

## International Trends in the Control of Sexual Services

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States vary in the ways they have attempted to control prostitution, ranging from total prohibition to decriminalization and legal regulation. Some nations prohibit the purchase but not sale of sex (Sweden, Norway, and Iceland) or prohibit the conditions necessary for commercial transaction such as “soliciting,” “loitering,” or “communication” related to a sexual transaction.

This chapter identifies two major trends in how governments recently have dealt with sex work: (1) intensified *criminalization* designed to eradicate it; and (2) *liberalization* based on principles of harm reduction, labor rights, and civil regulation of commerce. We suggest that such policies are shaped by the interplay of forces at the national and international levels, and we examine the roles played by key actors in shaping policies in three nations: the Netherlands, Sweden, and New Zealand.

Much research on sex work is now available to guide policy makers (Weitzer 2010a), yet this body of evidence is often disregarded in favor of simplistic, ideological methods (Weitzer 2010b). Our three cases differ based on the extent to which their policies are evidence-based, with New Zealand at one end of the continuum and Sweden at the other (Goodyear 2007). Support for this argument is presented below.

### *The Netherlands*

During the last quarter of the twentieth century, state policy in the Netherlands consisted of de facto legalization of prostitution, with some official oversight of premises where sex was sold. Police conducted periodic checks on brothels and window units to ensure that minors and illegal immigrants were not present, but otherwise regulation was limited and third-party involvement, although illegal, was tolerated. Red light districts expanded in the late 1970s, and by the 1990s public opinion favored formal legaliza-

tion. A 1997 poll, for instance, revealed that 74 percent of the Dutch population regarded prostitution as an acceptable job and 73 percent favored the legalization of brothels (Brants 1998). In the World Values Survey, the Netherlands ranks as the most tolerant of prostitution of any European nation except Switzerland. Only 20 percent of the Dutch population considers prostitution to be “never justified,” whereas twice as many people in Sweden subscribe to this view (World Values Survey 2006).

Several abortive attempts have been made to pass decriminalization bills in the late 1980s and 1990s, culminating in a 2000 law repealing the brothel ban. Those who owned and managed brothels, escort agencies, and window-prostitution units were no longer criminalized under the law. The remaining prostitution offenses centered on violations of personal freedom, protection of minors, and trafficking.

### Frames and Actors

During the two decades preceding the 2000 law, the women’s movement in the Netherlands gradually embraced what Weitzer calls the “empowerment paradigm” (Weitzer 2010a), partly because of concerns about portraying women as victims without agency, which is the hallmark of an opposing perspective, the “oppression paradigm.” Liberalization of the law was seen as a means of improving the position of sex workers, and self-determination was held to include the right to have control over one’s body, including selling sex (Outshoorn 2004). The dominant official discourse increasingly described prostitution as work inscribed with contractual rights, so long as the worker is a Dutch citizen or from one of the European Union (EU) nations. Symbolically the 2000 law was an important milestone in recognizing prostitution as legitimate work, distinguishing “voluntary” from “forced” prostitution, and separating criminal corollaries such as organized crime, violence, and drugs from the sexual exchange itself.

In recent years the “rights” discourse has been challenged by a parallel discourse grounded in the oppression paradigm and focusing on trafficking, under-age sex work, and coercion. Concerns about such abuses provided the incentive for recent legislation, including Bill 32211 which proposes raising the minimum age of participation from eighteen to twenty-one, compulsory registration of sex workers, and criminalization of clients who visit unregistered providers.

The sex workers’ organization Rode Draad (Red Thread) opposes the compulsory registration of sex workers and raising the minimum age. Red Thread and independent analysts also point out that most of the criminals

involved in prostitution are located in the illegal market, not the legal, regulated sector. Their position is supported by social and health professionals and women's groups (Wijers 2010). Yet, for the most part, these voices have been ignored during the past three years.

## Implementation

Implementation had not been a priority in the parliamentary debates preceding the 2000 law, despite the immense task of transforming a marginalized industry into a mainstream business sector with all the rights inherent in legal work. This transformation took place in an administrative void, with little precedence for guidance. The challenges included conflicts between the government and the owners of sex establishments, and tensions between municipal authorities and central government. Administrative law in the Netherlands devolves to municipalities, which assumed responsibility for regulating the newly legal sex trade. Municipalities varied considerably in their motivation, understanding, resources, and prior relationships with the sex industry, and in the degree to which municipal authorities consulted or collaborated with sex workers, concerned residents, and sex entrepreneurs (Wagenaar 2006). Contested issues included taxation, licensing procedures, monitoring and enforcement, public safety, working hours and conditions, health and safety regulations, and the fate of migrant workers.

Recently the federal government has assumed a stronger role in establishing norms that apply to all municipalities. Sex proprietors have been targeted by the authorities. For instance, the Public Administration Probity Screening Act of 2003 has been used to deny licenses to third parties suspected of criminal activities. All that is needed under the Act is simple suspicion that an individual may be involved in money laundering, for example, with the onus on the accused to prove their innocence. This measure is responsible for much of the recent reduction of windows and brothels in Amsterdam, although application of the law has been less rigorous in other cities.

## Evaluation

The Ministry of Justice has carried out two formal evaluations of the effects of the 2000 law (Daalder 2004, 2007), documenting some improvements over time but problems in other areas. The number of minors involved is fairly small and has not increased since 2000 (Daalder 2007). Prior to 2000 street prostitution was tolerated in designated areas of the major cities, most

of which have now been closed by municipalities. Today street prostitution constitutes a tiny sector of the market overall, and it is almost nonexistent in the vicinity of the red light districts. Organized crime played a larger role in the sex sector in the past than it does today, and organized crime is much more involved in the drug trade (Huisman and Nelen 2007).

Some legal prostitution systems distinguish themselves with costly or cumbersome regulations, and this tends to catalyze a parallel illegal sector seeking to avoid such restrictions. This is the trend in the Netherlands. The number of legal prostitution establishments has decreased over the past decade; the size of the less visible market (independents and illegal underground establishments) is difficult to measure given the lack of a pre-2000 baseline, but it has likely grown as a result of technological innovation (cell phones and the Internet). Many of the legal owners claim they are being “over-regulated” while their illegal counterparts operate with impunity. There is some basis to this charge, especially in Amsterdam, but enforcement actions against illegal operators have taken place as well.

The position of migrant sex workers has attracted much attention. One objective of the 2000 law was to reduce coercion and facilitate voluntary sex work. This is particularly relevant for non-EU and hence illegal migrant workers who are often under some type of third-party (though not necessarily coercive) control and are more vulnerable to exploitation. Some migrants are unaware of their rights or how to seek help or redress if they are being abused or exploited, so the migrant population (both legal and illegal) remains vulnerable and of particular concern to the authorities. There has been an increase in Eastern European workers, reflecting expansion of the EU, and it is possible that the number of illegal immigrants (i.e., non-EU) has increased as well—though this is chronically difficult to estimate.

## Analysis

Although critics claim that legalization has done little to normalize sex work, it has extended rights to workers and given brothel owners a new legitimacy as quasi-conventional “entrepreneurs.” Some of the changes since 2000 have been motivated by the goals of harm reduction and normalization, but other changes are designed to exert greater control over the sex industry simply in order to contain it. As in all such transitions, the Netherlands has seen both unintended consequences and unrealized goals of legal reform. As indicated above, greater regulation is not always welcomed by owners or sex workers. No evidence supports the claims that liberalization has created *major*

problems, but much still needs to be done to address the needs and welfare of Dutch sex workers. Overall, there has been little documented improvement in the well-being of workers, partly because of the usual difficulties in destigmatizing sex work (Daalder 2007). Development of better labor standards and mechanisms for redress are required, as well as active discouragement of discrimination against workers. The Red Thread considers the new law to be an improvement but has also called for further reforms—including a hot-line for reporting abuse, encouragement of independents, and small worker-owned and -operated businesses (Altink and Bokelman 2006).

Policies that seek to empower sex workers can run up against local authorities' desire to maintain control over this sector. Dutch cities differ in the ways and degree to which they have attempted to exert control. In Amsterdam, for instance, the dominant political forces have squeezed a number of brothel and window owners out of business, pushing workers into the illegal sector or into red light areas in other cities and countries, but Amsterdam's aggressive approach has not been followed in most other cities where organized prostitution exists.

In evaluating the evolution of Dutch prostitution policy and practice since 2000, it should be borne in mind that the Netherlands has persisted with this legal regime in the face of intense international condemnation. Influential prohibitionist forces (mostly from outside the country) have targeted the Netherlands, in an effort to embarrass the government and catalyze repeal of the 2000 law. The Dutch state seems committed to retaining some form of legal, regulated prostitution, but it has also taken steps to impose new restrictions on sex workers and businesses. As we discuss below, Sweden differs dramatically from the Dutch approach.

## *Sweden*

The sale and purchase of sex remained legal in Sweden until recently, but third-party involvement was illegal. The situation changed dramatically in 1999 under a law that condemned the clients of sex workers and criminalized the purchase of sexual services.

## Debates

A 1981 commission concluded that prostitution was *not* a question of gender inequality, was declining as an activity, and that criminalization would drive it underground and worsen stigmatization (Statens offentliga utred-

ningar [SOU] 1981). Among those opposing criminalization were the police, judiciary, ombudsman, gay rights groups, and the sex-education association. Most women's groups, however, supported criminalizing prostitutes' clients and defined prostitution as an institution of male domination, incompatible with equality and requiring suppression.

Between 1983 and 1993 some fifty bills dealing with prostitution were presented in the Swedish parliament, partly the result of lobbying by women's groups inside and outside the government. Some MPs articulated the oppression paradigm in parliamentary debates on these bills. For example, in a 1991 debate, Social Democrat Ulla Pettersson stated, "By accepting prostitution society tolerates a humiliating perception of women. The view that women can be bought for money expresses a disdain for women as human beings" (quoted in Dodillet 2004:4). In 1993 another commission advocated criminalizing both buyers and sellers in sexual exchanges, but most political parties rejected blanket criminalization. Subsequent bills called for the criminalization of clients exclusively on the grounds that criminalizing the sellers would only compound the victimization of women.

In 1998 the Kvinnofrid (Peace for Women) Bill was introduced by the ruling Social Democratic Party—an omnibus bill that dealt with crimes against women in general but also included a measure to criminalize those who purchased sex. There was virtual unanimity on most aspects of the bill except for this last point. The Justice Committee doubted that criminalization would reduce prostitution but still recommended the bill (Svanström 2004). The discourse was lacking in empirical referents and rooted instead in claims about gender relations and the threat that prostitution posed to women in general. As the leader of the Swedish Left Party Gudrun Schyman declared, "A law that criminalizes the purchase of sexual services will mark how the society shall look on the unequal distribution of power between men and women" (quoted in Dodillet 2004:6). The law was depicted as an integral part of Sweden's much vaunted egalitarian society, as Social Democrat Inger Segelstrom stated in parliament: "We Social Democratic women in the world's most emancipated parliament cannot allow that men buy women for money" (quoted in Dodillet 2004:3). The bill passed 181 to 92, becoming law on January 1, 1999. Those who purchase sex are now liable to a fine or incarceration for up to six months.

A government fact sheet published six years later showed that the law is firmly rooted in the oppression paradigm: "In Sweden, prostitution is regarded as an aspect of male violence against women and children, it is

officially acknowledged as a form of exploitation of women and children . . . which is harmful not only to the individual prostituted woman or child, but also to society at large” (Ministry of Industry 2005).

### Frames and Actors

The women’s movement lobbied strongly for the bill. Opposition was muted. Sex workers and their organizations were virtually silent, and there was very little public debate over the bill until *after* the legislation passed. Notably the police opposed the bill, as did Liberal and Moderate members of parliament, while Christian Democrats abstained during the vote. An alternative perspective, the empowerment paradigm, appeared late in the debate and only outside of parliament.

Proponents of the bill argued that there was a need to send a message against oppression and trafficking (Gould 2001), insisting that prostitution and trafficking were manifestations of the same male predisposition to “violence against women and children” and that prostitution does serious damage to society (Ekberg 2004). They maintained that it was not about women’s sexuality but about *men’s* access to women’s bodies that interfered with women controlling their own bodies.

During the parliamentary debate, legislators seemed cognizant that they were breaking new ground in shifting the onus onto the clients and thus “protecting” women. The Minister of Gender Equality predicted, “I believe that in 20 years, today’s decision will be described as the big leap forward to fight violence against women and to reach *Kvinnofrid* [peace for women]” (Messing 1998).

### Implementation

Implementation was not part of the debate, but the government provided 7 million crowns (U.S.\$1 million) to the National Police Board for enforcement. Extra police were hired, and vehicles in street prostitution areas were placed under greater surveillance. There was an immediate decrease in the visible street market, followed fairly quickly by displacement to the less visible spectrum, as seen in other countries introducing repressive legislation. The difficulties of enforcement and conviction were immediately noted by the police, as sex workers were reluctant to testify against their clients. Importantly, the legislation provided no support for the prostitutes themselves, and Sweden has paid little consideration to harm-reduction prac-

tices. As Susanne Dodillet notes, “Since it came into force, nothing has been done to improve the situation of women in prostitution. The same feminists who lobbied for the law argued against any measures that could make things easier for those in prostitution” (quoted in Sullivan 2009). Despite claims that the law was a success, the government announced a new Action Plan on Prostitution in 2008, the investment of another 200 million crowns, and further educational measures to “help them [the population] rethink their attitudes” toward prostitution (Ministry of Integration and Gender Equality 2008; “Government Gets Tough on Trade” 2008).

## Evaluation

Evaluation of the law created a considerable conceptual burden, given the law’s broad goals of eradicating prostitution, violence against women, and cultural inequity. There has been a great deal of triumphalism on the part of the law’s champions, as typified in this editorial: “No proper evaluation of the law has yet been undertaken, and it appears unnecessary. The law has the support of 80% of the Swedish people” (*Sydsvenskan* 2007). Foreign media coverage reflected this in such headlines as the one that appeared in the German periodical *Der Spiegel* (November 8, 2007) “Prostitution Ban Huge Success in Sweden.” The most recent data show that 71 percent of Swedes support the law, but only 20 percent thought the law was working and more than 50 percent wanted the sale of sex also criminalized (Holmstrom and Skilbrei 2009; Kuosmanen 2010). In the 2006 World Values Survey, 40 percent of Swedes felt that prostitution can “never be justified,” up from 31 percent in 1996 prior to the legal reform (World Values Survey 1996, 2006). Thus it appears that the law and the debate surrounding it contributed to a less tolerant attitude toward sex work in the population.

The National Board of Health and Welfare (Socialstyrelsen) has produced three evaluations of the law (2000, 2004, 2007), which provide no evidence that it has achieved its objectives. In 2000 it noted that estimating the extent of sex work was almost impossible and that workers and their clients might be relocating to more clandestine locations (Socialstyrelsen 2001). The 2007 report states that street prostitution is on the rise after an initial decline and that customers and sex workers have gravitated to the Internet and mobile phones to set up meetings.

There appear to be unintended consequences of the legislation—namely, that it drives workers underground, increases the risk of violence, harms the most vulnerable, and is difficult to enforce (Clausen 2007; Dodillet 2004;



Scoular 2004). No evidence suggests that the law has reduced violence against women, which appears to have increased instead, as have sexual offenses (“Pedophiles Slip through Net” 2005; Swedish Crime Barometer 2008). A number of other measures indicate that the law is not achieving its objectives despite claims by the authorities. Approximately two thousand men were arrested during the decade since the law’s passage (Sullivan 2009), about fifty of whom have been convicted each year. All those convicted have been fined, and none has been jailed as a result of a court ruling that stopped this option from being applied.

The relatively low number of convictions and the mild penalties imposed anger some supporters of the law who have called for a minimum one-year jail term (“Jail Men Who Pay for Sex” 2008). If the law is not a great success instrumentally, official discourse has increasingly stressed the *symbolic* nature of the law—“sending a message” about buying sex. But the symbolic function itself is in question, since a subsequent commission found little evidence of a change in men’s attitudes toward women (Leander 2006).

By 2008 the media both within Sweden and in other countries had begun to question the efficacy of the law (“Swedish Prostitution” 2008). A 2010 commission’s report on the law’s effectiveness concluded that it was a success but recommended stronger sanctions (Skarhed 2010). The report was criticized for being speculative and lacking supporting evidence, and research on the sale of sex through the Internet casts further doubt on the validity of the Skarhed report (Olsson 2010). Notably a number of candidates in the 2010 parliamentary elections announced their opposition to the 1999 law.

## Analysis

The Swedish developments resulted not only from a well-organized women’s movement and its allies inside the state but also, and more generally, from Sweden’s lack of a liberal tradition and its national isolationism. Sweden’s cultural tradition has long favored a strong state over individual rights and has been protectionist and paternalist under almost continuous Social Democratic governments. The country prides itself on being unique, and unique “solutions” are expected. Despite its reputation as a progressive nation, Sweden follows a zero-tolerance rather than harm-reduction policy toward drugs, and much of the prohibitionist rhetoric in the prostitution debates resembles that of drug debates (Gould 2001). That Sweden has taken such a vanguard role in the international debate on prostitution policy is surprising, given that sex work is such a small part of Swedish life (in 1999 only

about twenty-five hundred prostitutes were working in Sweden out of a population of 9 million). We have suggested that the move toward prohibition can be explained by the nation's dominant social forces and political culture, coupled with the marginalization of Swedish sex workers, who have had no effective voice in articulating their interests prior to or after passage of the 1999 law (Clausen 2007; Dodillet 2009).

Immediately after the law's enactment, Swedish authorities and activists launched an international crusade to promote the unique "Swedish Model"—hosting conferences on trafficking, sexual violence, and prostitution; issuing fact sheets outlining official policy in a variety of languages; and subsequently lobbying other governments, the EU, and the United Nations (Ekberg 2004). Alliances were formed with prohibitionist groups outside Sweden, such as the European Women's Lobby and the Coalition Against Trafficking in Women. This campaign has been relatively successful at exporting Sweden's demand-side solution to some other nations. Norway, Iceland, and South Africa criminalized the purchase of sex in 2009, and Finland (in 2006) and Britain (in 2009) criminalized those who buy sex from trafficked or controlled women. Sweden, in short, is a good example of a remarkably influential policy that is primarily ideological in origin; during parliamentary debate the law was neither grounded in evidence nor informed by harm-reduction principles.

### *New Zealand*

New Zealand inherited British laws that criminalized soliciting, brothel keeping, procuring, and living off the earnings of prostitution. The Massage Parlors Acts (1978–2003) effectively allowed indoor commercial sex under a façade, by requiring massage workers to register with the police.

### *Debates*

The Labor Party came into power in 1984 with an agenda that included the decriminalization of homosexuality. Growing concern over AIDS led to the rethinking of prostitution laws and a decision to fund the New Zealand Prostitutes' Collective (NZPC) in 1987 (Chetwynd 1996; Jordan 1991; Lichtenstein 1999). Over time the NZPC became increasingly aware that legislative reform was necessary to achieve its objectives and began to advocate law reform (Healy and Reed 1994).

In 1997 a number of organizations came together to form a working group that developed a draft bill. This included the NZPC, academics, women's

health and legal groups, and some parliamentarians. After losing power in 1990, Labor returned to power in 1999 and, in 2003, introduced the Prostitution Reform Act (PRA), which decriminalized prostitution throughout the country.

### Frames and Actors

Health played a major role in this debate. The Health Department used health promotion principles of empowerment through peer-driven initiatives to fund sex workers, recruit them as partners, and provide legitimacy that became increasingly incongruent with the extant prohibitive legislation. The NZPC worked to transform the image of sex worker as disease vector into one of health educator and protector of public health. The NZPC's own research demonstrated that the high-risk actor was not the sex worker but the promiscuous heterosexual male. The Public Health Association, AIDS Foundation, and Law Society were important allies, as were human rights groups. The opposition framed the issue as state-sanctioned immorality, although the government was careful to frame its support as independent of any moral position other than that of improving the lives and welfare of sex workers. The police remained neutral in the debate, and religious and women's groups were divided, as was the public. In a 2003 poll 43 percent supported the bill and 42 percent were opposed, with 15 percent undecided ("Poll Steals Anti-Prostitution Resolve" 2003). On the larger issue of the acceptability of prostitution, however, New Zealanders are more liberal than citizens of many other nations. In a 2004 survey only 25 percent of respondents took the view that prostitution is "never justified" (World Values Survey 2004).

### Implementation

The Act largely removed voluntary adult prostitution from the criminal law by decriminalizing soliciting, brothel keeping, and living off the earnings of prostitution. These controls were replaced with civil and administrative regulations at the national and local levels. A distinction was made between voluntary and involuntary prostitution, with coercion remaining an offense. Sex work was prohibited for those with temporary visas, as was immigration with the intent to work or invest in sex work. Contracts between providers and clients were recognized, providers having the right to refuse services and refer disputes to a tribunal. Advertising was banned with the exception of certain print media. Other statutes fill the gaps. The Summary Offenses

and Litter Acts continue to penalize offensive behavior and other public nuisances, and the Clean Slate Act (2004) allows sex workers to apply to have previous convictions removed from their records.

Sex work is recognized (but not promoted) as legitimate work by government agencies and, like other businesses, operates under employment and health and safety standards devised in consultation with the NZPC. Employers and employees are obliged to promote and practice safe sex, enforced by the Health Department. Employment disputes can be referred to the Labor Inspectorate. Registration of sex workers was replaced by certification of brothels employing three or more workers, shifting the onus from worker to operator. A certificate can be refused for past criminal offenses unrelated to prostitution. Police activities shifted from arrest to protection, and their training manuals have been amended accordingly.

Local government was empowered to develop by-laws for zoning and advertising, but municipalities cannot prohibit sex work. Model by-laws and procedures were created and distributed and, by 2006, seventeen of seventy-four local governments had drafted or implemented a bylaw, but court challenges have overturned those that violate the spirit of the Act (such as restricting the location of businesses to such a degree that it constitutes virtual prohibition) (Abel, Fitzgerald, and Healy 2010).

## Evaluation

The Act established a Prostitution Law Review Committee (PLRC) tasked with conducting research and providing reports on the effects of the law. This proved invaluable in countering opponents' claims (Mossman and Mayhew 2007a, 2007b; Prostitution Law Reform Committee [PLRC] 2003, 2005; Abel, Fitzgerald, and Healy 2010). A comprehensive assessment found that the total number of sex workers remained largely unchanged after decriminalization and that there had been no increase in underage sex work or trafficking (PLRC 2008). Sex workers showed little incentive to leave prostitution and they seemed more empowered as a result of the new law. Problems included some violence on the streets, perceived stigma, problems with working conditions, inconsistent safe sex practices (particularly oral), distrust of authorities and conflicting objectives between central and local governments, the latter having a more restrictive view (Abel, Fitzgerald, and Healy 2010; PLRC 2008). Overall the PLRC felt that the Act had achieved its purpose. The government welcomed the report, and the general response was positive.

## Analysis

New Zealand is known for its socially progressive tradition and a tolerant political culture. Although the opponents of the decriminalization bill largely relied on moral objections, the bill's supporters prevailed by focusing on rights, health, and the reduction of harm. The bill passed, however, by the narrowest of margins (one vote), and many citizens felt that the legislature had acted without a clear public mandate, as the population was evenly split on the issue of decriminalization. This might suggest some precariousness in the existing legal order, but subsequent attempts to reverse the law have failed and, despite a change of government, there has been no serious effort to reverse the policy. A key feature of the New Zealand model was the decision to consult and fund the leading sex workers' organization (NZPC), thereby legitimizing and empowering it and perhaps diluting some of the stigma of sex work itself. New Zealand also demonstrates the importance of building periodic evaluation into law reform to provide evidence-based assessments and to address any problems that might be identified. This is institutionalized in the PLRC but is lacking in some other nations where prostitution has been decriminalized. Just as Sweden's system has been emulated by some other nations, New Zealand has been a model for others as well, including Western Australia in 2008, where both the decriminalization bill and the debates surrounding it were similar to New Zealand's (Weitzer 2009a).

## Conclusion

In recent years the oppression paradigm has influenced public policies in many countries. It has been used successfully by prohibitionist forces in their efforts to convince governments to pass punitive laws. Lacking in most cases is an evidence-based framework. Instead, the debate has been overshadowed by claims about the immorality of prostitution or the victimization and exploitation of women, or both. In most cases, the voices of sex workers have been ignored. But it would be a mistake to think that policies are uniform throughout the world, even if the oppression discourse is pervasive. There are some exceptional cases where a counter-discourse rooted in harm-reduction and workers' rights has successfully challenged the oppression discourse, for example, in Western Australia (Weitzer 2009a) and in a successful constitutional challenge to Canada's prostitution laws in 2010, a ruling currently being appealed by the government (*Bedford v. Canada* 2010).

This chapter demonstrates how a spectrum of approaches to the regulation of sex work evolved in three nations and how local cultures have shaped these policy outcomes. Whereas the Netherlands is liberal, tolerant, diverse, inclusive, and relatively pragmatic, Sweden is socially conservative, fairly homogeneous, and absolutist in its approach to commercial sex. In addition, prostitution was long tolerated in the Netherlands prior to formal decriminalization in 2000, and it has a much larger and very visible sex industry compared to Sweden's. This cultural and historical background played an important role in shaping the recent legal reforms. In the Netherlands, preventing trafficking and liberalizing the approach to voluntary prostitution were seen as parallel and *complementary* objectives, unlike in Sweden where they were depicted as *antagonistic*. Differing national orientations to social citizenship and social control created the backdrop for changing prostitution policies—contexts that created different *political opportunity structures* for forces seeking to repress sex work in one case and legitimize it in the other. These considerations point to the need to be cautious about the validity of translating contextually dependent “solutions” to other cultures.

New Zealand provides a contrasting model to both the two European approaches, although it is closer to the Dutch system. In New Zealand sex workers themselves occupied center stage as actors who defined the issues and framed the debates within a socially progressive political culture, and were granted legitimacy by the state. Along with their allies in the state and civil society, sex workers have played a much larger role in policy formation than in the other two societies. New Zealand differs from the Netherlands in imposing fewer regulations on sex workers and sex businesses, and its system has been less controversial than in the Netherlands in the post-decriminalization period. This is partly owing to the sheer size of the two sex markets, with the one in the Netherlands much larger and more difficult to manage than the one in New Zealand. Sexual commerce is also much more visible in the Netherlands—with its distinctive, heavily visited red light districts—which makes it easier for opponents to claim that the sex sector is “out of control” and in need of further restriction.

Decriminalization is a necessary but insufficient condition for destigmatization and normalization. Equally important are attention to the wider context of laws and regulations around health and safety, employment standards, and taxation. The control of abuses within an employment sector may be better achieved by empowering individuals, as in New Zealand, than by coercive and punitive approaches that effectively disempower sex workers. Other problems may arise in decriminalized systems as well. There have been

problems in nations where powers are devolved to local authorities (creating disparities across the nation), over-regulation that pushes resistant workers and proprietors into the illegal sector, and reliance on police for monitoring and enforcement, especially if they have not undergone special training and lack sensitivity to sex workers. Each of these policies can undermine the intent of legislation whose express purpose is to give sex workers rights and reduce exploitation.

At the same time, and importantly, an examination of the outcomes of those jurisdictions that have liberalized control fails to support the claims of the oppression theorists who predict that conditions will only deteriorate under legalization (Weitzer 2010b). It is by no means preordained, as prohibitionists claim, that conditions will worsen where sex work has been decriminalized and regulated. Much depends on the nature of the regulations.

There are limits to the regulation of vice, not only in implementation and enforcement but also in the likelihood that a segment of the sex industry will operate in the grey zone outside what is legally permitted. What is needed, in all cases, is that law and policy are evidence-based and that there is ongoing evaluation in order to further reduce harm and improve working conditions for sex workers without infringing on the rights of those who are not involved in the sex industry.