

Legislative Bodies Legislating Bodies: Cultural and Religious Conceptions of Sex Work in Spain and the Netherlands

Europe

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Abstract: Sex commerce is perhaps the most widely-contested exchange of goods and services across the world. Although there is a lack of cohesion on how to govern and regulate the sex industry, common legal frameworks emerge across borders. The four traditional legal frameworks of sex work are abolitionism, prohibitionism, decriminalization, and legalization, but each nation-state shapes their own nuanced legal framework based on one of these four general models. Legal frameworks of sex work vary across borders and even within them due to cultural, ethic, moral, and religious differences among constituencies.

Overall, “historical, geographical, cultural, psychic, and imaginative boundaries” define the way societies approach the legal structures that govern sex work.¹ For example, “some politicians understand sex work as deviant and undesirable, which in turn justifies laws, policies, and regulations intended to control where and how sex commerce takes place.”² Spain and the Netherlands, two Western European countries with religious and cultural differences, regulate sex work differently due to cultural and religious practices. These societal differences toward conceptions of criminality and sex work highlight the varied approaches governments take towards sex commerce based on their construction of citizenship, work, and dignity.

¹Berger, Michele Tracy, and Kathleen Guidroz. “Researching Sexuality: The Politics-of-Location Approach for Studying Sex Work.” *Negotiating Sex Work: Unintended Consequences of Policy and Activism*, 2014, pp. 3–30.

²Auger, Cheryl. “Criminalized and Licensed: Local Politics, the Regulation of Sex Work, and the Construction of ‘Ugly Bodies.’” *Negotiating Sex Work: Unintended Consequences of Policy and Activism*, 2014, pp. 99–120.

Introduction

Sex commerce is perhaps the most widely-contested exchange of goods and services across the world. The World Health Organization (WHO) defines sex work as “the provision of sexual services for money or goods.”³ The United Nations (U.N.) also identifies sex workers as “all adults who sell or exchange sex for money, goods or services (e.g., transport). It is used to refer to people who sell or exchange sex even if they do not identify as sex workers, or consider the activity to be ‘work.’”⁴ This U.N. definition reveals some of the nuances of sex work as well as how sex workers conceptualize their own profession. Additionally, since the majority of sex workers are women, this challenges traditionally gendered perceptions of criminality.⁵ Even though the WHO and the

U.N. lay out clear definitions for sex work and sex workers, different governments’ perceptions of how to legislate the profession is clouded and complicated. Sex work is not sex trafficking; sex workers consensually engage in sexual activity for their profession. On the other hand, sex trafficking refers to people, mainly women, that predators force into commercial sex. This distinction between women in the profession is important, but “the two ‘types’ of workers occupy the same space,” so it is difficult to legislate these aspects separately.⁶ This dilemma in sex work legislation is one of the most troublesome parts of creating legal frameworks for this profession.

Varying interpretations of sex work are mainly evident within the frameworks governments offer to legislate the industry.

³Overs, Cheryl. “Sex Workers: Part of the Solution.” *World Health Organization*, 2002.

⁴Godwin, John. “Sex Work and the Law in Asia and the Pacific.” *UNDP*, UNDP Asia-Pacific Regional Centre and UNFPA Asia Pacific Regional Office, Oct. 2012.

⁵Red Light Secrets: Museum of Prostitution, Amsterdam. 2019.

⁶Benavides, Lucia. “Decriminalizing Sex Work in Spain Made it Safer for Women--and Traffickers.” *Bright Magazine*, Medium, 11 Apr. 2018.

Nation-states' approaches to the legal frameworks of sexual services vary greatly, even among shared borders. For example, sex work is partially criminalized in France, while it is fully legalized in Germany.⁷ Regardless of the legal protections that might be in place, sex workers are still increasingly subject to violence in the workplace. In some countries, sex workers have no ability to report harassment to authorities and often lack the same rights as other workers, such as a minimum wage. These different legal approaches to sex work present varying levels of security and human rights protections to workers, as well as offer different cultural and religious reasons for specific governance of the sex industry.

Legal Frameworks of Sex Work

Traditionally, there are four possible legal approaches to governing sex work. Although laws can be more nuanced and

include mixed elements from these four approaches, the typical frameworks are prohibitionism, abolitionism, decriminalization, and legalization.⁸ Each framework offers a specific lens for how to govern sex work. Some models present more cross-cultural legal challenges than others, blurring the line between sex work and sex trafficking. Human security and workers rights should be of utmost importance in creating legal frameworks, but cultural and religious views--particularly socially constructed views of women--shape the way leaders create sex work policy.

Prohibitionism, or full criminalization of sex work, is a popular policy response from governments across the world.⁹ The United States, China, Russia, and South Africa all approach sex work through the prohibitionism lens at the federal level. Within this legal framework,

⁷“Sex Work and the Law: Four Possible Legal Models.” *Asijiki: Coalition to Decriminalize Sex Work in South Africa*, 2015.

⁸Ibid.

⁹Ibid.

nations criminalize both the buying and selling of sex. In many countries, “powerful moral crusade[s]” shape policy approaches to sex work.¹⁰ These crusades are often a response “to the increasing availability and mass marketing of sexual services” in neo-liberal societies.¹¹ Many governments institute a full criminalization of sex work to deter its existence, but buying and selling sex still exists in these countries anyway. In fact, in many countries, the “full criminalization [of sex work]...resulted in high levels of violence, a lack of access to basic services including health services, and discrimination against sex workers, including abuse by police officers.”¹² Hardline anti-sex work policies “seek to simultaneously exclude and include criminalized groups in order to implement

various sociomoral priorities.”¹³ This statement notes the impact of social perceptions of morality, usually from cultural and religious influences, on the legal frameworks.

The next legal framework of sex work is partial criminalization, or abolitionism. This framework seeks to punish the organized sale of sex and advertisements for sexual services.¹⁴ This means that sex work itself might be legal, but brothels, pimping, and selling sex on the street is illegal.¹⁵ It is worth noting that brothels and selling sex on the street are common ways to earn money within the industry. Countries such as Sweden, Norway, and France utilize this legal framework; interestingly, this legal model is mainly used by European countries

¹⁰Weitzer, Ronald. “The Movement to Criminalize Sex Work in the United States.” *Journal of Law and Society*, vol. 37, no. 1, 2010, p. 62.

¹¹Ibid.

¹²“Sex Work and the Law: Four Possible Legal Models.” 2015.

¹³Auger, Cheryl. “Criminalized and Licensed: Local Politics, the Regulation of Sex Work, and the Construction of ‘Ugly Bodies.’” p. 99.

¹⁴“Sex Work and the Law: Four Possible Legal Models.” 2015.

¹⁵Porter, Lizzie. “Where is it Legal to Buy Sex in Europe?” *The Telegraph*, 12 Apr. 2016.

compared to countries on other continents.¹⁶ This legal approach challenges the traditional perceptions of how to criminalize sex work. Legal frameworks of sex work traditionally benefited men by criminalizing women who sell sex. A former sex worker asks, “What are they buying? It’s power. It’s a very powerful thing to have control of somebody’s body in that way.”¹⁷ Since buyers are predominantly men, many feminist activist groups push for abolitionist policies like those in Sweden and Norway that punish buyers, who are typically men.¹⁸ By limiting men’s agency to control women’s bodies, sex workers report an increase in safety. Analysis of the Nordic model of legislating sex work “cites a drop in the number of murders of women working in prostitution since law reform, saying that no prostitutes have been killed

by clients since Sweden enacted its sex buyer law.”¹⁹

Furthermore, proponents of the abolitionism legislative model argue that “placing the legal responsibility on clients rather than prostitutes improves sex workers’ safety and reduces human trafficking.”²⁰ Countries often claim that their method of governing sex work is paramount to other legal approaches, especially in the context of human security. This model, however, still does not view sex work as legitimate work, which poses an interesting conundrum for workers rights. When governments view sex work outside the realm of actual work, sex workers lack basic respect for their profession as well as additional legal oversight for protections and age minimums.

The third legal framework, decriminalization, allows sex workers to

¹⁶“Sex Work and the Law: Four Possible Legal Models.” 2015.

¹⁷Walker, Sophie. “Let’s Criminalize the Men Buying Sex, and Spare the Women They Exploit.” *The Guardian*, 21 May 2018.

¹⁸Ibid.

¹⁹Howard, Sally. “Better Health for Sex Workers: Which Legal Model Causes Least Harm?” *BMJ*, 2018.

²⁰Porter, Lizzie. “Where is it Legal to Buy Sex in Europe?” *The Telegraph*, 12 Apr. 2016.

engage in sex commerce without fear of punishment. However, this framework creates a legal vacuum where workers lack benefits, minimum wages, and laws governing how to report workplace abuse. A lack of all of these job components threatens sex workers' security. Women who work in countries where sex work is not recognized as a profession "don't receive government-mandated benefits, nor are they guaranteed a minimum wage; all they're guaranteed is the ability to work without being penalized."²¹ Nation-states often categorize sex work decriminalization as a progressive policy, even though it lacks positive legal impact for workers rights.

The final and most liberal legislative approach to sex work is full legalization of the industry. The Netherlands is most notorious for its legalized sex work, but Germany and Mali, among others, also have

legalized sex work on the federal level.²² Under this model, "the state creates and sustains various controls over sex workers."²³ Even though states exercise control of the sex industry under this model, activists often portray this legal framework as the most freeing. This legal framework views sex work as a normalized profession, which offers benefits such as minimum wage laws and oversight for malpractice. Legalization also enables "more contact between sex workers, the police and other services. This classification has a positive effect on safety and sexual health for sex workers who are able to work legally."²⁴ This is perhaps the most controversial legal framework as it challenges the way many societies think about sex work, especially through a moral lens.

Even with these four frameworks in view, there are often more nuanced

²¹Benavides, Lucia. 11 Apr. 2018.

²²"Sex Work and the Law: Four Possible Legal Models." 2015.

²³Ibid.

²⁴Ibid.

approaches to governing sex work. It can be difficult to discern how exactly sex work is legislated within countries, not to mention other jurisdictions within that country. To complicate matters further, municipalities and states sometimes offer different frameworks from a country's national approach. For example, "many cities already regulate sex industries through zoning provisions and licensing schemes written into business licensing bylaws," and "many of these licensing bylaws...construct sex workers as deviant outsiders."²⁵ These contrasting legal frameworks of sex work reveal the ways local, state, and federal governments choose to legislate one of the most misunderstood and contested professions.

Sex Work in Western Europe

Ethics, moral values, and religious views inform legal frameworks, which in

turn affect how government officials conceptualize criminality. This conception also affects how they legislate sex commerce. This means that sex work governance is increasingly nuanced, especially in Western Europe. Even though Western European countries share common characteristics, they differ in their approaches to the legal frameworks of sex work. Western Europe includes 17 countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland, the Netherlands, and the United Kingdom.²⁶ Studying Western European laws governing sex commerce reveals the slight differences in legislation and the impact these changes have on workers in the sex industry. Three out of the four traditional legal frameworks of sex work--abolitionism, prohibitionism,

²⁵Auger, Cheryl. "Criminalized and Licensed: Local Politics, the Regulation of Sex Work, and the Construction of 'Ugly Bodies,'" pp. 99-100.

²⁶"The World Bank in Western Europe." *World Bank*, 2019.

decriminalization, and legalization--are evident in Western Europe.²⁷ Zero countries in Western Europe completely outlaw

buying and selling sex.²⁸ The legal frameworks of sex work in Western Europe are as follows:²⁹

Legal Framework	Number of Countries with that Framework	Countries
Abolitionist	4	France, Norway, Sweden, Iceland
Decriminalized	9	Spain, Portugal, United Kingdom, Italy, Belgium, Denmark, Finland, Greece, Luxembourg
Legalized and regulated	4	The Netherlands, Germany, Switzerland, Austria

Perhaps unsurprisingly, most Eastern European countries, especially former Soviet republics, currently prohibit both the buying and selling of sex.³⁰ Eastern European countries share similar government structures and religion beliefs, and thus have more consensus on sex work legislation. Moral, ethical, and legal frameworks are more nuanced in Western

Europe because this demographic area offers more diversity in religious and moral beliefs. Thus, cultural values affect nation-states' legal frameworks of sex work.

Within each traditional legal framework, however, there are still varied regulations of sex commerce. Examining the legal frameworks of sex work within the Netherlands and Spain in particular offers insight into differing approaches to

²⁷“Sex Work and the Law: Four Possible Legal Models.” 2015.

²⁸Porter, Lizzie. “Where is it Legal to Buy Sex in Europe?” *The Telegraph*, 12 Apr. 2016.

²⁹Ibid.

³⁰Porter, Lizzie. “Where is it Legal to Buy Sex in Europe?” *The Telegraph*, 12 Apr. 2016.

governing sex work. Even though these two countries are both influential leaders in Western Europe, they each offer nuanced laws to govern sex work because of religious, moral, and cultural beliefs within their borders. Spain wrestled with its approach to the legal frameworks of sex work in recent years while the Netherlands always offered the same framework, with small progressive changes over time.

Sex Work in the Netherlands

Legalized and regulated sex work is a hallmark of the Netherlands' social policy. Sex work has always been legalized in the Netherlands.³¹ Brothels and pimps were illegal until 1999, but now all aspects of the sex industry are legal and carefully regulated both at the federal level and by municipalities.³² This legal framework defines sex work as an official profession

and regulates all components of sex commerce, from brothels and pimps to the famous Red Light District windows in Amsterdam. Under this legal framework, sex workers are recognized as regular workers and have access to all labor rights under the law. Minimum wage laws (50 euro minimum for sex work in Amsterdam, for example), taxes, and registering with local authorities to obtain a legal work permit are all requirements of legal and regulated sex work in the Netherlands.³³ The legalization framework also allows for further regulation of the industry that protects both the workers and society at large. To protect the workers, “existing windows and brothels in De Wallen have panic buttons, management, police, and colleagues nearby, a safety network.”³⁴ There is also a hotline for customers to report suspicious activity to

³¹Red Light Secrets: Museum of Prostitution, Amsterdam. 2019.

³²Outshoorn, Joyce. “The Contested Citizenship of Sex Workers: The Case of the Netherlands.” *Negotiating Sex Work: Unintended Consequences of Policy and Activism*, edited by Carisa R. Showden

and Samantha Majic, University of Minnesota Press, 2014, pp. 171–194.

³³Red Light Secrets: Museum of Prostitution, Amsterdam. 2019.

³⁴Abdul, Geneva. “It’s Legal to Sell Sex in Amsterdam, But Don’t Expect the Same Rights As

police, especially if they believe a sex worker is being trafficked.³⁵ Proponents of the Netherlands' legal framework advocate that regulation offers an aspect of safety and security to sex work that is lacking in other frameworks.

Sex Work in Spain

In comparison, Spain has a €3.7 billion (\$4.15 billion) sex industry and is has one of the highest grossing profits from the sex industry in Western Europe.³⁶ They currently take the decriminalization approach to sex work legislation, or at least that is how activists and citizens refer to the policy. Spanish leaders decriminalized sex work in 1995; prior to this, sex work was criminalized.³⁷ Under the legal framework of decriminalization, sex work is not officially viewed as criminal activity, but it is also not regulated as a profession. In fact,

the Criminal Code of Spain does not directly discuss sex work in any of its laws, but it does discuss the exploitation of sex workers via actions such as pimping because these actions are prohibited.³⁸ Under this legal framework, the estimated 300,000 to 400,000 sex workers in Spain are not recognized as workers, but they are also not punished for their work.³⁹ Since “there are no laws directly addressing the issue,” it leaves “women in the industry in a legal vacuum.”⁴⁰

In countries like Spain where the government does not recognize sex workers as legitimate workers, “they have no maternity leave, no retirement benefits, no sick pay. As a result, some find themselves having to keep working while pregnant, or

Other Workers.” *Foreign Policy Magazine*, 19 Feb. 2019.

³⁵Ibid.

³⁶Valdes, Isabel, and Pilar Alvarez. “Spain Tries ‘Swedish Model’ to Address Prostitution Legal Limbo.” *El Pais*, 7 Dec. 2018.

³⁷Benavides, Lucia. 11 Apr. 2018.

³⁸Valdes, Isabel, and Pilar Alvarez. 7 Dec. 2018.

³⁹Benavides, Lucia. 11 Apr. 2018.

⁴⁰Ibid.

until over the age of 70.”⁴¹ Here, sex work exists as “a grey area. Sex work itself is legal, but the procuring, advertising or pimping of another person for the purposes of prostitution is not.”⁴² For example, “someone working as a [sex worker] will not be penalised, but everything around [sex work] is not legal.”⁴³

Much like sex workers in countries all across Western Europe and the world, sex workers in Spain “can be separated into two categories: those who chose to enter the trade and those who were forced into it. Yet the two ‘types’ of workers occupy the same space.”⁴⁴ For example, incidences of sex trafficking in Spain increased recently; there were 5,695 reported cases of human trafficking from 2012-2017.⁴⁵ An increase in migrant sex workers also followed Spain’s decision to decriminalize sex work: “In the

1980s, most sex workers were Spanish, but today, 80–90 percent are immigrants.”⁴⁶ Decriminalization created a legal vacuum for the sex industry in Spain, where traffickers are now able to entice more women into sex work without fear of punishment.⁴⁷ Additionally, many Spanish cities offer their own legal frameworks of sex work, which can blur the lines even more. For example,

More than 50 Spanish cities have specific municipal rules to curb [sex work]. Some punish the [sex worker] and the client, others only the client. The regulations aim to protect women, keep residents happy and clean up the streets but, according to a new report by the Autonomous University of Barcelona, they end up hurting the women who are most

⁴¹Milevska, Tanja. “The Long Fight for the Recognition of Sex Work.” *The Equal Times*, 27 Apr. 2016.

⁴²Donovan, Noreen. “In a New Light: Antwerp Non-Profit Gives Sex Workers a New Voice.” *Flanders Today*, 9 Nov. 2016.

⁴³Ibid.

⁴⁴Benavides, Lucia. 11 Apr. 2018.

⁴⁵Ibid.

⁴⁶Ibid.

⁴⁷Ibid.

vulnerable: the victims of sex trafficking.⁴⁸

After these revelations about Spain's legislation, or lack thereof in some instances, various activist groups started to push for reform to the legal frameworks of sex work in Spain. The Spanish Socialist Party wrote legislation at the end of 2018 that, if passed, would reshape Spanish legal frameworks of sex work towards the abolitionist framework that punishes the consumer and not the sex worker, instead of the decriminalization framework. According to proponents of the bill, "the new law seeks to disincentivize demand by outlawing the purchase of sex."⁴⁹ Other countries in Western Europe, such as France, already have the abolitionist legal framework of sex work as their law of land. French activists claim, however, that criminalizing the purchase of sex further endangers sex

workers because it encourages them to seek work in unsafe environments and neighborhoods.⁵⁰

Examining the nuanced approaches to sex work legislation in the Netherlands and Spain, and even individual municipalities within these countries, reveals the real world implications of distinct legal language, no matter how slight the distinctions. Both of these legal frameworks in Western Europe, while loosely based on one of the four general legal frameworks of sex work, offer their own perspective on criminality and punishment. Cultural and religious differences between Western European countries determine how these countries and their lawmakers conceptualize criminality. These differences result in varying levels of safety and legal protections for the workers in the sex industry.

⁴⁸Alvarez, Pilar. "Study: Prostitutes in Spain Punished More Than Their Clients." *El Pais*, 2 Nov. 2018.

⁴⁹Valdes, Isabel, and Pilar Alvarez. 7 Dec. 2018.

⁵⁰Peltier, Elian, and Emma Bubola. "A Prostitute Was Killed in France. Is a New Law Partly to Blame?" *The New York Times*, 29 Sept. 2018.

Influence of Culture and Religion

The nuance of sex work legislation across borders warrants a closer examination of the reasons for these differences. Different societies have different “historical, geographical, cultural, psychic, and imaginative boundaries” that define their ethical and moral codes.⁵¹ In turn, these “boundaries” have the power to influence legal frameworks, especially in regards to who those in power denote as criminal. Even seemingly small differences in culture alter impactful legislation. An insightful case study of the way cultural and religious differences shape the legal frameworks of sex work emerges from Spain and the Netherlands. These two leading European Union countries share similar cultural elements but have different values and ethical standards that drive their policy decisions.

Religion is a powerful force that often consciously and subconsciously shapes policy. Catholicism, the dominant religion in Spain, manifests itself both overtly and covertly in Spanish criminal codes. 60 percent of Spaniards identify as Catholic, and Spaniards have one of the highest rates of “belief in God with absolute certainty” in Western Europe, at 25 percent.⁵² In contrast, over 50 percent of people living in the Netherlands have no religious affiliation.⁵³ Of those who are religious in the Netherlands, 23 percent identify as Catholic and 15 percent identify as protestant.⁵⁴ Thus, of the population there that is religious, they are mainly of the Christian faith. Overall, 64 percent of people in Spain say they believe in God compared to 44 percent in the Netherlands.⁵⁵

Catholicism, alongside religious practice in general, is a powerful force for

⁵¹Berger, Michele Tracy, and Kathleen Guidroz. 2014, pp. 3–30.

⁵²“Religious Practice and Belief.” *Pew Research Center*, 29 May 2018.

⁵³Ibid.

⁵⁴Ibid.

⁵⁵Ibid.

shaping social policy. A Catholic representative recently spoke to the United Nations and said, “there can be no dignity in a relationship where sex is exchanged for money.”⁵⁶ This belief underscores Catholic approaches to sex work governance and conceptualizing criminality, and unsurprisingly, Catholicism is an important determinant to policy decisions in Spain. For example, “the Catholic Church has had a long standing tradition of influence on Spanish political debates concerning sexual and reproductive rights.”⁵⁷ Even with this significant influence, it is interesting to note that sex work is not overtly discussed in the Spanish criminal codes, as previously mentioned.⁵⁸ Perhaps religious lawmakers in Spain are trying to purposely avoid making a judgment on sex work because they fear the “moral consequences” of making such a

judgment. Even though the legal term for Spain’s sex work policies--or lack thereof--is “decriminalization,” the approach is more of an ignorance to the industry. Meanwhile, the Netherlands promotes a culture of tolerance to the industry. Since religion is less of a driving force behind policy decisions in the Netherlands, the majority of Dutch lawmakers lack a religiously driven moral and ethical code by which to create laws, especially relating to sex and sex work.

Violence Against Women and Minorities

All of these different approaches toward the legal frameworks of sex work result in varied effects on women’s safety. Human security concerns are increasingly evident under all legal frameworks of sex work, because “worldwide, 45-75% of sex workers have experienced workplace

⁵⁶Herlinger, Chris. “The Worldwide Debate About Sex Work: Morality Meets Reality.” *National Catholic Reporter*, 27 July 2017.

⁵⁷Lombardo, Emanuela. “The Influence of the Catholic Church on Spanish Political Debates on

Gender Policy.” *Gender, Religion, Human Rights in Europe*, 2006.

⁵⁸Benavides, Lucia. 11 Apr. 2018.

violence.”⁵⁹ Amnesty International, a global organization dedicated to preventing and ending human rights abuses, focused on the human security concerns of sex work in recent years. Their Senior Director for Law and Policy, Tawanda Mutasah, commented, “Sex workers are at heightened risk of a whole host of human rights abuses including rape, violence, extortion and discrimination. Far too often they receive no, or very little, protection from the law.”⁶⁰ An additional complication for human security within sex commerce is the prevalence of foreign workers in the industry. As previously mentioned, Spain is famous for housing migrant sex workers, who engage in the profession both by choice and by force. For example,

Spain’s legal vacuum has also given rise to a major sex trafficking problem. A police report from last

year revealed 5,695 cases of human trafficking in the previous five years, the majority forced to work in the sex industry. Academics say that in Spain up to 90 percent of sex workers could be under the control of organized crime networks, trafficked from other countries. In the 1980s, most sex workers were Spanish, but today, 80–90 percent are immigrants, mostly from sub-Saharan Africa, Latin America, or Eastern Europe.⁶¹

Regardless of stories such as this, supporters of the Spanish system claim that “decriminalizing prostitution makes it safer for sex workers—they can call the police if a man gets violent and they can access medical care if they’re worried about a

⁵⁹Howard, Sally. “Better Health for Sex Workers: Which Legal Model Causes Least Harm?” *BMJ*, 2018.

⁶⁰“Amnesty International Publishes Policy and Research on Protection of Sex Workers’ Rights.” *Amnesty International*, 26 May 2016.

⁶¹Benavides, Lucia. 11 Apr. 2018.

sexually transmitted infection.”⁶² The conundrum of sex work advocacy, however, is that each legal framework endangers women and other marginalized communities to a certain extent. It is important to note that just because sex work is legalized or decriminalized somewhere in the eyes of the law, does not reflect all public opinion towards sex commerce. The continued stigmas toward sex work and the sex industry result in social alienation and poor treatment of women, and even physical and emotional danger. The unfortunate reality of work within the sex industry is that women are in danger under any legal framework, no matter how progressive the policy seems to be. For example, sex workers are murdered on the job every year in the Netherlands, even though it is considered one of the most progressive places for women and sex work.⁶³ In France, the high profile murder of

a sex worker in Paris in the fall of 2018 sparked street protests as fellow sex workers demanded a change in France’s legal frameworks of sex work.⁶⁴ Activists claim that abolitionist models push sex workers into more dangerous areas of the city, rather than increasing safety. Sex workers in France commented on the policy by stating, “one of the reasons for the increased exposure to violence is clients now demand to have sex in out of the way places, where the police are unlikely to be patrolling.”⁶⁵

These examples of violence and activism within the sex industry highlight the impacts of cultural views on the legal frameworks of sex work. Additionally, there are compounding effects between sex work and other policies, such as migration and immigration. These complications affect the manifestations of human security in the approaches to sex work governance not only

⁶²Ibid.

⁶³Red Light Secrets: Museum of Prostitution, Amsterdam. 2019.

⁶⁴Peltier, Elian, and Emma Bubola. 29 Sept. 2018.

⁶⁵Ibid.

in Spain and the Netherlands, but also in places like France and other countries across the globe.

Conclusion

After examining ample evidence about the nuances in the legal frameworks of sex work and theories about criminality and gender bias, it is clear that religion and culture may affect specific beliefs about women, but stigma against sex work is prevalent all societies, no matter how progressive. Gender bias in the construction of criminality is also prevalent regardless of culture and religion and there is confusion in every society about how to regulate sex work. This confusion stems from a lack of ability to conceptualize women as “offenders” rather than men.⁶⁶

Even though sex work is one of the oldest professions in our world, questions of how to govern this profession are still

prevalent today. The four main legal approaches to sex work--prohibitionism, abolitionism, decriminalization, and legalization--offer varying levels of legal, personal, and social protection for sex workers. They also all offer different ideological interpretations of this profession. Under some models, governments consider sex work as legitimate work that necessitates a minimum wage while other governments prioritize cultural and moral views towards the profession. Protections for human security also vary according to the legal frameworks of sex work in different countries and are complicated by local, state, and federal differences in the approaches to governance. These differences and disputes over how to govern sex work are unlikely to end anytime soon. The varying cultural and religious conceptions of the legal frameworks of sex work draw attention to

⁶⁶Haney, Lynne, and Lili Dao. “Gender and Punishment.” *Criminology and Criminal Justice*, Feb. 2018, Oxford Research Encyclopedias.

the complexities of governing the oldest but
most controversial profession.

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