autonomy plays an important role in our daily lives, or so we say. “Traditional” perspectives on autonomy are based on individualism, one ought not to be influenced by external factors (Stoljar, 2024). The agent is autonomous when they only endorse their own rational values in decision making, external influences -such as social influences- and emotions do not come into play; one must be completely self-ruled (Stoljar, 2024). The self should be rational, and self-governing, getting to this point is procedural, because of the reflection one must do to get to their morals and desires (Christman, 2004). This autonomous individual is the “self-made man”, and by becoming autonomous they must distance themselves from their social context (Stoljar, 2024). Some feminists have rejected this trajectory as inherently masculine and “atomistic” (Mackenzie & Stoljar, 2000), as an autonomous agent is expected to exist outside of social relations, and the agent is assumed to be self-sufficient, whereas women are expected to have good relationships and be sociable, therefore leaving women and other non-male presenting people out of the concept (Mackenzie & Stoljar, 2000; Stoljar, 2024). At first feminists wanted to disown autonomy on this basis; nonetheless it has proven to be a useful term, but not in the same way as traditional accounts consider it to be (Benson, 2005a). This is why the feminist discourse has come up with the term “relational autonomy” (Stoljar, 2024), which is an overarching term for a variety of feminist perspectives on autonomy, which considers that one's social context impacts their autonomy (Mackenzie & Stoljar, 2000). The term does justice to the aspects that impact the autonomy of those who are not cisgender males, by taking social demographics into account, e.g.: “race, class, gender, and ethnicity” (Mackenzie & Stoljar, 2000).

### **Procedural and Causal Autonomy compared to Weak Substantive Autonomy**

#### ***Weak Substantive Autonomy***

Women in the Netherlands face gender inequality. Nevertheless, I argue that they can be autonomous in this oppressive system and therefore can autonomously decide to work in the sex industry. Paul Benson (2005a) is also of the view that it is important to consider the effects an oppressive system has on an individual; he therefore came up with the term weak-substantive autonomy. This perspective on autonomy highly values the agent's critical thinking and reflective process. However, it adds a moral component to autonomy, such as

self-trust, self-worth, or self-respect (Benson, 2005a, 2005b; Govier, 1993; McLeod, 2002) Due to the incorporation of these normative aspects of substantive autonomy, it is not content-neutral. When something is content-neutral the content of a decision or act does not matter, often the process does matter, I will further expand on this in a later section. As Benson states that “Because the contents of persons’ attitudes can lead them to distrust their own fitness or deny their worthiness to speak for their reasons and thereby diminish their autonomy, this approach is not content neutral.” (Benson, 2005a, p. 136). He argues that oppressive systems possibly instil the belief that an oppressed person is not capable of full critical reasoning and reflecting. He argues this is because the discrimination in that system would diminish their autonomy through attacking their self-trust, and self-worth (Benson, 2005a, 2005b). In the case of a woman choosing sex work this would mean that due to gender inequality she would view herself as not capable of critical self-reflection, since oppression portrays her as being “less” worthy than men.<sup>25</sup> Therefore, she cannot autonomously decide to work in the industry. To combat this, one might propose that agents cannot be autonomous when they have a preference or value that is not aligned with their autonomy.<sup>26</sup> However, this creates a hierarchy of competency, as Benson states that “[t]hese theories typically allow that normatively competent persons can choose what is unreasonable or wrong or value what is bad”, saying that only competent people can choose what is wrong or right (Benson, 2005a, p. 133). Whereas Benson’s weak-substantive autonomy has an overlap with my perspective on autonomy -that not only “competent” people should decide what is wrong or right- his view that people their capacity of critical reasoning and reflecting gets inhibited due to oppression is not in line with my views, as everyone’s self-trust, self-worth and self-respect fluctuate, the reasons there of differ, nonetheless it is a natural part of being human, and not limited to being oppressed (M. S. Smith & South, 2021).

Another author that adds a moral component to autonomy and therefore stands for weak-substantive autonomy is Trudy Govier. She argues that self-trust is a necessary part of autonomy, since relying on one’s own critical reflection and judgement is only possible when one has “a sense of one’s own basic competence and worth” (Govier, 1993, p. 104). To apply self-trust to Meyers definition of autonomy, Govier states: “without self-trust a person cannot think and decide for himself or herself and therefore cannot function as an autonomous human being” (Govier, 1993, p. 112), hereby saying that autonomy is only achievable when one has full self-trust.<sup>27</sup> However, she argues that self-trust functions in the same way as interdependent trust, yet she states that interdependent trust does not presuppose complete trust in all aspects of the other individual.<sup>28</sup> When comparing this aspect of interdependent trust to self-trust I contend against her idea that an individual needs to have full self-trust to be autonomous, as an agent does not have to have trust in each aspect of themselves to fulfil the criteria of achieving self-trust.

---

<sup>25</sup> For the purpose of the example I have kept out the fact that there are many other intersecting inequalities that one could face that would via Benson’s argumentation inhibit their self-trust, and thus their autonomy.

<sup>26</sup> For more information on this look into strong substantive perspectives of autonomy, especially Natalie Stoljar’s work.

<sup>27</sup> The specific quote used is from Meyers book from 1989: *Self, Society, and Personal Choice*.

<sup>28</sup> Interdependent trust is the trust that we have in others (Govier, 1993).

While I find the concept of self-trust, as brought up by Benson and Govier, a valuable tool in decision making, I argue that it is not necessary to be autonomous. Individuals often experience fluctuations of self-trust, as well as self-respect, throughout their life (M. S. Smith & South, 2021). The claim that one cannot attain autonomy without these qualities is excessively restricting, as it would leave autonomy only to those with full self-respect and self-trust. Whereas one can make a decision in which they are not completely secure, or do not trust themselves to have made the right decision, while they made that decision through critical self-reflection and having examined if it was aligned with their values. Especially when we look at autonomy in a relative manner, as Friedman (2003) suggests, one is not always able to have self-trust or self-respect in all aspects of their life, and remain autonomous, as one can make autonomous decisions in areas where they have the capabilities to reflect. A sex worker can therefore not possess full self-trust, but through critical reflection argue that the job is in line with their values, as well as enjoying the job itself. I argue that in perspectives a sex worker can still be autonomous, because of their critical reflection.

### ***Procedural Autonomy***

While weak-substantive autonomy gave a convincing perspective on autonomy, in this section I will further argue for a causal procedural account of autonomy that leaves space for autonomy to be relative. There are various degrees to which procedural accounts can be applied, however the premise of this approach is that an agent can critically and individually reflect. The focus of procedural autonomy is on the process that an individual goes through to get to their values, wants, and desires, and thereby their actions. I argue that the procedural account of autonomy is integral to the process which an individual must go through to become autonomous. When an agent goes through a self-reflective process -examining their values, where these originate from, and critically reflecting on the decisions they make towards their values and desires- they can make autonomous decisions. It leaves autonomy up to the individual, though other people can still enhance or decrease an agent's autonomy. This causal component is what differentiates feminist accounts of procedural autonomy (under the term relational autonomy) from traditional perspectives on procedural autonomy. How this causal component can be seen in feminist literature I will explain in the next section.

Procedural accounts of autonomy are content-neutral. When one defines autonomy as attainable only through self-reflection -on a person's wants and desires, and the influence of social relations-, it is based on the process the agent goes through, opposed to the outcome thereof, and is therefore content-neutral. This value-neutral understanding of autonomy does not state certain kinds of preferences. An individual can have a variety of values, and they can consider one of these values more important than their autonomy, as Marilyn Friedman (2003) and Andrea Westlund (2009) endorse. This highlights that choosing to be a subordinate can still be an autonomous decision. Thus, when an individual chooses sex work it is important that they have gone through this critical reflective process, opposed to whether the decision to do the work preserves their autonomy.

One does not need to adhere to certain ways of thinking to be autonomous. Consequently, when we impose content restrictions on an agent's autonomy, we create the illusion of there being ways of living that are better than others. In the case of sex work, a stigmatised occupation, this would further the status of the job being a special occupation, that

is of less worth than other occupations. Benson (2005a), highlights the importance of content-neutrality through the difference between self-rule and right-rule.<sup>29</sup> To be able to rule over oneself would be to have self-rule, and thus autonomy. Right-rule entails that there is a higher moral ground on which an individual supposedly should act. Ensuring that self-rule does not turn into right-rule prevents one from perceiving certain ways of living to be superior to others. This is of special importance for sex work as it is a stigmatized trade, that is seen as a lesser way of living.

To say that only certain kinds of outcomes from a self-reflective decision-making process would be autonomous, creates the idea that only specific groups of people who have the time, and the resources, could become autonomous. Whereas there are many people that stand up for themselves, think autonomously, and act upon this. Meyers' example that many people in societies who become activists, fighting for their own rights or those of others, is a good example of this. Thus, putting content-restrictions on autonomy would lead to autonomy becoming a privilege of the few, and this inherently goes against the idea of relational autonomy, which is to make it more inclusive (Stoljar, 2024).

### ***The Causal approach***

For relational accounts of procedural autonomy to function we need to implement how one's social context has an impact on their reflective capacities, which is done through causal autonomy. Causal accounts of autonomy shed light on how social relations, and socio-historical factors, can have a great impact on an agent's autonomous capacities (Stoljar, 2024). An example of this is Annette Baier: her perspective is that one's autonomy is seen as a "second person", which is that "persons are essentially successors, heirs to other persons who formed and cared for them" (Baier, 1986, p. 85). Those who cared for the agent, guided them to their autonomy. Nevertheless, I argue that one's social context (including caregivers and socio-historical factors), as well as society, do not have the power to completely determine an individual's autonomy.

However, no one can truly be "self-made", opposed to what traditional accounts of autonomy argue, this is because no one is able to disconnect themselves from others sufficiently to not be influenced by them (Friedman, 2003). One's social context should be considered in their autonomy, because humans are social beings, and therefore are partially dependent on one another, which will cause them to inevitably have an influence on each other. Even when one is able to abstain from all social interactions, contexts they will have been in contact with other humans when they were unable to fend for themselves (Friedman, 2003). Since Dutch women live under an oppressive system, this will affect their capacities to critically reflect, however, they are still able to be autonomous. As Friedman states; "[c]oercive conditions do not entirely preclude autonomy, [...] [h]owever, they typically undermine it to a significant degree" (Friedman, 2003, p. 5). Even though, social relations and socio-historical factors play a part in one's autonomy, and capabilities to choose sex work,

---

<sup>29</sup> Paul Benson does not agree with the procedural perspectives on autonomy, but with weak-substantive autonomy, as states earlier. Benson's example of self-rule and right-rule in this part is portrays the importance of content-neutrality very well, which is why he is used in this instance even though he might disagree with the use of his argument.

they are not determining factors. Friedman (2003) states multiple ways in which autonomy needs social context, I will focus on the following two, as these are most in line with my view.

First, Friedman argues that an agent's capacities to be autonomous are learned from others. Whereas I argue that they are influenced by others, since no social context can fully influence one's being. As Diana Meyers states, "Culture cannot be cast as the villain that paralyzes some women's autonomy, nor can it be cast as the hero that frees women into autonomous lives." (Meyers, 2000, p. 470). Since agents' reason in many, and multiple ways, regardless of the cultural norm in a society, each agent can think differently, this explains why despite the social stigma surrounding sex work there are still people choosing to do the work. Thus, we cannot say, based on the perceptions of Dutch society, that sex workers are not autonomous, nor that they are inherent victims of abuse or coerced into the industry. Although, society sees the trade and the worker of lessened value does not mean that the sex worker thinks of themselves or the job in a similar way. A sex worker can see their job as freeing, and as a job deserving of just as much respect as any other, contrasting to what their social context might believe.

Second, social contexts are considered in decision-making processes. The way in which one gets specifically influenced by social relationships and/or contexts differs per agent, as Friedman often states in her book: "[a]utonomy is a matter of degree" (Friedman, 2003, p. 7). An example of this is that someone grew up in a more conservative community, that morally condemns sex work, while they still want to do sex work, and therefore finds anonymity very important. This could, therefore, lead workers into the illegal sector if the Wrs gets accepted, as privacy is an issue in the Bill. Which why I am convinced that an agent is always only relatively autonomous, since the amount of capacity to be autonomous differs per area of oneself.

Therefore, I argue that an agent's social context and relationships influence their autonomy, opposed to the traditional perspectives on autonomy, which see autonomy as strictly individual. These social factors impact one's degrees of procedural autonomy, while it is not inherent to their autonomy. This is well portrayed in Meyer's example of activists in oppressive regimes, thus showing that there are people who do not fully conform to the thinking of their social context. In essence, an individual has been taught values and capacities for critical reflection and will often take others into account in their decision-making process, this influences their degrees of autonomy, and thus their behaviour. While at the same time not being limited to what their social surroundings have taught them.

### **Adaptive preferences**

While people can be autonomous once they have gone through the previously mentioned critical reflective process, which is influenced by one's social context, people might still not be able to reach their initial preferences. To combat the cognitive dissonance that people would experience by not being able to fulfil their preferences, people adapt to what is available to their preferences. Jon Elster's (1983) famous example is of a fox who wants grapes, yet as time goes by and it cannot reach the grapes, the fox tells itself that they do not want the grapes anymore. According to Elster an individual initiates this change to combat the cognitive dissonance that they would otherwise experience.



Serene Khader (2011) argues that an oppressed individual's preferences can get adapted to the oppression that happens against them, and that they play an active role in this. She states that “people with adaptive preferences are simultaneously active choosers whose deeply held conceptions of the good deserve respect and participants in their own deprivation whose deprivation-perpetuating behaviours should be questioned” (Khader, 2011, p. 6).

On the other hand, it is hard to accurately know whether one has adapted their preferences or whether they are autonomous preferences. As Rosa Terlazzo (2022) states when preferences are autonomous it can be very harmful to call them adaptive preferences. There are some cases in which saying someone has adaptive preferences can be harmful. One is when a whole social group, such as sex workers, gets put away as having adaptive preferences, especially when they are already marginalised. When we state that one has adaptive preferences, it takes away from the lived experiences of marginalised people. As well as that values can change, making the former adaptive preference now the best aligned with one's values (Terlazzo, 2022).

Nonetheless, everyone encounters adapted preferences, for a variety of reasons, including oppression. By saying that one cannot autonomously choose sex work due to their adapted preferences, we discard the critical reflective process that is at the core of autonomous choice, as we imply that there has been no procedural process anymore to get to the adapted preference.

In Part II, I have argued for the relational feminist perspective on autonomy that prioritises an agent's capacity to engage in critical reflection, specifically on their values, desires, and decision-making process, therefore this is procedural. These values are influenced by the individuals' social context, however, one can be autonomous with these influences, since they are inevitable. The contents of one's desires are therefore not of importance; one can have values that in the end further their subordination. When the individual has thoroughly reflected on their actions, they are autonomous. This kind of autonomy allows for a broader amount of people to be autonomous, and it enables social contexts to be included. When applied to sex workers in the Netherlands, one can autonomously choose sex work when they go through this critical reflective process.

### **Part III – Feminist Perspectives on Sex Work**

As argued in Part II, one can be autonomous in their decision to do sex work when being able to do critical self-reflection, even when they are inevitably influenced by their social context. Nevertheless, the Netherlands is a misogynistic country, thus women make this autonomous choice under oppression. In this section I will explore feminist perspectives on sex work. First, I will delve into the effects that sex work has on gender inequality, and second, I will look at the effect of various sex work legislative models in practice.

#### **The effects of sex work on gender inequality**

Carole Pateman (1999) argues that one cannot judge sex work in the same way as any other trade, based on the fact that all other occupations have a “workers contract”, but this is

not applicable to sex work, because there is a “sexual contract” involved.<sup>30</sup> She calls this the “prostitution contract”, and it is one of her examples of ways in which the sexual contract unfolds itself in our (fraternal) patriarchy. The sexual contract Pateman speaks of is the contract between men and women, that for a man to be autonomous he needs to have mastery over women.<sup>31</sup> She argues that the sexual contract is always present, and that because of this, women can never be autonomous in the way men aim to be an individual, because male mastery and female subordination is intertwined all interactions (Pateman, 1988). Within the prostitution contract, Pateman argues that opposed to popular belief sex workers do not sell their body, but they contract out a “use of sexual service” (1999, p. 54). Sex work for Pateman is another way that men claim ownership over women’s bodies, which is what differentiates it from other trades. Based on this Pateman (1999) argues against sex work, as it openly reaffirms that men are women’s sexual masters.

Another point Pateman raises is on “sound prostitution”, which claims that sex work is a legitimate trade when consensual, thus not differing from other jobs. This perspective defends sex work “as a trade fit for everyone to enter” (Pateman, 1999, p. 55), and anyone, including women, should have access to the service. When this is done it will evolve into its own form of therapy or social work. Pateman (1983) argues that what this perspective leaves out is that sexual services are bound to the body in a way that social workers' jobs are not. The industry is mostly dominated by women, this is because it is predominantly men who demand sex work (in a capitalist patriarchal society), which she argues is due to the sexual contract.<sup>32</sup> This starts within our early childhood where one gets taught gender differences, with the overarching stereotyping that males are dominant and women are subordinate, as “even women's bodies, become commodities to be alienated to the control and use of others” (Pateman, 1983, p. 564).

Pateman makes appealing objections against sex work. However, her prostitution contract undermines an individual's autonomy to choose sex work, based on there being a sexual contract. As Joanne Boucher (2003) argues, Pateman overlooked the possibility of one consensually engaging in sex work. Even when one is in a subordinate position, one can voluntarily partake in sex work. From an autonomy-based perspective, I argue that one might perceive a sexual contract, nevertheless, they are able to make the decision whether they are willing to engage with this or not. Thus, a sex worker is able to make an autonomous decision that through the prostitution contract, including the sexual contract, one loses bodily autonomy during their work, therefore as Westlund (2009) states autonomously choosing for their own subordination.<sup>33</sup> As I argued in Part II, autonomy should be conceived of as causal and procedural, which means that while oppressive contexts can impact an individual’s decision-making processes, they are still free to make their own choices.

On the other hand, her argument against sound prostitution is in line with my view, on the basis that sex work is a female-dominated field, in a society with gender inequality. As the

---

<sup>30</sup> For more information on the “sexual contract”, see Pateman’s book *The Sexual Contract* (1988).

<sup>31</sup> Pateman argues that the “sexual contract” is the basis of the “social contract”, which many male philosophers, such as Kant and Hobbes, have written about.

<sup>32</sup> In her paper in 1983 Pateman did not call it the “sexual contract”, this is what she calls it in her later works, yet she already describes this exact phenomenon, which is why I have referred to it as such.

<sup>33</sup> Pateman calls the losing of bodily autonomy the losing of “ownership”.

work is shaped towards male desire and is seen as a demand from men. Debra Satz (1995) states, that within sex work “women must service men’s sexual needs”, and sex work reinforces gender inequality on the basis of the following two arguments. First of all, “[sex work] embodies an idea that women are inferior to men” (Satz, 1995, p. 78), this is suggested by the amount of rape and general violence against sex workers. In addition, there are fewer men who would consider sex workers as potential future spouses. The work itself depicts women as men’s sexual servants.<sup>34</sup> Second, it portrays one class of women, the sex workers, as inferior. Since there is no similar trade for men, that is only used by women. As well as the fact that when there is male sex work, it is not part of the identity of this class of men. This led Satz to the question: “Is [sex work’s] negative image effect greater than that produced by other professions in which women largely service men[?]” (Satz, 1995, p. 80). She argues that if it stays a women-dominated profession, then yes.

As Satz (1995) states, sex work is seen as a gendered occupation, she hereby agrees with Pateman in saying that sound prostitution is not feasible. However, when we agree with Satz’s and Pateman’s perspective, that sex work is inherently gendered, are we not reinforcing the belief that the industry is not open for all? I contend that Natasha McKeever’s (2025) perspective portrays a rounder and more realistic picture. She states that sex work is not inherently gendered, and that our perception of it being gendered has harmful effects due to further stigmatisation and bad treatment towards sex workers. As Satz states “that in a different culture, with different assumptions about men’s and women’s gender identities, prostitution might not have unequalizing effects” (1995, p. 80), however, this culture is reinforced by having a gendered idea of sex work. Therefore, I contend that viewing sex work as inherently gendered creates a vicious cycle of sex work being a female dominated job, since it reinforces women, and not men, to work in the industry.

This leads me to the question, whether sex work should be penalised, as it does great harm. Nevertheless, I share my perspective with Satz on this:

*“Even if prostitution is wrong, we may not be justified in prohibiting it if that prohibition makes the facts in virtue of which it is wrong worse, or if its costs are too great for other important values, such as autonomy and privacy.” (Satz, 1995, p. 81)*

### **Practical application of sex work**

Sex work in Dutch society is damaging to women if it maintains, and continues to be perceived as, a female-dominated industry, which has led to the question whether sex work should be illegal, legal, or decriminalised. In the following paragraphs I will expand on each of these legal models, and reason why the decriminalised model is preferred for sex workers their autonomy, and overall safety, in the Netherlands.

### ***Should sex work be illegal?***

The negative effect of sex work on gender inequality could lead to the conclusion that sex work should not exist and therefore should be illegal. Criminalisation of sex work often

---

<sup>34</sup> That those in the industry get seen as inferior is not included, as it is a separate, but nonetheless a very real problem.

entails that “[t]he offer and purchase of sexual services is illegal, as is the facilitation of prostitution, such as running a brothel or pimping” (Post et al., 2018, p. 103), and thus taking away autonomous choice to do the work. However, I argue that the prohibition of sex work is not desirable, for various reasons.

An example Satz (1995) brought up is of the USA, which is one of the only Western states with a ban on sex work, and it has been shown to have a worsening effect on sex workers' lives. First, criminalisation leaves sex workers more vulnerable, since they cannot get protection from the police. In some instances, workers get protection from pimps, yet this is not favourable. Pimping is problematic since they are often men, and have control over the sex workers, which reinforces the subordination of the female sex worker and limits their autonomy. In addition, sex workers with pimps are often younger (Norton-Hawk, 2004), and frequently face violence from the pimps. As well as encountering more violence from customers than sex workers who do not work with pimps, which is most likely due to having to pay the pimp a certain amount of money per day (Norton-Hawk, 2004). Second, there is the “double bind”, which is when sex work is completely illegal, therefore binding them on not having sex work as a possibility to make a living, as well as that there being no “greater redistribution of income, wealth, and opportunities” (Satz, 1995, p. 83), which binds them with not getting societal support. Whereas one of these two should be in place, since women in this scenario might have no other ways to better their living conditions (Satz, 1995). Third, state laws often make it a worse crime to sell sex, as opposed to buying it, as well as the fact that pimps and customers rarely get prosecuted. This puts the sex worker in the wrong, while as stated earlier, they do not always have other options to create a living. In addition, sex workers are answering to a demand that is created by the customers, and the industry is kept in place with the help of third parties, such as pimps. Fourth, legal prohibition without clear reasoning as to why can do harm as well. When one does not know the motives for the ban, they might think it is tied to traditional gender roles, which consequently reinforces gender inequality. Lastly, and most importantly, banning sex work does not eliminate it, which we have seen in Dutch history, but it puts sex workers' lives in more danger (Satz, 1995). As there the demand will persist, sex workers will respond with a supply, even when this is penalised. Criminalisation means that those within the sex industry are working “underground”, where there are no laws protecting them, and they are more likely to encounter abuse.

Similarly, by criminalising and regulating sex work the poorest and most marginalised in our society get disregarded. It leaves no option for sex work as a “last resort” to earn a living. One of the instances that Smith and Mac point out is that there are migrants whose legal status within a country might prohibit them from being able to work in other sectors. Since they do not have other legal options, they have a high likelihood of ending up in the sex industry, or other illegal sectors, where they are bound to be exploited by third parties in the shadows. When sex work gets criminalised, migrants and others who unfortunately have no other options to make a living often get forgotten.

### ***Should sex work be legal?***

“Legalization of prostitution is not the same as decriminalization.” (Aronowitz, 2014, p. 233), yet it is often perceived to be by the public. This is because legalisation implies that

there will be legal regulations on sex work, this currently includes forced sex work being illegal, in all countries with a legalised system, other examples of implemented regulations are “the management and operation of brothels, soliciting for prostitution in public places, living off of the proceeds of a person working in prostitution and hiring or working as a prostitute under a particular age (usually 18 or 21)” (Aronowitz, 2014, p. 233).

Molly Smith and Juno Mac (2018) agree with Satz on the fact that “[c]riminalised working spaces are inherently vulnerable for the worker” (M. Smith & Mac, 2018, p. 185). Often people speak of legalising the practice, this implies that there are regulations on the industry, as seen in the Netherlands, which means that part of the industry are not legal. I argue that a legal system does more harm than good, due to its regulations. Mac & Smith (2018) have called the practice “regulationism”, which refers to sex work being legal with regulations in place. Stating that legalising does not benefit the workers, but the system. Governing bodies, such as the police and the criminal justice system, profit from the penalising system and regulationism. This is because in both cases they can fine illegal sex work, and in a legal system they can have business taxes on brothels and tourism.<sup>35</sup>

When Mac & Smith (2018) discuss regulationism, they touch on the debate between “consumer rights” and “sex worker rights”. Which brings up “that the sex worker’s body must be regulated for the good of the client, rather than entrusting that workers will oversee healthcare for themselves” (M. Smith & Mac, 2018, p. 185). This would mean forced health checks as well as compulsory registration. This is a violation of privacy, and medical autonomy, as I have argued in Part I.

Whereas measurements to combat human trafficking are of utter importance, regulating sex work in a way that hinders those within the industry, prohibits them from making autonomous choices, earning a living, and can risk their safety. There are various reasons why people enter sex work (McKeever, 2025), and they should be supported, so they can perform their job in safety.

### ***Should sex work be decriminalised?***

To combat the problems brought up by Debra Satz and Molly Smith & Juno Mac, I argue that decriminalisation will support sex workers best in performing their job, maintaining individuals their autonomy to choose, as well as increasing their overall safety.

“Decriminalization is the lifting of all laws criminalizing commercial sexual transactions.” (Aronowitz, 2014, p. 235). In this system sex work “is only subject to legislation and rules, which are also applied to other forms of legitimate labor” (Post et al., 2018, p. 103).

A report done by PROUD, Soaids, and Aidsfonds in the Netherlands in 2018 showed that sex workers outside of the legal circuit are “not protected by the current legislation, nor regulations” (Sekswork en geweld in Nederland, 2018, p. 50),<sup>36</sup> and they have a higher likelihood of encountering violence. Sex workers without a permit stated that they were afraid of reporting the violence they encountered, which has to do with the violence or discrimination they frequently encounter when doing so. However, when customers know that

---

<sup>35</sup> Sex work is an extra attraction for tourism, as well as that it created its own form of tourism “sex tourism”. The latter is not always wanted by municipalities, for instance in the Dutch capital city, Amsterdam.

<sup>36</sup> The original Dutch quote is: “niet beschermd door de huidige wet- en regelgeving”

sex workers do not report encountered violence the sex workers have a higher chance of being met with violence. Sex work is a heavily stigmatised trade, by decriminalising the sector this would be decreased, lowering social-emotional abuse, and leading to an autonomous decision to go into sex work (Sekswork en geweld in Nederland, 2018; M. Smith & Mac, 2018). As the job would be more respected this would lead to sex workers being treated with more respect and be safer (Shrage, 2006). Lastly, when sex work has the same working rights and duties as other trades it enhances their safety (Sekswork en geweld in Nederland, 2018).

In Part III, I have demonstrated that whether one is autonomous or not sex work has damaging effects to gender inequality, if it stays a female-dominated occupation, which is reinforced by the common thought that the industry is female-dominated, and thus creating a vicious cycle. However, criminalising sex work has such detrimental effects to those within the industry, due to stigmatisation and social inequality, that it is not preferable to do so. Legalisation on the other hand, is also no solution as it often puts regulations in place that only make part of the industry legal, and the other, often more marginalised, illegal. Therefore, decriminalisation is preferable, and should be implemented in the Netherlands, as it limits stigmatisation, creates an overall safer industry, and protects autonomous choice to go into the trade.

## **Conclusion**

In this paper, I have examined the history of sex work in the Netherlands, autonomy, and feminist conceptions of sex work and legislative systems. I have demonstrated the change of Dutch society's perspective on sex work, which has been reflected in Dutch legislation. Illustrating that due to current perspectives on sex workers -as exploited and coerced workers- the proposed bills Wrs and Wgts will decrease autonomous choice for sex work, increase further stigmatisation, violate the Dutch constitutional right to privacy, and have overall reversed effects from its aim of a safer industry.

I have demonstrated that one can make an autonomous decision to choose sex work if they go through a self-reflective process in which they examine their values, where these originate from, and critically reflecting on the decisions they make towards their values and desires. While simultaneously acknowledging that one's social relations and socio-historical background have (partially) taught them these capacities, play a role in the one's values, and get considered when making decisions. At the same time I endorse that autonomy is relative and that one has degrees of being autonomous, and does not need to be autonomous across all aspects of their life to have autonomy in others.

Lastly, I have demonstrated that sex work worsens gender inequality when it proceeds to be a female-dominate field, and that societal perceptions of sex work being female-dominated reinforce this as a vicious cycle. Despite this, penalising the trade does more harm to the women in the industry, as well as decreasing their autonomous choice to work in the industry, therefore sex work should be decriminalised.

## References

- Amnesty International. (n.d.). *Rechten van sekswerkers*. Retrieved 25 June 2025, from <https://www.amnesty.nl/wat-we-doen/gender-en-mensenrechten/rechten-van-sekswerkers>
- Aronowitz, A. (2014). To punish or not to punish: What works in the regulation of the prostitution market. *Reframing Prostitution. From Discourse to Description, from Moralisation to Normalisation*, 223–251.
- Autoriteit Persoonsgegevens. (2020, May 3). *Advies over het concept voor de Wet regulering sekswerk* [Z2019-23336]. <https://www.autoriteitpersoonsgegevens.nl/documenten/advies-wet-regulering-sekswerk>
- Autoriteit Persoonsgegevens. (2023). *Advies over wetsvoorstel gemeentelijk toezicht seksbedrijven* (Nos. z2023-00034). Autoriteit Persoonsgegevens. <https://www.autoriteitpersoonsgegevens.nl/uploads/2023-10/Advies%20Wet%20gemeentelijk%20toezicht%20seksbedrijven.pdf>
- Baier, A. (1986). Postures of the Mind: Essays on Mind and Morals. *The Philosophical Quarterly*, 36(145), 571. <https://doi.org/10.2307/2219888>
- Benson, P. (2005a). Feminist Intuitions and the Normative Substance of Autonomy. In J. S. Taylor (Ed.), *Personal Autonomy* (1st ed., pp. 124–142). Cambridge University Press. <https://doi.org/10.1017/CBO9780511614194.006>
- Benson, P. (2005b). Taking Ownership: Authority and Voice in Autonomous Agency. In J. Christman & J. Anderson (Eds.), *Autonomy and the Challenges to Liberalism* (1st ed., pp. 101–126). Cambridge University Press. <https://doi.org/10.1017/CBO9780511610325.007>

- Bleeker, Y., & van den Braak, G. (2021). *De Nederlandse seksbranche Een onderzoek naar omvang en aard, beleid, toezicht en handhaving* (p. 106).
- Boucher, J. (2003). Male Power and Contract Theory: Hobbes and Locke in Carole Pateman's *The Sexual Contract*. *Canadian Journal of Political Science*, 36(1), 23–38.  
<https://doi.org/10.1017/S0008423903778524>
- Christman, J. (2004). Relational Autonomy, Liberal Individualism, and the Social Constitution of Selves. *Philosophical Studies*, 117(1/2), 143–164.  
<https://doi.org/10.1023/B:PHIL.0000014532.56866.5c>
- Daalder, A. L. (2015). *Prostitutie in Nederland 2014*.
- Degenhardt, T., & Lintzen, L.-M. (2019). *Auswirkungen des Prostituiertenschutzgesetzes auf die Prostitutionsszene in NRW* (No. Zweite korrigierte Fassung).
- Drexler, J. N. (1996). *Governments' Role in Turning Tricks: The World's Oldest Profession in the Netherlands and the United States*.
- Elster, J. (1983). *Sour Grapes: Studies in the Subversion of Rationality* (1st ed.). Cambridge University Press. <https://doi.org/10.1017/CBO9781139171694>
- Friedman, M. (2003). *Autonomy, gender, politics*. Oxford University Press.  
<https://doi.org/10.1093/0195138503.001.0001>
- Govier, T. (1993). Self-Trust, Autonomy, and Self-Esteem. *Hypatia*, 8(1), 99–120.  
<https://doi.org/10.1111/j.1527-2001.1993.tb00630.x>
- Khader, S. J. (2011). *Adaptive Preferences and Women's Empowerment*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199777884.001.0001>
- KVK. (n.d.). *Werken als zelfstandig sekswerker in de prostitutie*. ondernemersplein.overheid.nl. Retrieved 1 June 2025, from <https://ondernemersplein.overheid.nl/bedrijf-starten/starten-als-zzper/werken-als-zelfstandig-sekswerker/>



- Mackenzie, C., & Stoljar, N. (2000). *Relational autonomy: Feminist perspectives on autonomy, agency, and the social self*. (Vol. 1). Oxford University Press, Incorporated.
- McKeever, N. (2025). Is Sex Work Inherently Gendered? *Hypatia*, 1–20.  
<https://doi.org/10.1017/hyp.2024.56>
- McLeod, C. (2002). *Self-Trust and Reproductive Autonomy*. The MIT Press.  
<https://doi.org/10.7551/mitpress/6157.001.0001>
- Meyers, D. T. (2000). Feminism and Women's Autonomy: The Challenge of Female Genital Cutting. *Metaphilosophy*, 31(5), 469–491. <https://doi.org/10.1111/1467-9973.00164>
- Norton-Hawk, M. (2004). A Comparison of Pimp- and Non-Pimp-Controlled Women. *Violence Against Women*, 10(2), 189–194. <https://doi.org/10.1177/1077801203260949>
- Outshoorn, J. (2001). Debating Prostitution in Parliament: A Feminist Analysis. *European Journal of Women's Studies*, 8(4), 472–490.  
<https://doi.org/10.1177/135050680100800405>
- Outshoorn, J. (2012). Policy Change in Prostitution in the Netherlands: From Legalization to Strict Control. *Sexuality Research and Social Policy*, 9(3), 233–243.  
<https://doi.org/10.1007/s13178-012-0088-z>
- Pateman, C. (1983). Defending Prostitution: Charges Against Ericsson. *Ethics*, 93(3), 561–565.  
<https://doi.org/10.1086/292467>
- Pateman, C. (1988). *The Sexual contract*. Polity press.
- Pateman, C. (1999). *What's Wrong with Prostitution?* 53–64.
- Post, C., Brouwer, J. G., & Vols, M. (2018). Regulation of Prostitution in the Netherlands: Liberal Dream or Growing Repression? *European Journal on Criminal Policy and Research*, 25(2), 99–118. <https://doi.org/10.1007/s10610-018-9371-8>
- PROUD. (n.d.). *Reactie internetconsultatie betreffende: Wet regulering sekswerk*.  
<https://www.internetconsultatie.nl/sekswerk/reactie/125988/bestand>

- Raad van State. (2024, April 17). *Advies over wetsvoorstel gemeentelijk toezicht seksbedrijven* [W16.23.00391/II]. <https://www.raadvanstate.nl/adviezen/@141119/w16-23-00391-ii/>
- Satz, D. (1995). *Markets in Women's Sexual Labor*.
- Sekswerk en geweld in Nederland* (p. 52). (2018). PROUD, Aidsfonds, Soa Aids Nederland. [https://www.eerstekamer.nl/overig/20180913/onderzoek\\_naar\\_geweld\\_tegen/docuement](https://www.eerstekamer.nl/overig/20180913/onderzoek_naar_geweld_tegen/docuement)
- Shrage, L. (2006). Prostitution and the Case for Decriminalization. In J. Spector (Ed.), *Prostitution and Pornography* (pp. 240–246). Stanford University Press. <https://doi.org/10.1515/9781503624603-012>
- Smith, M., & Mac, J. (2018). *Revolting prostitutes: The fight for sex workers' rights*. Verso.
- Smith, M. S., & South, S. C. (2021). Call to arms: Research directions to substantiate a unified model of attachment and personality pathology. *Social and Personality Psychology Compass*, 15(11), e12644. <https://doi.org/10.1111/spc3.12644>
- State, R. van. (n.d.). *Advies over wetsvoorstel gemeentelijk toezicht seksbedrijven*. Raad van State; Raad van State. Retrieved 3 June 2025, from <https://www.raadvanstate.nl/actueel/nieuws/april/advies-toezicht-seksbedrijven/>
- Stoljar, N. (2024). *Feminist Perspectives on Autonomy*. The Stanford Encyclopedia of Philosophy. <https://plato.stanford.edu/archives/sum2024/entries/feminism-autonomy/>
- Terlazzo, R. (2022). Adaptive preferences in political philosophy. *Philosophy Compass*, 17(1), e12806. <https://doi.org/10.1111/phc3.12806>
- Universiteit van Amsterdam. (2025, June 17). *Gender equality stalls as The Netherlands drops 15 places—Amsterdam Centre for Business Innovation*. ACBI - University of Amsterdam. <https://acbi.uva.nl/content/news/2025/06/gender-equality-stalls-as-the-netherlands-drops-15-places.html>

- Veiligheid, M. van J. en. (2024, January 9). *Wet gemeentelijk toezicht seksbedrijven* [Regelgevingfiche]. <https://wetgevingskalender.overheid.nl/Regeling/WGK013738>
- Volmuller, H. W. J. (1966). *Het oudste beroep: Geschiedenis van de prostitutie in Nederland ; mit 41 afb.* Oosthoek. [https://books.google.nl/books?id=n3\\_pvgEACAAJ](https://books.google.nl/books?id=n3_pvgEACAAJ)
- Westlund, A. C. (2009). Rethinking Relational Autonomy. *Hypatia*, 24(4), 26–49. <https://doi.org/10.1111/j.1527-2001.2009.01056.x>
- Wijk, A. P. van, & Leiden, I. van. (2010). *Kwetsbaar beroep: Een onderzoek naar de prostitutiebranche in Amsterdam.* Bureau Beke.
- World Economic Forum. (2024). *Global Gender Gap Report 2024* (p. 385) [Insight Report].
- World Economic Forum. (2025). *Global Gender Gap Report 2025* (p. 395) [Insight Report].
- World Economic Forum.
- Zaken, M. van A. (2016, January 13). *Autoriteit Persoonsgegevens (AP)—Contact—Rijksoverheid.nl* [Contact]. Ministerie van Algemene Zaken. <https://www.rijksoverheid.nl/contact/contactgids/autoriteit-persoonsgegevens>