White Slaves and Tax Payers
Prostitution, the state and feminist discourse in historical perspective
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In 1897 two American women issue a report about the living conditions of prostitutes who serve the soldiers of the British Army in India. Their findings are shocking. Some of the women are simply sold to military brothels by family members or otherwise forced to prostitution. All of them are kept in closed areas and subjected to compulsory medical treatment for venereal disease. Other abuses occur as well. Soon the report circulates in the Netherlands. At a conference during the National Exhibition for Woman's Labour in 1898, a big manifestation of the nineteenth century women's movement, a large audience is horrified to hear about the fate of the Indian prostitutes and about the existence of the same kind of conditions at home. Moreover, according to a French brochure that appears in the same period, in 'our' Dutch Indies each garrison faces a brothel and poor young women are also infected and 'deformed' by soldiers. With their growing number of international contacts, it becomes increasingly clear to feminists that forcing women into prostitution is an international phenomenon. Virtually all of them consider prostitution a terrible evil, an archetypical form of the sexual subordination of the whole female sex. When the report about the British Army is published in Dutch, the front page shows a picture of a submissive Indian woman, kept in chains.

This image of the 'slave' is in sharp contrast with another image that is created almost a century later. In 1995 the cover of the magazine of the Dutch Whore's Union, Vluggertjes (Quickies), shows an assertive-looking woman with abundant make-up who happily and provocatively sticks her tongue out. It is clear that she does not need anyone to tell her what to do. Or perhaps only that lipstick damages rubber and that she should follow the magazines helpful advice to use a second condom if needed for 'the remainder of the work'.

How can we understand the historical circumstances that could produce two such contradictory images of prostitution? Both images, in one way or another, are representations of woman's interests, both are 'political' in the sense that they are aimed at changes in political ideology and the law, both are embedded in some form of feminist politics. How do these images reflect a particular feminist critique of the relationship between prostitution and the state? How do they reflect political and legal demands?
I want to answer these questions through a historical analysis of prostitution politics, the state and feminist discourse in the Netherlands from the nineteenth century onward. The Netherlands is a particular interesting case since this very year 2000 will witness the abolishment of the ban on brothel-keeping that existed since 1911. It is not only remarkable that brothels will soon be legal, but also that both the law that prohibited brothels in the past and the forthcoming legalization of brothels were part of a feminist program to improve the life of women in the trade.

The case of prostitution is not only interesting from the point of view of the history of feminism and the history of law but also from a more theoretical perspective. Throughout history prostitution has always attracted the attention of administrative and legal authorities, often as an object to discipline and punish, or alternatively, as a nuisance to be tolerated. However, with the rise of modern liberal democratic nations, prostitution and the state become entangled in a new web of relations. National and local authorities develop new ways of policing prostitutes and new forms of 'tolerance'. In addition, the relationship between prostitution and the state becomes the centre of a whole field of discourses on the 'public woman'. What seems basic to any treatment of prostitution politics is to investigate the meaning of the concept of the 'public' woman against the historical background of an emerging nation state that defines its remit as the 'public sphere'.

My argument will first focus on this latter point, the definition of 'public women' in Dutch prostitution politics during the nineteenth century, followed by an analysis of the feminist response to these politics. From this historical vantage point current feminist perspectives and changes in the law will be briefly discussed.

**Public women and public policy, 1850 –1900**

In 1811 the Netherlands, whilst under French rule, adopted the French Code Penal as its new criminal code. The ban on all 'whorery' was lifted and licensed brothels were allowed to exist, providing they did not 'promote the debauchery' of minors of both sexes. According to the law, adult men and women could engage in commercial sexual exchanges, whereas neither young men nor young women should be allowed to visit or work in brothels. Although the new law made it difficult for the authorities to chase and arrest prostitutes on the grounds of their immoral behaviour, as has been done in the past, it gave them the power to discipline and punish in a different way. New forms of power did indeed develop. There may have been many reasons to implement new methods of policing prostitutes, but one important reason to control them was the rising fear of venereal disease, or - as most contemporaries would refer to it - 'syphilis'.
In an effort to control the real or presumed spread of syphilis, local and national authorities in many European countries introduced a system of sanitary inspection that involved the regulation of prostitution by the state. The system usually included some form of registration of prostitutes by the police and a set of rules about the conditions for getting and keeping a license. Dutch regulation was inherited from the French and operated officially as follows. If a prostitute wanted to work in a particular town, she had to go to the police who entered her name in a register. From that point on, she was obliged to submit to a regular medical inspection of her genitals, to ensure that she was clean. If this was indeed the case this was reported in a small book, which she kept as a kind of health passport. If she was discovered to be contaminated, her booklet was withheld and she was forbidden to practice her trade. Rules and practices varied according to local circumstances.

From the point of view of the authorities, the system was based on two forms of power. The first was the expert opinion of a new generation of medical men, so-called 'hygienists' who supported the system in the interests of 'public health', a new concept at the time. The second form of power consisted of a set of police regulations backed up by the local council. Hence, no national law existed, such as the better known Contagious Diseases Acts in England. Some cities, about thirty seven altogether, had sanitary regulations while others, notably Amsterdam - a city then already famous for its whores - never implemented them. Most cities got their regulations in the period between 1860 till about 1875, after the passage of the Municipal Law in 1851, although the system operated on and off before that period as well.

There was a third form of power that obviously made regulation possible: the power of gender. 'Public health' was clearly a concept with a gendered meaning as it was tacitly assumed that syphilis spread from the body of an immoral, wanton, lower-class woman to an innocent man. This view of male victimisation, and the resulting focus on the protection of the male citizen, was part of a culture that feared licentious female sexual behaviour. A whole range of legal and political texts was penetrated by a deep suspicion of female sexuality. Fear of unjust criminal allegations or 'blackmail' by a vicious woman is found in a wide variety of texts, such as forensic treatments on rape, legal debates about the unmarried mother and political discussions about sexual morality. Regulation of prostitution was also based on this premise of female sexual evil, and it was perhaps the most extreme case in its practical consequences.

Regulating diseases by police control was clearly a repressive state measure that interfered in the lives of women who were considered as outcasts and labelled as prostitutes. Although the system in Dutch cities was relatively loose compared to other places such as Paris or Berlin, the
Dutch police also had wide-ranging power. Policemen could pick up women from the streets, subject them to a medical examination and register them. In the port town of Rotterdam in 1877, for example, they picked up a total of 119 women from the streets and cafés and found ninety three infected.\textsuperscript{7} The most extreme measure the authorities could (and did) take was to lock up diseased prostitutes in a hospital until they were considered healthy again. One has to keep in mind that modern medical knowledge about the cause, symptoms, diagnosis and treatment of VD was still in its early stages. So what posited as 'syphilis' might have been any nasty looking affliction and a healthy appearance might have concealed an illness. If patients got any treatment at all, they were often treated with mercury, the traditional remedy against syphilis.

\textbf{women and citizens}

The state regulation of prostitution has attracted the attention of many historians, especially woman historians who unequivocally have pointed to the bad treatment of prostitutes under an all-male medical police.\textsuperscript{8} Many have noticed the astonishing fact that men were excluded from compulsory VD check-ups. However, less attention has been paid to the political theory underlying regulation. What needs to be explained is how this particular form of state control was possible given the fact that in the middle of the 19th century countries such as the Netherlands were relatively new democratic states where physical integrity was a basic right and where citizens enjoyed equal right to protection by the law. Moreover, liberal democratic ideology assumed sexuality to be a private affair. As Samuel van Houten, a well-known progressive liberal in the Netherlands, observed in 1883: in sexual matters one should apply the \textit{volenti non fit injuria} principle. Sexuality belonged to the 'realm of freedom'. Therefore, the state should intervene only in order to protect the free will of one citizen against the bad intentions of another.\textsuperscript{9} The question is how these abstract legal conceptions about freedom related to the fact that it were women and not men who became the object of medical inspection. How could it be that rights to personal liberty could be violated for one sex and not for the other? Part of the answer seems obvious: of course the status of women as citizens was ambivalent, they certainly did not have equal rights and, if poor - or vagrants or both - they lacked 'protection' anyway. We may indeed find many interesting illustrations of the prostitutes' lack of status as a citizens. For example, Van Houten argued that the prostitute and her brothels-keeper put a commodity on the market. Hence, the state should control the quality of this commodity, as was done with contagious food and other consumer products. (Men, it seems, were not able to put a poisoned
commodity like syphilis on 'the market'). This logic rested on the assumption that autonomous free 'citizens' with rights had sex with 'women' with no rights. However, it is somehow unsatisfactory to argue that prostitutes were brought under state control because as women they lacked rights in a male dominated state.\footnote{\textsuperscript{10}} It is much more enlightening to realize that the fact that prostitutes were defined as 'public' made them a candidate for a different form of supervision than the one carried out over the married woman or daughter in the private sphere. As is argued by many political theorists, the core figure of liberal contract theory was a man who enjoyed natural individual rights, who was in fact a father of a family and represented his wife and children before the law; rights were inscribed on a male, and not on a female body; property descended through monogamous marriage which assumed women's consent with the sexual power of her husband.\footnote{\textsuperscript{11}} Various statements and rules of regulationists make sense only if one realizes that they were mediated through this prism of liberal democratic thought about gender and family law. In particular, the logic of the regulation system can be reconstructed by distinguishing several interrelated strategies or hidden assumptions that ruled power itself.

The meaning of 'public': three strategies

The first strategy was to create an identifiable group. 'Prostitute' was not a self-evident category but to some extent created by the regulation politics. Regulationists and others made a distinction between 'secret' and 'public' prostitution. From roughly 1850 to the early twentieth century, legal authorities, police officers, politicians and many others persistently saw all so-called 'secret prostitution' as the main source of danger. 'Secret' was a loose term and could include the mistress, the contaminated servant girl, any immoral women. All 'secret' prostitution, the authorities maintained, should be made 'public', that is, to be brought under police supervision. After 'secret' had vanished into 'public', in the imagination of those who supported the system, two large blocs of women emerged. On the one hand the good, virtuous housewives and on the other hand the bad immodest, immoral ones. Thus, it is no surprise that no legal definition who was a secret - or for that matter a public - prostitute existed. Some police rules in some cities spoke of prostitutes as "all women who lead an immoral live", other were more specific and said something like "as prostitutes we consider those who make a living out of prostitution".\footnote{\textsuperscript{12}} The ideological distinction between the respectable lady and the prostitute went together with a geographical separation between them as well. Brothels should not appear in the main streets for example, and should use non-transparent curtains; prostitutes at public places like theatres were allowed only places marked out by the police, they were not supposed to expose themselves
immorally in the streets, and so on. It may not entirely come as a surprise to you that were divided into the good and the bad, but it is striking that this strategy was actually at work in the process of creating and maintaining the regulation system.

The effort of separating women in the good and the bad fit in with a second strategy. By being defined as 'public' a woman symbolically left the sanctuary of the family and entered a different world where her activities were controlled by those who were responsible for 'public morality' and 'public order'. Those concepts were rather vague and could be used to legitimate particular interventions. For example in their capacity of maintaining public order, policemen could enter a house without much difficulty if it was the house of a prostitute, the right of civilians to 'home and hearth' notwithstanding. On the other hand, some police rules stated that if a woman married her name was immediately removed from the police register. Apparently the woman's sexual life was not longer submitted to the jurisdiction of the state, but to the power of her husband. This latter rule points to a third strategy underlying regulation. Prostitutes were women who apparently acted independently from male control. This might have reflected their actual circumstances, since many prostitutes were in a transitory stage of life as relatively young women who were no longer dependent daughters and not yet (or not any longer) the dependent wives. To put it bluntly: they lacked male authority. Legal and social debates about prostitution in this period give the impression of an underlying imaginary of a state authority that mirrors the idea of male control in the family. In the imagination of regulationists it looks as though the state symbolized the position of the father: just as the father exercised control over women and children in the family, the state exercised control over the public woman. For example, a parliamentary commission report on police law observed about police supervision of prostitutes in 1852:

"just as there exists an authority in every family, there also should be an authority in the separate world that is made up by those who live in houses of debauchery in the big city, an authority that is able to act and punish without bringing a case to court all the time. Without such powers, it is impossible to exercise police supervision".

That many took it for granted that the state assumed the position of the father, can be inferred from the parliamentary debates about a new criminal code in the early 1880s. Whereas it had been difficult in the past to interfere in parental power, such as in the case of child labour, it was relatively easy to do this in the case of prostitution. The Minister of Law, the well-known liberal politician Anthony Modderman, argued that the state
should take responsibility for minors and should not condone their immoral inclinations, even if their parents (=fathers)\textsuperscript{13} did not object. This point of view led to a reaffirmation of the old Code Penal rule that minors were forbidden in brothels (even if this meant in fact a stricter rule, as adulthood started at the age of twenty-three).

To conclude: regulation was not simply a system that can be understood as an effort on the part of powerful state-authorities to control the immoral behaviour of its poorer citizens. It was first and foremost a system that was build on a whole range of presumptions about gender, the law and the meaning of male power, caught in an ideological framework of state responsibility for public health. The next section will deal with the question of how the regulationist ideology was contested.

**Feminist strategies**

Regulation would perhaps have disappeared from the historical record as one of the many examples of how a powerful state ruled over its poorer citizens were it not for the rise of an international social movement against the system in the last decades of the nineteenth century. Controlling VD by regulating prostitution became a 'question', an issue surrounded by intense political controversy. In the Netherlands, thousands of people from very different ideological backgrounds were mobilized to support a ban on brothels at the turn of the century. Many public debates on the sanitary inspection of prostitutes raged throughout this period among a wide range of lay people and professionals. By 1900, a vast amount of national and international literature had accumulated, a true discursive explosion of academic, social, medical, legal and political views on prostitution and society. This movement, under the leadership of the famous English woman's rights advocate Josephine Butler, fought against what its adherents referred to as 'the state regulation of vice'. In England and the US the cause became known as the social purity movement or as the movement for the repeal of the Contagious Diseases Acts. On the continent it was known as *abolitionism* or the abolitionist movement.

The abolitionists were a very mixed group of people, a coalition of evangelical protestant ('orthodox-protestant') men and women, socialists, feminists and radical liberals. Although they were united in their efforts to overthrow regulation and abolish prostitution, they often did so on the basis of very different political agendas. However, notions about sexual equality were central to all brands of abolitionism. The rise of abolitionism and the rise of the women's movement were closely connected (although the relationship was complex; abolitionism was not the only determinant of the growth of feminism). Female political organization in the Netherlands was partly a response to Josephine Butler's 'call' to abolish
regulation. In fact, the first woman's organization that organized around state-oriented political demands, the evangelical protestant Nederlandsche Vrouwenbond tot Verhooging van het Zedelijk Bewustzijn, Dutch Women's Union for Improving Moral Consciousness, was founded in 1884 after Butlers pressure on Dutch women to engage in the fight against regulation. The Union was build on an already existing female tradition of rescue work among 'fallen women' but gave this work a more political meaning. Initially its main argument was that the state should not organize sin and that a higher moral consciousness should permeate society. Later, in the 1890s when the women's movement developed and more radical interpretations of gender inequality arose, the Union joined with feminists of a wide range of ideological convictions to fight regulation and prostitution. Prostitution became a central issue in a critic of the conditions of the whole female sex.

There is much to say, and indeed has been said, about the feminist position towards regulation especially about the most famous feminist demand that there should be a single moral standard for both sexes. Men could be as chaste as women, feminists argued - as did all abolitionists - so prostitution was not (as pro-regulationists claimed) a necessary evil. In this paper I will highlight a few other characteristics of feminist discourse, in particular its critique of the state and its concepts of sisterhood and slavery.

Prostitution and regulation exposed to many feminists the male character of a state that failed to protect the personal liberty of an underclass of poor women which were abused for male sexual lust (although many expressed themselves in less radical terms). Butler attacked regulation as being at odds with fundamental legal rights such as laid down in the Magna Charta. Although this point was taken up more by Dutch professional lawyers than by Dutch feminists, the latter nevertheless made clear that regulation existed because women lacked political power, legal power and access to labour and professions. Even the leadership of the evangelical Women's Union, whose members firmly believed in family values and 'woman's sphere', supported the more socialist and radical feminist analysis that low wages and lack of paid work were responsible for the prostitute's 'fall'. Embedded in the feminist program as a whole, prostitution and regulation constituted an important grounds for claiming female citizenship and the vote. If women had not been left out of government and politics in the first place, a thing like regulation would never have been invented. Or so the argument ran. In the very first issue of the newspaper of the Vereeniging voor Vrouwenkiesrecht, the Woman's Suffrage Association, founded in 1894, it was claimed that prostitution would disappear when women would have the vote. The significance of these statements goes beyond a mere 'woman's right' demand for equality; feminist regulation politics had a much wider
meaning. All abolitionists were essentially engaged in a struggle for political power and control as part of a process that constituted the Netherlands as a modern nation. Evangelical protestants, socialists and libertarian radicals saw regulation as a symbol of a society and a state they despised, each for their own reasons, for not being a 'civilised' nation. Such widely divergent ideologies as evangelical protestantism and socialism converged in their view on prostitution in the sense that both wanted to reform the nation itself, be it the wish of a state who adhered to the Ten Commandments or a workers' state that would end the exploitation of 'the daughters of the poor'. Hence, a state that did not tolerate prostitution and regulation could fit in with other visions of the future. The women's movement was a central, although by Dutch historians much neglected, force in this vision of a future turnover to a 'civilised' nation. Feminist notions were important to all anti-regulationists, because political demands for sexual equality posed a fundamental challenge to the liberal-democratic theory of the sexual that was underlying much of regulation rhetoric.

Feminist opposition to regulation was part of a larger program to fight female sexual subordination in law and customs. The martial power of men in the family and the position of unmarried mothers as outcasts were all connected to the issue of prostitution. The older notion that marriage was a form of prostitution, (dating back at least to Mary Wollstonecraft) surfaced in quite a few radical texts. Thus, anti-regulation politics illustrate the more general finding that gender and sexuality were not hidden from history or existing outside the realm of conventional 'big' state politics, but central to it. In the case of prostitution, the issue of commercial sexuality and the existence of a medico-legal system of state control, constituted a vehicle for organizing for a new social order, a new civilised nation, and a new political structure.

In the making of this new social order abolitionists embarked on a struggle against state regulation of prostitution that took almost 40 years to win, if one takes the formation of the first (male) abolitionist organization in 1879 as a beginning. The first successes were the abolishment of regulation, followed by changes in the national law on public morality. Even more important was the simultaneous creation of a new image of the prostitute.

sisterhood, slavery and the law

The woman's movement embarked on a fundamental and intense critique of the dual concept of womanhood such as created and maintained by the regulation system. Feminist ideology challenged in many ways the definition of
prostitutes as the female 'other', as a separate kind of female species. Josephine Butler was worshipped as a saint in the Netherlands and many took her as a leading figure in this endeavour. Many would have agreed with her eloquent attacks on men and society for inventing two classes of women, the Angel in the house and the downtrodden whore. Against a world that looked down on prostitutes with contempt feminists defended the idea that prostitutes were sisters who had a right to compassion of all womankind. Prostitutes were 'women like us', as Marianne Klerck - van Hogendorp, the president of the Woman's Union said. For a rich and respected member of the nobility, who was raised in the religious tradition of the Réveil, an early nineteenth century religious revival movement, this declaration of solidarity and sisterhood was a remarkable ideological step. It was an effort to cross gender and class boundaries on the basis of a perceived general woman's interest. Sisterhood, however, was a complicated affair. The ideology underlying regulation, the separating women into the good and the bad was in a very subtle way also supported by its opponents. Most feminists and prostitutes were separated by a great gulf of class, pity, social distance and a motherly attitude on the part of the former. Different branches of feminism took different positions. The protestant Women's Union developed a political identity based on an ideal of woman as pure and chaste. Its political concept of universal sisterhood was essentially embodied as a bourgeois moral mother. The prostitute could become part of this sisterhood, but in fact only by offering herself to be rescued. For non-christian feminists the picture was somewhat different as many did not endorse the idea of sisters against sinners. However, prostitution represented a profound antithesis of the ideal of freedom for women, as it was almost exclusively seen as forced in one way or the other. Moreover, radical feminists such as the first female doctor Aletta Jacobs identified prostitution was a source of contamination that threatened wives and children, thereby unwittingly supporting a regulationist view. It might be clear that these notions were an undercurrent in the official declarations of sisterhood, illustrating the difficulty of a sisterhood that was formulated by one party only. In the struggle against regulation the prostitute was not consulted.

Sisterhood as a political concept was valuable as long as prostitutes were seen as 'slaves'. The word abolitionism itself reflected the abolitionists' understanding of themselves as liberators, as ideologically connected with the abolitionist struggle against black slavery. Indeed, to many of the movement's more radical advocates, prostitution was a form of 'white slavery' and regulation its 'legitimized' form. As Butler wrote in her letter tot the Ladies of the National Association in 1875,

"Remember that the system for which he pleaded in the Sacred name of
Christ is a system of slavery, of buying and selling of human beings, of oppression, of imprisonment, and of slow murder, which has not for its ends the cultivation of the rich man's cotton fields and sugar plantations, but simply and solely the secure gratification of man's lust.\textsuperscript{18}

The term `sexual slavery' as such was not often used by the early woman's movement in the Netherlands but it was certainly the term that expressed best what feminists felt about prostitution.

Although the concept of white slavery contained many racist connotations\textsuperscript{19}, there was some truth in it as well. Prostitutes often lived in brothels as 'boarders' on a more or less permanent basis, and they could easily be exploited by their madams. There were frequently moved over from one 'owner' to the other and were kept in constant 'debt'. After 1900 the metaphor of slavery got a more powerful meaning with rising fears about the international 'white slave traffic'. But the fact that there was a moral panic about the traffic in women, did not mean there was no forced prostitution. (On the contrary, while some historians tend to play down the incidence of 'real' traffic, I am inclined to believe the abolitionist propaganda a bit more). An yet, 'slavery' was as problematic as sisterhood. The problem with 'slavery' was not that there was nothing wrong with the conditions in prostitution, the problem was that breaking the chains seemed to be the only possible answer.

By 1900 the only legal road that seemed open to end slavery, apart from fighting regulation on a municipal level, was the prohibition of brothel-keeping. Between 1895 and 1905 the regulation system was abandoned in most Dutch Municipalities, partly because of abolitionist pressure, partly as a result of increasing medical doubts about the effectiveness the system.\textsuperscript{20} In its wake, male abolitionists, together with the Woman's Union, took the lead in an important campaign to fight brothels. \textsuperscript{21} Although it was immorality that propelled the leading male protestants into action more than anything else, brothels were definitely presented as the main site of exploitation of prostitutes. The issue of the international white slave trade was successfully connected with the issue of brothel-keeping. Brothels, it was argued, could only exist if the white slave trade offered them women, and vice versa, the traffickers needed places to bring their prey.

The power of the definition of prostitution as slavery is illustrated by the great political support for the prostitution paragraph in a new Bill on Morality that was passed in 1911. The Morality Laws are notorious for marking the end of an era of liberalist politics and the rise of the influence of religious- based political parties. Among other things the law forbade 'promoting the debauchery of someone with a third party', or in
plain words, brothel-keeping (article 250bis). The traffic in women (article 250ter) was forbidden as well. Prostitution as such was not prohibited, although new or old by-laws in Municipalities could make soliciting difficult.

The abolitionist victory was mainly a symbolic one. It is beyond the scope of this paper to elaborate on the effectiveness of the 1911 law, but it should be mentioned that the law was not very effective.22 Brothels simply continued as hotels, cigar stores or under other suitable covers. Or openly as ever.

The feminist heritage and the repeal of the 1911 law

As mentioned in the introduction to this paper, the 1911 law is today on the political agenda again, or rather is on the verge of being replaced by a new law that will lift the ban on brothels. How do modern feminist analyses and discourses fit in with this shift in the relationship between prostitution and the state?

The political theory of first wave feminism about commercial sexuality was successful in the sense that abolitionists, especially female abolitionists, succeeded in changing the cultural image of the immoral, wanton and untrustworthy woman into the image of the slave. But this was a problematic heritage in at least two respects. First, the feminist theory of sisterhood was based on compassion but not on autonomy for prostitutes. It assumed simply the disappearance of the category of the prostitute after a feminist revolution. A second drawback of the feminist analysis in the past was its lack of concepts about what we would call now sexual agency. Feminist discourse on sexuality was embedded in traditional judicial and religious discourses that still prevailed in the second half of the nineteenth century. Concepts such as 'debauchery', adultery and public morality were connected with Biblical notions about 'sin', 'fall', 'rescue' and 'seduction'. These concepts, such as was typical for 'seduction', did not distinguish between what was 'good' or 'bad' sexual experience (all sexual experience outside marriage was 'bad'), they did not distinguish between voluntary and forced sexuality and they did not include notions about a positive female sexual identity.23 In a famous speech, Butler once stated that God had given woman 'a natural and fundamental right, the right to her own person', (thus using enlightenment concepts to argue the sexual integrity of women) 24. It is remarkable that this concept of 'right to your own person' did not permeate feminist discourse, although it reflected quite clearly what feminism was all about.

From the early days of the second feminist wave onward, new concepts to express female sexual agency developed. Just as sexual restrictiveness determined nineteenth century themes, the sexual revolution of the 1960s influenced the themes of the second wave. Sexual autonomy, reproductive
freedom, sexual self-determination, control of our bodies and other new
concepts were translated - more or less successfully - in political demands.
Although prostitution was a theme in the early days of the movement, the
issue was mainly raised in the wake of the debate on sexual violence.
Kathleen Barry's Female Sexual Slavery (1979), with its many horrifying
examples of forced prostitution, became a bestselling work. While Female
Sexual slavery was in many respects a remake of the nineteenth century
version of prostitution, other political forces were at work as well. The
1980s witnessed the rise of the whores' rights movement, supported by a
number of feminists. Prostitutes, perhaps for the first time in history, got
a voice. By demanding human rights for prostitutes the definition of
prostitution as violence was challenged by a new focus on violence against
women as prostitutes. In the Netherlands, the union of prostitutes The Red
Thread fought the negative image of prostitution in the media by new
definitions of prostitution as 'work' and 'sexual services'.
Like the old definitions of prostitution also the new ones influenced the
judicial landscape and the relationship between prostitution and the state.
At an influential state conference on sexual violence in 1982 it was argued
that lifting the ban on brothels was a possible step in improving the
position of prostitutes and a way to fight the woman-traffickers. Seen from
a historical perspective this was indeed a remarkable point of view, as the
existence of woman-trafficking had been one of the main reasons to prohibit
brothels in the first place. A distinction between 'forced' and 'voluntary'
prostitution was laid down in a subsequent policy report on sexual violence.
If women had a right to self-determination, it was argued, they also should
be free to choose prostitution as a profession.
These new ideas about prostitute self-determination were recurring
themes during a long process that finally resulted in the passage of the new
law in the Seconds and First Chamber.25 To conclude this paper it is tempting
to put forward the question whether or no the new law is a sort of leap into
the past, a kind of neo-regulation, or a new relation between the public
woman and the state and indeed a basis for the improvement of prostitute
rights. As the issue stands now, only tentative answers can be given.

**White slaves or taxpayers**

The new law on prostitution is principled on the grounds that the judicial
and social position of prostitutes should be improved. Prostitution, no
longer slavery, is conceived as 'to make oneself available for sexual
encounters with a third party against payment'. The state refrains from all
'moralism' and takes a 'realistic approach'.26 The law is furthermore based
on the distinction between forced and voluntary prostitution and intends to
fight all forms of violence, force, deception, abuse and exploitation. Also
it provides the framework for municipalities to develop their own policy
towards, and their own standards for running the prostitution business. So
indeed, regulation is back again. But, taking a time span of almost 100
years, did things changed for the better?

On the positive side we may observe that a discourse of prostitute
rights is better than a discourse about immoral, lewd women who will harm an
innocent man. But there are many problems. To mention one: law enforcers
have as yet to prove that the law will be effective against forced
prostitution, more so because in daily life the distinction between forced
and voluntary might be gradual rather than sharp. Even more important: basic
to the law is the legalisation of exploitation of prostitution of another
person, i.e. the legalisation of the sex business, not the codification of
the 'rights' of prostitutes. Most commentators on the new law stress the
fact that a fundamental question, namely the relationship between the one
who 'makes herself available for etc.' and the owners of prostitution
businesses is not taken into account. To get her 'right' a prostitute is in
the position of, say, a nineteenth century needle worker. To get her 'right'
she depends on what municipal authorities consider good entrepreneurship
in the sex business. Moreover she has to negotiate her labour protection as
sex-worker on the basis of a - as yet not existing - strong unionist
position on the shop-floor. The definition of prostitution as 'work' has at
least made clear that the working conditions in de sex business are
sometimes as bad as they were 150 years ago. But their is a long way to go
if local and national authorities do not see it as their task to interfere
in these conditions. Therefore, slavery lurks around the corner for the
weaker sister, while the stronger is willing to enlist as a taxpayer.

This situation illustrates on a deeper level how the efforts to defend
the moral and legal rights of prostitutes are contested by an ongoing
discourse about prostitution as 'social problem'. Governmental and municipal
authorities have an interest in maintaining public order, fighting organized
crime, prevention of venereal diseases, restricting nuisance through zoning
and combating the influx of illegal immigrants These problems are not
conceived fundamentally different today as they were in the nineteenth
century.

For this and many other reason its is important that the feminist
debate about prostitution is kept alive. Defining prostitution as 'sexual
service' and 'work' can easily be interpreted as a sign of sexual
liberalization 'in general', while making the gendered nature of the
prostitution contract invisible. Is this contract essentially based on
negative definitions of masculine and feminine sexuality? Can prostitution
be a reputable profession as long as he buys and she (and he) sells? Is
prostitution more than other professions a career for abused women? Can we
conceive of a real acceptance of 'whorery', or doe we cherish a romantic
view of sexuality? Those questions still echo the older feminist discourse. The whore stigma, prostitutes' rights advocate Gail Pheterson has said, affects all women. This statement could be understood as a modern version of the nineteenth century notion that prostitution is a sign of disrespect for all women. But today different questions are on the political agenda. It seems that a new kind of sisterhood must find some new answers.

1. For the English edition of the report see Andrew and Bushnell, 1897, -- . For the French brochure see Avril de Sainte-Croix, Eén moraal voor de twee geslachten rede uitgesproken door Savioz (Madame Avril de Sainte-Croix) op het internationaal congres over den toestand en de rechten der vrouw, gehouden te Parijs van 5-8 september 1900. (Vertaald door P.B.). Amsterdam: Versluys, 1900.


4. Legal statements and actual practices could be very different of course, and many women under age were reported to work in brothels.

5. This description is based on written police regulations, which may or may not have been enforced. In practice regulations varied and the way they were applied, again varied with local circumstances.

6. There had been an unofficial kind of regulation in the early nineteenth century, see J.F. van Slobbe, Bijdrage tot de geschiedenis en de bestrijding der prostitutie te Amsterdam. Amsterdam, Scheltema, 1937.


10. In particular while the criminal code made no obvious distinctions between legal rights of men and those of women.

11. Sevenhuijsen, Pateman, Okin, etc.


13. Mothers had no parental power.


15. It is highly likely that some were influenced by Butler, such as Oncko van Swinderen who was at the first international abolitionist conference in 1877 in Geneva, see Swinderen, Jhr, Mr. O.Q., *Eene bijdrage tot het prostitutievraagstuk*. ’s-Gravenhage: Beschoor, 1885.

16. An exception is Stuurmans study about pillarization, a typical Dutch political structure that emerged in the late 19th century. See Stuurman,


19. 'Slaves' were often not white to begin with, and the term raised racist feelings about 'our' women being exported to exotic markets.


21. This was much more the show of conservative male protestant abolitionists than feminists whose constituency belonged to another world than the world of law and politics and who did not firmly believed in its effect.
22. Perhaps the law even made things worse for prostitutes. Notably the shadowy legal status of the business could have been a reason for organized crime to step in and demolish the originally female management structure of the trade.


