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From the Red Light District to the Red Carpet: The Gentrification of Amsterdam's Red Light District and its Impact on the Democratic Citizenship Rights of Sex Workers

Key Words:

Deliberative democracy, sexual citizenship, democratic citizenship, sex work, Amsterdam, the Netherlands, Red Light District, gentrification, policy, policy making process.

Abstract:
        This paper evaluates the local policy-making processes that have a direct impact on Amsterdam's sex workers with reference to sexual citizenship theory and the normative model of deliberative democracy. It demonstrates how deliberation was previously incorporated as a political tool resulting in the legalization of brothels and examines the current non-deliberative gentrification efforts within the Red Light District. Ultimately, the paper argues that the gentrification of the R.L.D constitutes not only a reversal of deliberative democratic strategies but also a specific attack on the democratic rights of a sexual minority. It strongly suggests that the local policy making apparatuses be reformed in order to better protect the citizenship rights of an already marginalized population.

Foreword:
        This paper is only a small portion of a much larger research project- that being my dissertation. In addition to a more comprehensive exploration of the theoretical concepts that are only briefly mentioned throughout this paper, the wider project will also have support from field research and interviews that will later be analyzed using discourse analysis. In this regard, this paper is preliminary and perhaps stands as an incomplete engagement with the full breadth of the argument. Nonetheless, I am confident that the paper maintains a cohesive enough focus and argument to trigger thoughtful discussion amongst the panel's participants.

The Complicated Nature of Sex Work:
        The topic of sex work is intensely complicated. My research does not attempt to clarify or 'solve' (if at all possible) any of the ongoing philosophical, moral and/or political debates and/or contestations regarding sex work. Nor does it advance any one particular argument for or against sex work. Instead, I tend to further complicate such debates by inciting *more* 'debate' and suggest a framework within which these issues can be more democratically considered. Theoretically, I place the topic of sex work at the intersections of the bodies of research on sexual minorities, sexual citizenship and democratic theory. As a result of this positioning, unique insights emerge through an interrogation of identity politics that focuses on issues of representation and democratic inclusion and specifically how democratic practices impact sex workers, the configuration of sex work and the sex industry as a whole. New issues that need to be addressed in our engagement of the larger intellectual project on sexual minorities, civil and political citizenship and power undoubtedly emerge. Indeed, this is a rich an exciting area of research and the further one explores these relationships the less one seems to know and the more research questions are brought to fore. Thus to remain on topic it is necessary to provide you with an outline so that I do not extend myself beyond the confines of this presentation.

Paper Outline:

This paper is divided into three sections and several parts. The first section of the paper "history and context," outlines the legalization of sex work in the Netherlands, showing that legalization was very much the product of its deliberative processes. The deliberative efforts surrounding legalization were politically significant for three reasons: they held a humanitarian value; they challenged the status quo by emphasizing experiential knowledge and they were expected to have a positive effect on policy efficacy. I then show how many of the expectations for legalization were ultimately not met and that legalization, as a policy output, was almost immediately questioned and undermined because of the negative repercussions that are claimed to have been its result (increasing crime, higher administrative costs, dilapidation).

The second part of this section addresses the state's response to the supposed failures of legalization, which include Coalition Project 1012, the 'Heart of Amsterdam Strategy Paper' and the BIBOB Act. I argue that the recent gentrification efforts and administrative changes within the R.L.D represent a reversal of the state's previous inclusive and deliberative approach. In doing so I show how the current situation within the R.L.D sheds light on the potential failure of the deliberative process to produce long lasting policies and institutional change. I note, for example, that the government's justifications for the complete reconstruction of the R.L.D are weak, providing no evidence of an increase in crime following legalization. I propose a fuller, contextual review of the BIBOB Act to fill a gap in the research devoted to the topic.

The third part of this section briefly addresses the history of gentrification within Amsterdam and shows how, over the past few decades, the municipal government has been deeply involved in land and housing markets. Using Smith's (1996) historical research as a guide, I demonstrate how the municipal government of Amsterdam has shifted from a strict regulator of housing with the apparent objective of social equality to an active participant in the private gentrification of Amsterdam. I question whether or not this sets a historical precedent that could impede initiatives to institute more deliberative democratic mechanisms or reforms within the R.L.D.

The second section "Theory," acts as a literature review and explores the theoretical framework I will use to guide my research. I show that while my research questions take me on a journey across several fields of inquiry, a consideration of power remains consistent. I have determined that deliberative democratic theory best accounts for questions of power, inclusion and policy influence, all of which are essential to my claims. In order to situate myself within the deliberative democratic field, I explore and define concepts that I believe are integral to an understanding of deliberative democracy and that help me to answer why it is I believe that sex work policy is amenable to, and in need of, deliberative democratic reforms. These concepts include: social capital, institutionalism and communicative action. I show how deliberative democratic reform holds the power to temper stereotypes and misunderstandings that plague the sex industry and can help us to come to a 'true' consensus within the R.L.D.

The third section of the paper, "Citizenship Theory," introduces the topics of identity and citizenship and the relationship that these concepts have with deliberative democracy. I argue that sex workers constitute a sexual minority and that, because of this, their political efforts can be partially understood within the rich literature on sexual citizenship. I show how sexual citizenship literature and democratic citizenship (in its ideal form) are integrally linked, but that both provide independently unique insights for my work. Sexual citizenship provides me with the tools to examine more opaque forms of belonging (language, unwritten rules of engagement, social norms) while the democratic citizenship literature gives me the criteria to explore more overt political and civil rights to public participation, inclusion and access. I conclude this section by repeating my argument that the

gentrification of the R.L.D is a non democratic and class based process which has an acutely negative impact on sex workers who work within the R.L.D I demonstrate how this can be interpreted as a deliberative political act on behalf of the municipal government, and one that serves to further alienate and disenfranchise an already marginalized sexual minority.

HISTORY AND CONTEXT:
History and Context of Modern Day Sex Work in the Netherlands:

In the Netherlands, sex work is a very visible component of urban society. Any visitor to one of its major cities will easily find the Red Light Districts where sexual services in exchange for cash are concentrated and readily available. The R.L.Ds in cities such as Amsterdam and Utrecht have unique and rich histories of prostitution that render them internationally recognizable as ideological symbols of moral and political activism around sex work. Indeed, the R.L.Ds of Dutch cities have become so synonymous with prostitution that many Dutch industries and municipal governments rely on their symbolic stature to attract tourists. Moreover, academics, policy makers and activists who study prostitution often draw upon these districts as outlier[i] examples because of their long and rich histories of tolerance towards prostitution. Amsterdam's history, in particular, is unique because, dating as far back as the 15th century, the sale of sex was recognized as a necessary and therefore tolerated evil. As one of the first by-laws of the City of Amsterdam, dated 1413, states:

> Because whores are necessary in big cities and especially in cities of commerce such as ours-indeed it is far better to have these women than not to have them-and also because the holy church tolerates whores on good grounds, for these reasons the Court and Sheriff of Amsterdam shall not entirely forbid the keeping of brothels (cited in Brants, 1998: 623).

This position takes the status of prostitution at the time (its existence in the plain sense) and rather than seeking to eradicate it, aims to recognize the commercial need for it and therefore to admit and regulate it. Brants illustrates how this bylaw, in combination with other supporting political changes made at the time, lead to the opening of brothels under the city of Amsterdam's discretion approximately 600 years ago (1998: 624). And it has been this "grounded and conciliatory" political approach that has guided Dutch politics through the many sex work policy debates over the years (Brants, 1998).

It has been argued, however, that the Dutch tendency towards compromise on issues of a taboo political nature has been conflated with "progressiveness" (Jasper, Lubbers and de Graaf, 2007). Indeed, the Netherlands has often been touted as a liberal bastion for its laws relating to and its political approaches towards prostitution, drugs and euthanasia (Jasper, Lubbers and de Graaf, 2007). Yet the so-called liberal treatment of these issues may be more reflective of a political cost benefit analysis that has rendered the suppression of the moral minority overly costly, rather than Dutch support for outlier politics. Thus, Dutch tolerance can be considered to be supportive of the status quo rather than progressive. As Gordign, a prominent Dutch medical philosopher explains:

> In pluralistic modern societies, moral dissent will, to an increasing extent, be an inescapable fact in our lives. Moral dissent, however, involves various serious dangers: escalation of conflicts, the use of violence [etc.]… There are basically two ways in which these threats can be addressed: coercive enforcement of consensus or tolerance… from a moral point of view, tolerance appears to be the more desirable antidote to the unwanted effects of moral dissent…one of the most

important and idiosyncratic elements of the Dutch way of handling these issues (is) pragmatic tolerance (2001: 225).

The Dutch culture of pragmatism has historically influenced the Dutch approach to prostitution (hereinafter referred to as sex work).[ii] Indeed, the formal treatment of sex work within the Netherlands has always been within a regulation framework (where sex work is considered a social fact and is strictly regulated) or, as of late, a legalization framework (whereby sex work is recognized as regular labor). These approaches contrast with other frameworks such as abolitionist (where the sex worker is considered the victim of criminal exploitation and the pimps and/or clients are thought to be predators who are punishable by law) or prohibitionist (both the sex worker and the client/pimp are morally reprehensible, 'bad' citizens and should be punished by law).

Prior to the full legalization of sex work in 2000, Dutch sex workers operated under a system whereby the sale of sex was deemed legal but many offenses surrounding it were not. For instance, since 1911, the procurement of sexual services was a criminal offence under the Penal Code (Hindle et al., 2003: 2). This broad heading included prohibitions against the keeping brothels, running escort services, as well as all kinds of pimping. Coercing a person into engaging in sex work (7 Article 2) has also been considered a serious crime that falls under the category of trafficking in human beings (Brants, 1998: 623). However, the degree to which these laws have been applied has varied, with most prosecutions being for coercion and trafficking rather than the keeping of brothels, escort agencies and pimping (Brants, 1998; Hindle et al., 2003: 2).

Over the past few decades, the penal code has very rarely been used to prosecute these particular type of sex work offences, even with the increased visibility of brothels over the years (for example, the lit windows are a relatively new phenomena). Sex work in Amsterdam has flourished under a regime of 'regulated tolerance' (Krabbendam and Ten Napel, 2000: 12). Brants believes that the practice of not prosecuting these offences

> …is not officially legalizing them, nor is it merely a matter of the police turning a blind eye. Rather, it is a well-tried policy strategy that sometimes develops gradually at a local level, but may well be deliberately designed by the central government. It is often elaborately described in documents from the Ministry of Justice and, as such, subject to a certain degree of political control (1998: 238).

In many cases municipal authorities were able to establish informal working relationships with the owners of sex establishments. The result was a kind of ersatz licensing system that had no actual policy foundation and which was maintained through mutual agreement and cooperation rather than enforcement (Brants, 1998). An examination of these relationships[iii] is important as they came to form the policy network[iv] that was later able to influence many of the policy decisions surrounding legalization (Wagenaar, 2007). As a part of my overall research question, I will investigate whether or not these relationships still exist and continue to form a policy network which organizes around contemporary sex work policy issues or if legalization essentially replaced these informal relationships with formal relationships and dissolved the described policy networks. Indeed, the lack of organized resistance to the current gentrification efforts could, in part, be explained by the weakening or complete dissolution of such a policy network. I will discuss this hypothesis in greater detail throughout the dissertation.

As becomes clear, the 'policy of toleration' was not supported by a national legal standard or understanding, making it difficult to prevent serious problems of public safety and/or the exploitation of women in some of the very same sex establishments within which the informal municipal licensing

systems operated. Brants points out that, to some, the regime amounted to not much more than "non-intervention in the districts near the harbor where, historically, brothels and bawdy houses have always been located" (1998: 238). Moreover, some sex workers' rights activists (SWRA) argued that police 'tolerance' of these establishments often amounted to administrative withdrawal and indifference (Wagenaar, 2007: 4). The apparent disinterest of the police or the 'administrative withdrawal' could be explained by the difficulty that police faced in enforcing even some of the most informal agreements and expectations. By contrast, other reports posited that because of the lack of a definitive legal structure, the police were overly involved, as evidenced by the many claims of policy corruption in the neighborhood over the decades (Punch, 1979; Huberts, 2008). It became obvious that the policy of toleration towards sex work needed to be politically and legally reconsidered.

However, there are two strong reasons why the national government may have delayed doing so. The first of which Van de Pol explains persuasively: "Gedogen, or pragmatic tolerance, often works better in sensitive moral issues like sex work than a fight over principles in parliament" by the many Dutch political parties, several of whom are Christian (Krabbendam and Ten Napel, 2000: 111). The risk of bringing a moral topic to parliament, then, is that party lines or personal mandates may take precedence over and/or may further stall the fair and thorough deliberations between politicians and their constituencies.

Secondly, developing new policy is always costly and in the complicated moral and political terrain of sex work, perhaps even more so. Additionally, since the efficacy of sex work policy over the activities of the sex industry is in question in the first place, investing in a reform process that is unlikely to produce positive results is not particularly compelling. As Brents and Hausback argue, cities often waste an enormous amount of taxpayers' money on developing sex work 'control' policies and attempting to enforce them, but rarely make headway in actually controlling sex work (2001: 308).

For reasons such as these, the Dutch National government finally introduced waited until the year 2000 to bring the topic of 'prostitution/sex work' and the procurement of prostitution to parliament. The history of sex work in the R.L.D, therefore, is a conflicted one and it is not necessarily reflective of an all accepting political attitude towards sex work, as it may initially appear to many outsiders. Rather, the 'liberal' attitude toward sex work can be better understood as a deliberate attempt to permit the existence of sex work with the least political effort possible, even if this action bears noticeable social costs.

Despite this resistance, the political campaign to completely legalize sex work grew to sufficient strength that it could not be ignored. There were several reasons cited for the demand towards greater legalization, they included: better protection of sex workers, greater social rights for sex workers, the reduction in corruption and crime and a reduction in public management costs (Koski, 2007: 12). It was argued that only once sex work was fully legalized could it be fully regulated through law and policy (Wagenaar, 2007). Only then would sex work be brought out more into the formal realms of business, thereby affording sex workers who worked in brothels better access to employee rights and occupational health and safety standards, etc. Moreover, it was after legalization that formal licensing systems could take the place of informal ones, reducing the ability for public officials or police officers to make corrupt side deals or pimps and/or criminals to monopolize business based on its underground activity (Bernstein, 2007: 43).

Legalization, it seemed, would solve many of the problems that characterized the period of tolerance (crime, corruption, lack of rights for sex workers). By the same token, many of the diverse social groups that occupied the R.L.D. were in agreement that sex work had become a 'fact of life' and that it should be dealt with accordingly (Red Thread Union). [v] As Jan Visser, the then director of the

Mr.A. d Graaf Stichting[vi] explained, the "Management and control of dense city life [had] become too complex to allow a subculture to stay outside of the system" (cited in Bernstein, 2007: 43). Rather than a solution to a host of social ills, this group generally viewed legalization as an acceptance of a social reality.

Wagenaar shows that legalization had all the characteristics of a prolonged and ordinary political struggle-as the legislation was developed, the process was marked by heated debates and political constraints (2007). Yet on closer inspection, he discerns a process in which the government experimented with its priorities and primary actors consciously tried to reason with each other about the design of a feasible legalized sex services sector.

> Taking the challenges and the constraints of the situation into account, the administration consciously sought the involvement and cooperation of the main actors both inside and outside the administrative apparatus (Wagenaar, 2007: 65).

Public forums were held across the country, polls were conducted and stakeholders were invited to participate in formalized political discussions about sex work (Wagenaar, 2007: 64). Invested parties included the municipalities, the federal police, the D.A's office, citizens, sex workers and brothel owners. As a result of these interactions and the informal relationships that existed prior to, a strong policy network formed that was greatly in support of legalization (Wagenaar, 2007: 63, Daadler, 2007).[vii]

Wagenaar reminds us that although this policy network formed an important linkage between state and society, the devolution of power to policy networks did not "automatically result in governance without government" (2007: 63). In this particular case, state actors still played a major role in the processes leading to legalization. Government-paid employees were present at the legalization discussions as participants, as observers and as hired mediators. In this sense, deliberative democracy "took place not instead of but alongside more traditional state centered forms of governance" (Wagenaar, 2007: 64). In the dissertation I will more fully explore how these traditional forms of government can pose problems to deliberative democratic processes. These critiques will emerge as I explore critical planning theory in more depth. For now, however, I return to explaining why these earlier processes can be described as deliberative. Beginning with the characterization of them by active and widespread discussions in which participant groups' opinions were formed, reformed and revised.

In spite of the variance in opinions at the beginning of the discussions, an observed consensus was budding and the diverse and cooperative network that had formed through these discussions served to legitimate the groups' overall demands. As Wagenaar makes clear:
> The juxtaposition of hierarchy and deliberation in policy networks is illustrated with the case of the legalization of brothels in the Netherlands (2000). The case shows that despite distrust and conflict, the actors managed, through deliberative elements in negotiations, to attain the transformation of the sex services sector into a regular business sector (2008: 5).

The processes leading up to legalization met several deliberative democratic criteria. To be clear, however, they were not classified as deliberative merely because there was a "match between a group of people's opinions about an issue and the collective decision derived from these opinions" (Van Hees, 2008: 2). Nor were these efforts deemed deliberative strictly because a strong policy network formed out of a diverse group of people that later acted as a cohesive lobby (Fishkin, 2000). Rather, the

processes leading up to legalization were classified as deliberative by theorists such as Wagenaar (2007) because the final decision was arrived at after a long and thorough discussion between previous 'opponents' and/or different opinions that served to temper and moderate individual opinions (that in some cases, were very extreme). It was this process that ultimately formed the basis of the collective decision and it was this collective decision that was later translated into policy output. In sum, the legalization of sex work was very much the product of its deliberative processes. Had no tempered and mediated discussion occurred in which legalization emerged as a consensus, legalization may very easily have never occurred.

Why were the deliberative processes leading to legalization considered a political success?

The deliberative efforts surrounding legalization were politically significant for several reasons, the first of which was their humanitarian element. Sex workers, who were normally marginalized from the policy process, were included as stakeholders and participants using a variety of legitimating political mechanisms (consultations, public forums, survey research). The Dutch government, like many other governments, had previously committed themselves to the full participation of every citizen in political and social processes through international human rights treaties (Schindlmayr, Huber and Zelenev, 2005: 9). The deliberate inclusion of sex workers, then, constituted a small part of a more general reform in Dutch human rights.

Secondly, legalization occurred at a time when several SWRA within the R.L.D were arguing that sex workers should have a greater stake in the policy making process because of their situated knowledge and thus, their expertise. These SWRA were indirectly supported by the work of feminist and democratic scholars who more broadly challenged academics and policy scholars to account for experiential knowledge (Dahl (1989); Weiss (1992)). Critics such as Dahl and Weiss, for example, assert that matters of politics and policy-making are not necessarily matters of bureaucratic expertise and that a tension exists between expert policy knowledge and democratic representation in the political process. Other scholars are less concerned with the humanitarian and/or democratic elements of policy-making and are more concerned with the effects that deliberative efforts can have on policy efficacy (Bohman, 1996; Fishkin, 2000; Mansbridge, 1992; Luskin, 2001).

According to this latter group of theorists, deliberative efforts contribute to more effective policy (in their intended consequences) in the long run for three reasons. Firstly, since it is stakeholders who most directly feel the policy shifts in their lives and who are most intimately connected with the costs and benefits of existing policy, the policy recommendations that come as a result of their inclusion tend to be more relevant. For example, sex workers can more clearly depict the failures or shortcomings of current policy to policy-makers and can more accurately predict the costs and benefits/potential failures of any future policy under discussion.

Secondly, stakeholder involvement is said to give those to whom it applies a sense of ownership over the policies (Larsen, 1990: 1). A sense of ownership over a policy implies that the stakeholder is then more invested in the policy's successful implementation and enforcement. As Schindlmayr, Huber and Zelenev concur, participation in policy discussions "enhances people's stake in societal outcomes and undoubtedly their interest in the development process" (2007: 10). On the other hand, if sex workers feel disenfranchised by the policy process, then they will undoubtedly lack empathy or respect for the said policy, feeling very little in the way of an obligation to follow the guidelines it sets out. However,

even though legalization was said to be a result of the government's inclusive and deliberative political approach to the topic of legalization, this did not necessarily produce more long lasting and effective policy, as these theories would suggest. Rather, the current situation within the R.L.D indicates that deliberative processes can fail to produce long lasting and effective policies and institutional change.

While legalization was a product of a deliberative effort, the process did not secure the long-term success of the policy as suggested. Perhaps this is because the deliberative process around legalization stopped short of considering how such a law could be implemented and enforced in the long term. Or perhaps it is because there is no institutionalized framework within which to deliberate about the effects of the law and further changes that must be made in the legal and political system to best accommodate its implementation. Indeed, the deliberative processes themselves were not guaranteed to last. Even yet, the reversal could be symptomatic of much larger political issues that will be uncovered through my research. These are all questions that require further research.

In response to the supposed failures of legalization, which I will address below, the state has drastically changed its approach. The recent gentrification efforts within the R.L.D represent a reversal of the state's previous inclusive and deliberative approach. However, before I attend to this apparent reversal, I must first review some of the most cited outcomes of legalization that, I later argue, triggered this decline in deliberative democratic efforts by the state.

Outcomes of Legalization:

The severity of the outcomes of legalization is interpreted differently depending on what was expected of legalization in the first place. As previously mentioned, where some optimists hoped that legalization would solve many of the social and political ills that plagued the industry, others saw legalization simply as a way to legitimize an ongoing practice. There were those that viewed legalization to be both an acknowledgement of a social reality and a solution to social ills, but these individuals formed the camp that held the highest expectations of legalization and differed from those who saw the removal of criminal status as the primary goal.

The description of such a division necessitates an elaboration on the period following legalization and the outcomes that were said to be a direct result of it (some of which were more immediately felt than others). The first outcome did not receive much attention from the international press. The new law mandated that brothels discovered to be employing or renting spaces to sex workers who were not legal residents of the European Union and/or lacking proper documents would be shut down (Bernstein, 2007: 234). To facilitate enforcement of this provision, the law stipulated that all sex workers would now be required to carry proper identification papers with them. In a country where fifty to sixty percent of the sex industry was comprised of migrant women who had been working without official documents, this stipulation had, not surprisingly, enormous consequences (Bernstein, 2007: 235). As one former member of the Red Thread Union observed during an interview: "at least twelve thousand women were made illegal overnight" (Bernstein, 2007: 159). Presumably as a result of this, "nearly a quarter of the brothel windows in the R.L.D were empty [and] many have been conspicuously papered with 'for rent' signs ever since" (Bernstein, 2007: 159). While a sizable portion of illegal sex workers left the country for neighboring Germany or Belgium, it is assumed that those who remained within Amsterdam often relocated to the tippelzones[viii] or resorted to working in underground escort agencies and through the Internet (Bernstein, 2007: 159).

Secondly, because of the combined effects of the labor shortage and the additional costs entailed by complying with new municipal regulations, the majority of smaller sex businesses were forced to

close because they could not afford to pay taxes or abide by the new labor guidelines (Daalder, 2007: 18). According to accounts by industry workers, local activists and the Dutch government, the size of the Dutch sex industry shrank by at least thirty five percent, leaving only the largest corporate enterprises behind (Bernstein, 2007: 160). Several of the self employed sex workers that Brants interviewed during the summers of 2002 and 2003, for instance, said that working conditions had become so difficult and the prices for sex work had fallen so low that they had even contemplated migrating to the United States to work – a jurisdiction where sex work is criminalized (2005: 225). Only in the largest and most established sex clubs and escort agencies were sex workers' incomes not drastically affected.

Thirdly, proponents of legalization never predicted nor were prepared for many of the difficulties or the political confusion following the change in the Penal Code. The Dutch government believed that a system of municipal licensing and increased municipal responsibility would best regulate the sex industry. This shift necessitated the creation of new municipal laws whose implementation and enforcement were now entirely the cities' and towns' responsibilities. Municipalities, such as Amsterdam and Utrecht that were proponents of the previous framework and therefore had no home policy regarding sex work and no license obligation for sex workers were now required to develop a system within which to permit and regulate brothels. Even those cities that were more tolerant towards sex work and had a home policy (whether written or unwritten) before legalization, were faced with the difficult task of developing an official, city-wide and interdisciplinary system aimed at regulating brothels (Daalder, 2007). Essentially, turning a blind eye to brothels and the operation of them in the name of tolerance would no longer suffice.

Following legalization, it became the municipalities' responsibility to transform the formally marginalized economic sector into a formal business sector and also to coordinate with other municipalities in order to fulfill their duty to promote equality across the nation state (Hindle et al., 2003: 2). In order to foster consistency across the country, the Ministry of Justice developed a handbook on sex work, meant to help municipalities develop their own policies for dealing with the sex industry. This handbook, however, was only intended as a guide and there is no national standard that municipalities were obligated to meet.

To further support the goal of consistency, the Association of Dutch Municipalities (VNG) has drawn up a model by-law that can be adopted by municipalities to give form to their local policy. Municipalities are able to do this because, on the basis of sections 149 and 151(a) of the Local Government Act, they can impose regulations with regard to the legal forms of the commercial exploitation of prostitution by means of a by-law (Daalder, 2007: 41). These regulations often involve some sort of adaptation of the model by-law suggested by VNG. In fact, according to Wagenaar, ninety five percent of municipalities indicated that they had adapted the General Local Statute by including rules regulating sex establishments and/or a fully developed licensing system into their municipal policy infrastructure (2007).

Some of the most common local regulations include: restricting the number and location of brothels; imposing criminal background checks on prospective owners and managers; introducing health, hygiene, and safety requirements and limiting who brothel owners can employ. New legislation and monitoring systems are also being considered in order to regulate parts of the sex industry that have not yet been thoroughly monitored or supervised by the state (ie. the escort industry) (Nelen and Huisman, 2007: 215). Similarly, after several reports on unofficial value transfer systems[ix] in which

money transfers were involved, the VNG suggested the introduction of new legal instruments to regulate money transfer systems (Nelen and Huisman, 2007: 215).

As previously mentioned; legalization concurrently meant greater regulations and penalization of criminal offenders working within the sex industry. Because of the changes in the Penal Code (which occurred at the national level), municipalities are to hold brothel owners and operators more strictly responsible for minors or illegal immigrants working within their establishments. The penalties municipalities inflict for these infractions range from a warning, to a fine, to a temporary or permanent revocation of the license. In cases involving involuntary sex work, the owner and/or operator can be charged under the Penal Code (Daalder, 2007: 13).

The Association of Dutch Municipalities (VNG) has drawn up a model by-law that can be adopted by municipalities to give form to their local policy. According to Wagenaar, ninety five percent of municipalities indicated that they had adapted the General Local Statute by including rules regulating sex establishments and/or a fully developed licensing system into their municipal policy infrastructure (2007). That said, the differences across municipalities with regard to regulation and enforcement can be substantial. The actual granting of licenses, the amount of regulation, the enforcement of these regulations and the severity of punishment for non-compliance vary considerably across the country (Wagenaar, 2007; Daalder, 2007: 13-14). As Daalder shows us, more than ten percent of the municipalities do not permit brothels to open at all. (2007: 47). In principle, however, "a formal zero policy is not allowed, because it would be contrary to the basic right to free choice of employment" (Daalder, 2007: 47). Therefore, a factual zero policy is not a formal zero policy; it is actually a "policy containing conditions for licensing sex establishments that are so onerous as to make the profession nearly impossible to practice (Daadler, 2007: 58).

The rest of the Dutch municipalities often opt for a regional maximum policy or have no written policy regarding the number of sex establishments they allow in the jurisdiction. Where some municipalities have secured cooperative working relationships with sex businesses in the attempt to develop an operational licensing system, others have yet to initiate any regulatory process thereby maintaining the status quo. Amsterdam, for instance, has yet to develop a formal licensing system for off-street sex workers. The absence of municipal efforts to institute a program makes Amsterdam one of those few cities whose municipal politicians are now under pressure from the Dutch Association of Municipalities to implement a formal scheme in order to comply with the national laws and promote consistency across the nation state.

In the years following legalization, Amsterdam noticeably began to shift its public attitude towards sex work and the R.L.D as a part of this. Three years after legalization, the Central Borough and the municipal Council have joined forces and produced the Coalition Project 1012 and the 'Heart of Amsterdam Strategy Paper' that describe the city's vision for the city centre (which includes the R.L.D) and its plans for improvements in 'quality.' The Amsterdam City Council approved the plan by an overwhelming 43-2 majority (Niemantsverdriet, 2008). In the Strategy Paper, the distaste for the current system of legalization and for the R.L.D is clearly expressed. Because of the R.L.D.'s alleged connections to organized crime, the strategy paper's recommends its complete reconstruction.

Such collaborative efforts at reducing organized crime within the R.L.D date as far back as 1997. It was during this time that a R.L.D manager was appointed at the request of City Council with the

objective of improving the prevention of organized crime. The R.L.D manager and his team were asked to develop a methodology for a collaborative and administrative approach. The Van Traa project was the result. It was to have a multi-agency approach characterized by the sharing of information and integral enforcement. Interestingly, it was not fully launched until the years immediately prior to legalization.

Today the appointed Van Traa team coordinates all activities of the project. Besides a team manager, the team consists of several legal advisers, project leaders and information specialists (Nelen and Huisman, 2007: 208). According to the Van Traa team, Amsterdam's criminal infrastructure feeds off a range of local industries including brothels, smoke shops, smart shops,[x] souvenir shops, foreign exchange bureaus, gambling halls, coffee shops, mini marts, peep shows as well as hotels, restaurants and cafés (Future Perspectives, Strategy 1012). The Van Traa team argues that, post legalization, these businesses were more open and subject to criminal influences such as money laundering or tax evasion (Huisman et al., 2005). As a result, they formulated a report that included a series of recommendations for the authorities, the most important of which was the development of a collaborative approach to information collection and greater administrative regulation to increase transparency (Nelen and Huisman, 2007: 208, 209 and 213).

Following the Van Traa team's recommendations, city authorities put into effect the Public Administration Probity in Decision-Making Act (BIBOB) in June 2003. The BIBOB Act grants Dutch administrative authorities the right to refuse contracts, subsidies or permits for organizations and companies if they have serious doubts about the integrity of the relevant applicant.[xi] The Van Traa team now coordinates the implementation of the "BIBOB" Act on behalf of the city of Amsterdam. The administrative authorities and Van Traa team can refuse a permit if they so much as suspect that the services to be provided are being used for criminal objectives (Nelen and Huisman, 2007). A full integrity assessment is conducted with the assistance of the BIBOB Bureau of the Ministry of Justice (Nelen and Huisman, 2007: 208). This process results in a recommendation about the degree of risk that the administrative authority runs if they license or grant a permit to the said business. In conducting this assessment, the BIBOB Bureau has access to secured sources such as police files and information provided by the Tax and Customs Administration Bureau. It is unique in that it not only "inspects the antecedents of the applicant, but also checks his or her immediate environment such as other persons in leading positions in the relevant organization and business relationships" (Dutch Ministry of Justice, 2003).

A commissioned report by the Utrecht School of Governance (November 2008) reported that in 53% of the Bureau's recommendations to the Van Traa team there would be a serious risk of the license being abused for criminal activities (fraud, money laundering, etc.) (Nelen and Huisman, 2007:12). In these cases, there are a wide range of measures that can be taken. Due to the variety of partners in the Van Traa project, the tools include, but are not limited to, the "refusal or withdrawal of licenses and permits, the levying of taxes, the closure of certain establishments, the initiation of criminal investigations, and, under certain circumstances, the acquisition of real estate by the city itself, in order to prevent criminals from investing their money in specific objects" (Nelen and Huisman, 2007: 209).

Besides the city districts and the city departments, the most important partners of the Van Traa team (and the BIBOB Act) are the police, the Public Prosecutor's Office and the tax authorities (Nelen and Huisman, 2007: 209). The private partners involved are several housing corporations and two private real estate agencies (Nelen and Huisman, 2008: 209). And while Nelen and Huisman argue that

the latter play an important role with regard to the acquisition and management of real estate on behalf of the city administration, they fail to elaborate on the nature of the relationship between the municipality and these real estate agencies (profitable, partnership, symbiotic, etc.) nor do they tell us who these real estate agencies are.

With little known about the ongoing dealings between the city and these agencies, it is questionable if the BIBOB Act is staying true to its intended objective (that of reducing crime). Indeed, if the city is faced with a potentially profitable proposal for development in the R.L.D, the BIBOB Act could be used as an administrative tool to clear some physical space for development to begin. Revealingly, the BIBOB Act's history of convictions and the bias in its track record casts further doubt on its use.   Of most relevance to this project is the fact that the BIBOB Act has been disproportionately applied to the sex services sector. In an evaluation of the Act, Doornbos and colleagues shows that "of all the requests for advice submitted to the BIBOB Agency [from the Van Traa unit] between June 1, 2003 and August 1, 2006, 40 percent were related to the sex services sector" (2007: 6). While the advice that the BIBOB agency gives is confidential, it is telling that a significant amount of sex businesses had their licenses revoked or equivalent penalties imposed on them shortly after this period of requests. Since 2006, local authorities announced the withdrawal of the licenses of several key players in the sex industry in the red-light district and "the licenses for about hundred 'windows' in the red light district were withdrawn at the end of November 2006" (Nelen and Huisman, 2007: 209).[xii]

Brothel owners and sex service entrepreneurs are enraged at the closure of very important symbols of the sex industry and, as a result, they have begun to show some formal resistance through the appeals process. William Boef, a brothel owner and activist, leads a group labeled Platform 1012 whose sole purpose is to resist the City's Project 1012. He is furious with the new closures, as illustrated below:

> All the business people in the R.L.D support the BIBOB law, because it's meant to separate the good from the bad. But what's happening now? It looks like Casa Rosso may be shut, purely on the basis of 'findings' and rumors. It's a disgrace (Radio Netherlands, 2008).

What annoys Boef the most, is that the efforts on behalf of the Council are helping to stigmatize an entire neighborhood:

> Everyone with a business in the 1012 postcode area is now regarded as a potential criminal. It's scandalous (Radio Netherlands, 2008).

Owners may appreciate the idea behind the BIBOB procedure, but at the same time they also see its disadvantages: that it stigmatizes, that it "stimulates the use of straw men; that too little is known about the veracity of the data used in the procedure and that the current method of application results in an increase of their administrative expenses" (Huisman, 2007:6). As a result of such grievances and the launch of appeals, the BIBOB Act is currently under evaluation by Parliament, a process that apparently began at the end of 2006 (Nelen and Huisman, 2007). However, no conclusions have been announced from this review, nor is it accessible in any form, which suggests that the review has not yet been initiated or that it is in support of the existing policy. In the absence of a full review of the BIBOB Act, and its inherent biases, a widespread discussion as to its application and impact should still be initiated.

Revamping Infrastructure and Image:

The second part of the attack on the R.L.D includes the revamping of the R.L.D.'s infrastructure and image and the coinciding slander of the sex industry as a part of this (Schippers, 2009). The following examples are excerpts from city documents:

…. Sex workers' windows will no longer be welcome. They will be replaced by traditional activities... The redesign and improvement of public space will mean that the square and surrounding streets will become a pleasant place in which to pass the time (Future Perspectives, 1012: 2).

Here we aim to place top-notch internationally known retailers as well as high quality hotels, restaurants and cafés… Both noise reduction and traffic safety are important factors in the redevelopment of this area. …Durable and high quality design should be a stimulus to property owners and developers to refurbish their properties (Future Perspectives, 1012: Appendix).

According to these excerpts, the City of Amsterdam aims to redesign the R.L.D and immediate surrounding areas in order to reduce noise, improve traffic safety, attract more visitors and revitalize the neighborhood by restoring some of its 'traditional' elements. However, the R.L.D and the international reputation that it has does attract a large amount of tourists world wide and, in turn, produces a significant amount of profit for the city and its industries. Some authors have even argued that Amsterdam without the R.L.D is like Paris without the Eiffel Tower (Niemantsverdriet, 2008). Moreover, replacing red light windows with more 'traditional' crafts seems somewhat ironic and begs the question: is sex work itself not a traditional, perhaps even cultural, element of Amsterdam?

Crime, Sex Work and Trafficking:

Beyond the reasons already explained, the desire to contain organized crime appears to be the most cited reason for the push to close the brothels and replace them with more trendy infrastructure. And, as previously touched on, the reasoning is as follows: after legalization, an increase in crime was observed and crime preys on and flourishes within the sex services sector. The sex services sector, by its very nature (secretive, taboo), attracts criminal activity (Murphy, 2002). Efforts to regulate (following legalization) have apparently been unsuccessful at reducing money laundering operations, illegal sex work, trafficking and the presence of illegal immigrants. This associational relationship (between crime and the sex services sextor) is taken as fact by council and the Van Traa team but its authenticity is never discussed or debated. It is necessary, therefore, to evaluate the information that is relied upon to make the connection between the type of business (sex services) and the crime. For instance, Padriac Murphy, a prominent criminologist, argues that reducing crime is one area in which the legalization of brothels has been particularly unsuccessful.

While grounded in Australian examples, Murphy's argument nonetheless theoretically supports the claim by Dutch officials that crime is on the rise in the R.L.D since the year of legalization. According to Murphy, where legalization (and therefore greater regulation) is introduced there always seems to be an illegal sector that is considerably larger than the legal sector and which preys upon the newly legalized businesses in order to cover their seedier activities (2002). This is because both legitimate and illegitimate entrepreneurs who want to avoid intensified state control will inevitably start looking for new opportunities in the unofficial economy… Due to this ongoing "rat race," the transparency of markets will probably diminish, rather than increase (Nelen and Huisman, 2007: 216).

Further research supporting the use of the BIBOB Act comes from commissioned work by the Office of the Minister of Finance. This research argues that the sex services sector plays a large part in the money laundering activities of the Netherlands. According to Unger's calculations (2006), money laundering amounts to "3.8 billion euros of Dutch criminal revenues and an additional inflow of 21

billion euro from crime abroad" (Nelen and Huisman, 2007: 212). However, because of the difficulties one encounters in recording crime and/or its sources, it remains difficult to prove that the sex industry is more prone to criminal exploitation (such as money laundering) and manipulation than other types of business, and even more so following its legalization. Allowing brothels to officially and legally operate does not necessarily further enable their illegal activities. Moreover, less-suspect enterprises such as churches, schools, clothing stores, etc. are also vulnerable to criminal influences-and therefore are deserving of equal attention by the BIBOB Act. In fact, the argument that associates the legalization of prostitution with increased crime rates and the sex services sector with crime has little evidence to support it.

Unger's report (2006), in particular, was severely "criticized by various criminologists, who claimed that most of the assumptions that lie at the root of the calculations are highly questionable" (Nelen and Huisman, 2007: 212). Secondly, reliable and empirically sound conclusions on causality would require experimental research designs or statistical analysis (Rossi, Freeman and Lipsey, 1999). Because criminal entrepreneurs generally work hard to conceal the illegal nature of their business (and therein most aspects of their business), information is hard to find and these "methodological requirements cannot be met when evaluating the effects of measures on organized crime" (Nelen and Huisman, 2007: 211). With special regard to such measures taken to reduce or prevent crime, the situation is even more complex. After all, it is difficult, if not impossible, to determine that something did not happen, due to the measures taken by the authorities. At most, only the plausibility that certain effects have been achieved can be established (Rossi, Freeman and Lipsey, 1999).

There are other explanations for the increase in reported crime within the R.L.D. The first is that legalization has more clearly demarcated that sex work which is illegal, making the incidences of it easier to label and report. The increasing crime rates, then, could be reflective of a greater capacity on behalf of citizens to acknowledge and report incidences of crime. Secondly, a renewed focus on those working in the sex services, on behalf of the government, may have pushed many people into the less visible sector. As I noted earlier, after legalization it was made clear that only those citizens from EU countries and with valid work permits were permitted to work within the industry. Following these stricter regulations, an estimated 11 000 sex workers were made 'illegal immigrants' and were made to flee the country or go underground (Bernstein, 2007: 159). In effect, the law itself increased the crime rate because it classified more people as criminals.

Since there is no evidence to suggest that the sex industry as a whole shrank in size, it can reasonably be assumed that the invisible and most often illegal forms of sex work have increased significantly (Hindle et al, 2003 and 2008). The increase in the R.L.D's crime rate, then, has been a result of a re-arrangement of categories and stricter penalties that force people underground, rather than a manipulative and predatory illegal sector that saw its chance to prey upon a newly legalized sector. The Dutch approach to urban design and planning in the R.L.D which uses these unsubstantiated connections to justify its favoring of the fashion industry's claim to public space over the sex industry, is rather suspect.[xiii]

If reducing the crime associated with sex work remains a top priority of the municipality, then it is necessary that they also pay due attention to the less visible forms of sex work such as that which occurs within private homes, outer city brothels and warehouses. It is reasonable to assume that predatory criminal behavior operates more successfully within this hidden context. (than it would within the more frequented and visible windows or brothels of the R.L.D, for example). If the city hopes to

reduce crime by halving the historic spaces of the R.L.D, the fact that the R.L.D only represents 20 percent of the industry (Koski, 2007 and Daalder, 2007), means that in the most efficacious enforcement scenario, Amsterdam will only be reducing crime by 10 per cent. And if it is the type of business (sexual service related) that attracts the crime, as these arguments suggest, then it seems more logical that enforcement initiatives should be taking efforts to eliminate the industry as a whole, rather than only one sector of that business distinguished by its location and visibility in one particular area (The R.L.D).[xiv]

City officials refuse to promote the idea that the R.L.D can stand as a space in which sex work can be safely and professionally practiced. Instead, they continue to justify their modernization plans for the R.L.D by labeling it as a hotbed for criminality and exploitation. In the most damaging of associations, the R.L.D. has been directly linked to human trafficking and other forms of exploitation of women by the city and its spokespeople, as evidenced by the following statement from Metjey Blaack: "we believe that less windows means less exploitation of women" (BBC News Report, 2007).   For several reasons, it is problematic for the city to base its policies towards the R.L.D on the basis of its understanding of the trafficking phenomenon.

Firstly, the increasing number of trafficked women may in fact be a result of the increasing tendency of people to report incidents of trafficking in women (Weitzer, 2007). Again, the difficulty in measuring the extent of a hidden phenomena makes all statistics somewhat unreliable. In this regard, Weitzer argues that many of those who have joined the anti-trafficking crusade have based their politics on "central claims [that] are problematic, unsubstantiated or demonstrably false…[and these] views and demands are incorporated into government policy, legislation, and law enforcement practices" (2007: 447). Secondly, the increased attention to human trafficking on behalf of many scholars, NGOs and/or students may in turn have the negative side effect of conflating the consensual sale of sex with the forced sale of sex or childhood sex work (Weitzer, 2007). This conflation causes people to be less tolerant of the sale of sex within Amsterdam, which can be understood as consensual in many instances.

To this end, the state may be co-opting the trafficking hype and utilizing false data to legitimize its new policy direction. I will explore this idea further using a social constructionist perspective. According to this theory, social conditions become social problems only as a result of claims-making by interested parties, claims that may or may not reflect actual social arrangements. The City of Amsterdam is a prime example of this because in order to achieve its Future Strategy goals it has "generated widespread public concern about a problem and lobbied political elites to either intensify punishment of offenders or criminalize acts that were previously legal" (Wagenaar, 2007: 448).

The arguments on behalf of the city and other interested bodies that the R.L.D is giving way to criminality and trafficking are largely unsubstantiated, but nonetheless constitute a shuffling of the political agenda. The shuffling of the political agenda necessarily creates some winners and some losers at the behest of new policy. Indeed, the increased attention to crime and trafficking and the focus on the R.L.D as its source is at the expense of paying attention to the betterment of the majority of sex workers lives within the R.L.D who are not trafficked and who may want to be sex workers.   Problematizing the R.L.D and all of its inhabitants is only one way of achieving its Future Strategy goals, but it is the primary method the City of Amsterdam has chosen.

For the above reasons, the drastic movement on behalf of the City to improve the 'quality' of the district is suspect and has caused many people to become curious as to what the 'real' source of the 'crack down' is. My research hopes to uncover what accounts for this apparent reversal in the policy culture surrounding sex work. Why has the state altered its attitude towards sex work and its policy approach to the R.L.D as a part of this?

On closer inspection, it becomes apparent that the city stands to gain financially by drastically reducing the sex businesses within the R.L.D. Although the city has not been straightforward about its intentions and/or incentives, a quick search through American and Dutch newspapers proves fruitful. As the Amsterdam Tourism Agency reported: "The city has reached a 25m Euro deal to buy 18 buildings and turn them into shops or housing" (BBC News, 2007). Similarly, an ABC news report stated that: "Amsterdam Mayor Job Cohen hopes to close all 25 legendary windows on the historic Ouderkersplein (Old Church Square) by 2011, and some 200 others in nearby streets over the next ten years and replace them with other more lucrative prospects" (2008).

Only a small portion of the buildings purchased by the city will be subsidized, the rest presumably will be sold to the highest bidder. For instance, Amsterdam authorities recently purchased eighteen properties from Charles Geerts a well-known figure in the local sex industry and now plan to put fashion designers into some of them for "next to nothing." As one of the owners of the "And Beyond Label," Jolanda van de Broek explained: "we're getting the space to do what we want in stimulating and creative surroundings" (Radio Netherlands, 2008). The And Beyond duo is part of a group of fifteen fashion designers who are taking part in the Red Light Fashion Amsterdam Project, set up by the City Council and local designers. Under the new scheme, the designers will have the use of the premises for a year, in exchange for the cost of utilities (Radio Netherlands, 2008). However, the Red Light Fashion Amsterdam Project, characterized by government subsidies and its support for the arts, appears to not be the norm for rejuvenation projects within the R.L.D.

Interestingly, there has been no widespread public outcry opposing these large-scale plans for the R.L.D. except from small segments of the population who are directly affected. As noted earlier, William Boef has formed a protest committee called Platform 1012 and has created a website dedicated to resisting Project 1012.[xv] In 2006, Boef collected thousands of signatures and staged a protest with nearly 2000 participants. As a representative of many brothel owners and sex workers, Boef fights for the rights of all sex service related entrepreneurs who he claims are being excluded from the city's plans that directly affect them. In his view, "the city just wants to gentrify the neighborhood, so they can make some good money. And they're using public funds to buy all the real estate" (Hogg, 2008).

The support for Boef's initiative indicates that there is a group of highly affected persons who feel that they have been marginalized by the current process of gentrification. Unfortunately the concerns of sex workers' and SWRAs' are not highly publicized nor have they gained the public support necessary to prevent the R.L.D processes. Instead, because of the construction of the R.L.D. as a 'hotbed of criminality,' there appears to be a tendency for politicians to actually gain more popularity as they approve the closure of brothels and replace them with other more lucrative prospects.[xvi]
Efforts to reduce visible sex work within the R.L.D may not lead directly to an increase in popularity for vote seeking politicians, but it is a salient issue that many politicians have capitalized on in their political platforms and to positive effect (Job Cohen, Els Iping, Lodewijk Asscher).

Indeed, since legalization, it appears that there has been a congruent shift in the public attitude towards sex work and the policy culture surrounding sex work. Where sex work was once previously tolerated as a special profession, it is has now been reconceptualized as a 'social problem.'[xvii] And those politicians who make attempts to solve this 'social problem' tend to gain popularity. What this shows is that the legalization of sex work was by no means a revolution in terms of the general public's attitude to sex work in the Netherlands. Indeed, sex work is still a highly stigmatized occupation and sex workers still face a great deal of discrimination. At most, what the legalization of sex work did was

narrow the previously significant gap between the legal provisions and the de facto situation (Brants, 1998).

Over Lapping Goals:

The topic of sex work within the R.L.D. is confusing, at best, because it is an urban public space which is subject to the overlapping desires and requirements of multiple and sometimes competing users including its inhabitants, its workers, property owners and investors, and public agencies. As such, it joins many subjects from public opinion, to the electoral calculations of politicians, to public space, to urban design, to rights and to resistance. In such complicated situations, various social and political forces combine to create powerful processes that have many negative repercussions. A strong term that has been used to describe one of the urban processes occurring within the R.L.D is gentrification.

Up until this point, each mention of the term gentrification has been in reference to the current overhaul of the R.L.D. This necessitates a definition of the term and an explanation of its theoretical foundations. In its simplest form, gentrification denotes a situation in which capitalist development and investment results in the replacement of old infrastructure with new infrastructure. But gentrification as a process can also describe the results that come from the process itself. Ruth Glass, who coined the term in 1964, described the process of gentrification as follows:

> …the middle classes—upper and lower, have invaded. One by one, many of the working-class quarters…have been taken over, when their leases have expired, and have become elegant, expensive residences. Once this process of "gentrification" starts in a district it goes on rapidly until all or most of the original working-class occupiers are displaced and the whole social character of the district is changed (xviii).

One of the consequences of gentrification, then, is that property values rise, pushing out existing businesses and tenants who can no longer afford to live there (displacement). Thus, the term gentrification "expresses the obvious class character of the process" (Smith, 1996:31). It may not technically "be a 'gentry' that moves in but rather middle-class white professionals" (Smith, 1996: 31). According to Wharton (2008), it is precisely this displacement that constitutes gentrification as "the new urban form of globalization":

> Developers, realtors, bankers, investors, planners, architects, engineers and politicians often have a hand in this redevelopment and displacement phenomenon and act as capitalists in the idealized neo-urban frontier. These actors frequently serve as the elite assuring that specific plans and policies are established for urban redevelopment and they rarely disclose their proposals to the consumers (the young urban professionals or yuppies) or long time residents, akin to colonialism.

Where gentrification has obvious class implications, it also has serious political and social implications. It denotes an exclusionary political and cultural process whereby those characteristics most often representative of white, middle class culture are favored and become the cultural norm. And while there are cases to show that gentrification has positively revitalized a neighborhood (via increased policing, improved city services and expanded commercial corridors) (Wharton, 2008) it is often also true that vital working-class communities are culturally devitalized through gentrification as the "new

middle class scorns the streets in favor of the dining room and bedroom" (Smith, 1996). While the cultural effects of gentrification often take a long time to settle in as businesses and people fall victim to the pressures to relocate at various times, its effects are eventually very visible (displacement, uneven development, bias cultural development, increased poverty).

Following from this, we see how gentrification also denotes a historical process. Understanding this history can help to shed light on current interplay of forces within the R.L.D, for instance. If one reads a brief history of gentrification (and deregulation as a part of that) in Amsterdam it becomes evident that the state has historically been a very active player in urban gentrification. Over the past few decades, the policies of the government of Amsterdam have contributed to the gentrification of the old city and these policies have evolved to undermine the idea of a deliberative and democratic city. Essentially, a pattern of privatization and segregation within Amsterdam has been historically sanctioned by the state. This has a direct impact on contemporary urban planning policy, as the precedent has been set for a high level of state involvement in the private gentrification of Amsterdam.[xviii]

Like in many other cities, opposition to either state led or private gentrification is often quickly dismissed as a rejection of "progress" and those who oppose gentrification are often deemed nostalgic defenders of the past. Yet the opposition to gentrification accounts for more than gentrification's cultural dogmatism, as it criticizes the ways in which gentrification takes already limited space away from those who are historically connected to it by their need to effectively work, live, and exercise their full rights as citizens.

Indeed, access to space has long been a question of power and contestation. In this particular situation, the space of the R.L.D and the access that sex workers have to it can limit or promote their right to effectively work. The R.L.D is important to sex workers because it boasts a number of supportive services for sex workers, a greater degree of safety than working the streets, high traffic that provides a lot of customers and a non-judgmental adult social network, all concentrated within one public space. The gentrification of the R.L.D and the resulting closure of many brothels have eliminated the opportunity for many sex workers to work in such a supportive and safe environment and in turn may affect their ability to safely earn a living. Clearly, the capacity to safely participate in the labour market has an effect on one's ability to fully participate in all aspects of society. Cahill further illustrates the negative effects of gentrification:

> While gentrification is often represented within the framework of real estate capital as evidence of urban progress, this emphasis loses sight of not only its role in processes of community transformation, but also how it is experienced within a broader context of disenfranchisement by a working class community (2006: 334).

As a result of gentrification many sex workers have experienced displacement and other disruptions to their working lives that serve to further marginalize and disenfranchise them. Indeed, if we desire people (especially the typically most marginalized) to become more involved in politics, then it is important that they first have their basic needs satisfied. From this view point, one can appreciate the significance of space, and the transformation of it, as a site of struggle for citizenship rights-political, civil and social (Kelley et al., 1997: 8). Indeed, sex worker's claims to the R.L.D have stood over the years as an

expression of a kind of accomplishment of social status, a safe space in which they could at least treat each other as full citizens (Cahill, 2006: 346).

This process of exclusion evident in this gentrification process is in direct opposition to the normative claim that the distribution of space[xix] should be democratic- or at least controlled. Currently, political and economic might and contestation are winning over the physical space of the R.L.D and are alienating sex workers from a space which they have historically claimed as their own (Cahill, 2006; Mitchell, 2003; Smith, 1996). These efforts are linked to policy-makers' assessments that commercialized sex is wholly responsible for a degenerate and criminal culture within the R.L.D. Therefore while we can understand the plans for the R.L.D to be part of a much broader gentrification project (brown industrial lands in Amsterdam), they also stand as a specific attack on a sexual space and the sexual minorities who reside there. Indeed, the dynamic of denying rights of occupancy and employment through gentrification directs our attention to the powers that affect the allocation of, and access to space and, in particular, the circumscription and concentration of sexual space.[xx] Analyzing gentrification is thus vital to understanding how modern day "capitalism/neoliberalism reconfigures 'the urban scale' and processes of exclusion as they relate to sexual minorities" (Cahill, 2006).[xxi]

Gentrification and Democracy:

As is clear by now, this recent approach to policy-making in the R.L.D is the opposite of what deliberative democracy advocates. Missing from the Future Strategy's redesign plans and management of the R.LD is consultation and/or negotiation across the variety of spheres that operate within this small space. As of late, there have been no public forums or formal discussions on the Future Strategy Plans or the use of the BIBOB Act to further these plans. Correspondingly, sex workers and their advocates have had no say in the decisions that are drastically affecting their lives.

Most definitely this situation is unlike the political climate that characterized the previous sex work policy shift in the Netherlands (legalization in 2000). Instead of engaging discussions and attempts at compromise, the current situation has taken the form of opposition politics: Project 1012 versus Platform 1012, with Platform 1012 unable to make their point through normal political channels. The lack of consultations and open dialogue in these recent developments demonstrates that the Dutch government has reverted to non-inclusion and non-responsiveness in its approach to sex work policy making. What this shows us, then, is that

> the previous use of deliberative implementation strategies in the process of legalization did not preclude the emergence of negative unintended consequences, most notably the apparent reversal of the use of deliberative democratic techniques," especially as they relate to sex work (Wagenaar, 2007: 198).

Indeed, these recent changes have drastically affected the power dynamics and relationship between the government and citizens involved in the sex industry. The alteration of these dynamics can have serious implications for Dutch democracy

THEORY:
Deliberative Democratic Theory: Power and Democracy

Scholars have argued that the reason for non inclusion of marginalized populations is that policy making is characterized by closed systems of informal and "private elite accommodation" in which state policy makers consult with representatives of powerful private sector interests (Patten, 2001). Several sex workers' rights advocates assert that they are one such marginalized group and while perhaps consulted, their policy advocacy and research is rarely translated into policy formation (Lewis and Hazjnal, 2002). This is clearly the case with Amsterdam's Future Strategies and other associated municipal policy output such as the BIBOB Act which have blatantly ignored the core of the policy research and recommendations put forth by the Red Thread Union and other sex workers' rights organizations (de Graaf, International Sex Workers Europe, etc.).

Following this, the argument can be made that sex workers and their advocates retain virtually no policy influence within Amsterdam. Clearly discerning policy influence (and the lack of it) involves mapping out the multiplicity of actors who are involved in public policy, and accounting for differences in how those communities and networks are structured in different jurisdictions and sectors within a democracy. Lindquist's model proves useful in this regard as she

> …encourages observers to move beyond the formal titles of organizations and those that lead them, and to identify the actual capacities and informal relationships at play on specific issues… [Secondly, Lindquist] explores the dynamics of policy communities and networks by introducing frameworks that account for external influences, political and value-based competition among actors, the random nature of policy-making, and different modes of decision-making and their implied receptivity to different forms of policy inquiry. [The last part of Lindquist's model] demonstrates how policy-networks can be reshaped by key actors inside and outside the jurisdiction in question (2001: 1-2).

While more empirical than I intend to be, Lindquist's approach is nonetheless highly compatible with mine. However, it is important to make clear that policy influence is not simply a question of competing interests and social and economic positioning. Indeed it is about power, how one utilizes one's resources and dominates others with them and the systems that allow for this. By acknowledging a plurality of variables, I simultaneously acknowledge the interplay of forces in the policy making process beyond the confines of local government and their advisors.[xxii] This acknowledgement acts as a refutation of one of the most common understandings of policy-that it is a black box or a "process of authoritative instrumentality-the government choosing goals-and the work of policy as preparing for the choice (e.g. through analysis and advice), making the choice, or implementing it" (Colebatch, 2006: 319).[xxiii] There are, however, several other ways in which to frame the policy dynamic. Two of the frames Colebatch discusses, for instance, have a profound impact on my own understanding. These are: 'structured interaction' and 'social construction' frames (2006: 319). Structured interaction argues that

> rather than a single actor called 'the government,' there is an array of organized voices, all contend[ing] for power…and policy is interpreted as the construction and maintenance of relations amongst stakeholders-the diplomacy of public authority (Colebatch, 2006: 319).

> [Social construction] sees policy in terms of the way that concerns are recognized as worthy of collective attention and ways of dealing with them as appropriate; it is a process of social construction. This reflects the growing recognition that the concerns of policy are not pre existing phenomena, but are generated in the policy process (Colebatch, 2006: 320).

Referring back to Lindquist's model, we can see how policy is not just a matter for 'specialist functionaries' within the government, indeed a variety of people and organizations contribute to the formulation of and/or influence policy who exist outside of government (this is similar to Foucault in his discussion of governmentality) (2006: 310). Certainly, those group (or individuals) who stand in close proximity to capital tend to be more influential in the policy making process and the interests of capital are almost always reflected in the policy process; however, as we discuss 'moral' issues-such as sex work- political alliances and strength in numbers can compete with or even outweigh some of the most affluent of invested parties. This brings us to consider the second frame of understanding-that of social construction.

Much like Colebatch's description of the environmental movement; the making of current sex work policy within the R.L.D can also be understood to be socially constructed. For instance, the current definition of the R.L.D as an area of grave concern, the identification of problems within it, the designation of criminal experts, and of appropriate responses to

these problems were simultaneous and mutually reinforcing processes, and for this reason [sex work policy] had to be seen as more than the choices of authorized leaders or the interplay between stakeholders… Indeed, if policy implications are seen in securing changes in broad based behavior, [such as the reduction in criminal activity], then, its social construction (2006: 317).

A social constructivist considers power to be fluid, weaving itself sometimes clearly and sometimes mysteriously throughout the policy making process. The focus of study is not simply the decisions that go into making the policy and those that make them, but the information that informs decisions and the context in which this information is embedded. In this particular case, it is difficult to pinpoint the transition in power from the hands of a diverse policy network, effectively, to the bureaucrats and the land developers and how this transition was made possible. But the understanding of policy as socially constructed, helps us to uncover the ways in which discourses combined to make an overhaul of the R.L.D. seem necessary or at least partially legitimate (the linking of sex work to crime, the anti-trafficking hype etc.). It is this understanding of the policy making process to which discourse analysis will best lend itself.

By using discourse analysis in combination with an understanding of policy as socially constructed, I will best be able to uncover those invisible forces which are critical in the formation and implementation of the Future Strategies Priorities. The use of interviews will ultimately help me to answer the question of whether or not this transition of power was strictly a result of the shifting interests of capital. Interestingly, municipal housing associations are independent and non profit and stand as powerful entities within Amsterdam. As a result their interest in developing the R.L.D may not be entirely financial. Moreover, Amsterdam's municipal government is largely funded by the national government and not by local tax bases, so they are not necessarily interested in increases their tax base within the R.L.D, as we may come to assume from our understanding of American politics. This points to a situation in which capital interests may not be entirely responsible for those processes that have as their goal the complete gentrification of the R.L.D. Thus, there are other influential forces and powers that need to be contemplated. These power relations and the impact that they have on the policy-making process will then be discussed and analyzed using deliberative democratic criteria.

What is Deliberative Democracy?

According to Van Hees, the major contributors to the deliberative democracy literature are bound by the central argument that "the legitimacy of democracy [depends] on the extent to which it enables citizens to take part in deliberation concerning collective decision-making" (2008: 2).[xxiv] In Dryzek's words:

> Democratization (….) is not the spread of liberal democracy to ever more corners of the world, but rather extensions along any one of three dimensions. The first is franchise, the expansion of the number of people capable of participating effectively in collective decisions. The second is scope, bringing more issues and areas of life potentially under democratic control (….) the third is the authenticity of the control (….) to be real rather than symbolic, involving the effective participation of autonomous and competent actors (2000: 29).

Van Hees' organization of the vast deliberative democracy literature has greatly helped my own understanding of it (2008). He explains how the core of deliberative democratic theory stems from two areas of research (2008). The first is the exploration of the determinants and impacts of pluralism on various democratic institutions (Dryzek, 1990; Pateman, 1970; Dahl, 1993). The second area is the examination of democratic governance (including collaborative planning) and collective action dilemmas. Deliberative democracy combines both areas as "it is not only concerned with the aggregation of the views of the electorate into a collective point of view, it is also concerned with the ways in which and the degree to which citizens are included in the political system" (Van Hees, 2008: 1).

Many governments of advanced democracies struggle with how to best acknowledge and respect the desire of citizens to be actively involved in public life. On the one hand, there exists the need of state actors to uphold the capacity for command and control and on the other hand there exists "the need to extend the democratization of society along the dimensions Dryzek mentions: franchise, scope and authenticity of deliberation" (Wagenaar, 2006: 5). As Wagenaar further illustrates:

> The tensions between control and democratization are particularly acute for public officials who want to engage in deliberative forms of policy implementation…these public officials recognize the need to include groups who are first affected by … proposed policies…. Yet these so-called 'enlightened' officials face a number of problems in realizing this desire.

For instance, administrators and policy makers are constrained by bureaucratic power; institutional routines; time constraints; finances; legalities and other commitments that determine their ability to reach their mandate (Municipal Research and Services Center 1999: 20). All of these constraints must be considered as variables within the policy-making processes. The body of research on "democratic governance" does this because, in general, it encompasses the study of "policy approaches and social mechanisms that are separate from, but complementary to political institutions and mechanisms" (Schindlmayr, Huber and Zelenev, 2006: 8). As such, the field of 'democratic governance,' helps to account for those variables that stand outside of the formal political process but that may strongly influence the inception of deliberative democratic reforms (Daley, 1998).

Other scholars focus less on those public officials who have been 'enlightened' and the constraints they may face, and more on the political opportunity structure[xxv] that either allows or prevents the uptake of public participation ideas and mechanisms altogether. Daley (1998), for instance, investigates the variables that have contributed to the state's receptiveness to the democratic ideal. Following Daley's lead, I will explore the vibrant literature of institutional analysis and design as well as

other policy adoption research to identify variables that might provide general determinants for the uptake of deliberative democratic mechanisms. Perhaps there were drastic institutional or political opportunity structure changes (changes in the political party, for instance) that blocked the uptake of deliberative democratic mechanisms in later sex work policy debates. In doing so, I intend to shed light on the research question of why deliberative processes were previously incorporated within Amsterdam but fail to be now.

The benefits of deliberative democratic reform?

According to many deliberative democratic theorists, civil disengagement is, in part, a result of a lack of formal channels within which to participate. In the same vein, if deliberative democratic mechanisms fail to be institutionalized at the government level or are later repealed then civil and/or political disengagement will occur. Civil disengagement is best defined as non-participation in public life and has a negative effect on the stability and survival of democracy. Social capital theorists, on the other hand, consider the opening of formal political channels to be only one way to increase civil and political engagement and create a democratically engaged citizenry. Putnam, for instance, argues that greater interactions at the private level are what have the most effect on greater public participation (1995).

The argument is that if citizens are interacting in groups at the local level, then they are learning skills that help them to participate and become better 'democratic citizens.' This process is what is known as the development of social capital Social capital helps to stabilize a democracy (Putnam, 1995: 64). According to this view, public participation is less a result of fewer formal political channels and more a result of an individual choice to participate (Putnam, 2000).[xxvi] One contributes less to the overall development of social capital if one remains uninvolved at the local level. According to many of the thinkers in this tradition, then, a lack of democracy at the state level is reflective of a lack of democracy and democratic procedures at the local level. Most importantly, however, we are brought to consider what the role of civil society is in sustaining or promoting deliberative democracy. As part of this, we must define civil society and detail the relationship that it has with deliberative democracy. How important is the study of civil society to the study of deliberative democracy within Amsterdam?

 Hendricks, for instance, understands deliberative democracy to be composed of "diverging streams of thought, each implying a different role for civil society" (2006: 1). Firstly, there are micro deliberative theorists that "focus on the procedural conditions for structured fora, encourage civil society to engage in collaborative practices, usually with the state" (2006: 1). Macro deliberative democrats, on the other hand, "are interested in the messy and informal deliberation in the public sphere, and advocate that civil society should work discursively outside and against the state" (Hendricks, 2006: 1). Taking into account that "all micro deliberative fora are surrounded and impacted by their macro discursive context," Hendricks warns against conceiving of deliberative democracy as an entirely micro or macro enterprise and advocates for a more viable and inclusive deliberative theory; one that integrates all kinds of deliberative criteria from the micro to the macro (2006: 2). Similar to Lindquist, Hendricks understands that politics, power and policy influence runs through "discursive spheres that collectively engage a diversity of civil society actors" (2006: 1). Both understand that the normative power of deliberative democracy resides in this expansive understanding rather than locating resistance to any one particular realm.

In its most basic sense, the deliberative democratic process enables citizens to form and revise their values and opinions in conjunction with one other. Ideally, this process is based on an assessment of relevant information amongst invited or willing participants. Part of such information comes from 'experts' who inform citizens about the specifics of the issues on which they deliberate (Van Hees, 2008: 1). At times, the knowledge input of experts is specifically requested. At other times, their role in the policy making process is less direct in that they have only previously influenced the participants views and expressions via their production of sources on which the participants rely.

Another critical and defining component of the deliberative process is the reformative value that it has for individual participants. Upon hearing the views of others, especially the views of those who are typically excluded by the policy process- such as sex workers - it is argued that deliberating citizens can potentially arrive at a better mutual understanding and learn a greater trust and respect for one another (Putnam et al. 1993).   This is because, in most cases, deliberating citizens gain a greater understanding of the implications of their own views and they may revise their own views in light of such new information and their own strengthened sense of empathy. Indeed, when two or more people who are unlikely to meet in their daily lives are brought into a room (based on their stakeholder status-or their participation as citizens in deliberative polling), transformative conversations can take place. For example, when a policy maker who rarely considers the serious implications that even the smallest of policy decisions may have is brought face to face with a sex worker whose life has been disrupted and negatively effected by the said policy, the sharing of her personal stories may serve to elicit a greater understanding about the real effects of the policy and may cause the policy maker to take more time and due care in the construction of such policies.

Beyond developing a greater sense of empathy amongst participants, it is also argued that because of the dynamic processes that occur throughout deliberation, citizens gradually adopt a less emotionally charged, more informed and more committed perspective on the political issues at stake. Whether tempered by greater information or the personal stories which serve to develop empathy amongst participants, these more well rounded views tend to bring people more in line with a common democratic purpose (Van Hees, 2008: 1). A greater sense of empathy, more information, "better information and a sense of cooperation aimed at resolving problems of collective decision making causes deliberation to have a 'truth-tracking' potential" (Habermas (2006) quoted in Van Hees, 2008: 1).

However, despite the alleged positive benefits of deliberation and democratic policy making process, several scholars and political activists remain skeptical about the feasibility and effectiveness of extensive institutional reforms aimed at the widespread implementation of deliberative democracy. These skeptics argue that for the deliberative democratic initiative to be successful it must begin with small-scale initiatives like the organization of town meetings, local assemblies, public forums, educational and participatory broadcasts and deliberative polling[xxvii] on specific issues (Van Hees, 2008; Dahl, 1989; Fung and Wright, 1995). This more 'grass roots' approach has the potential to be more effective and more strongly influence the development of social capital for three reasons. First, because of its 'piecemeal' nature, smaller efforts incrementally introduce people to more meaningful participation than would efforts aimed at larger institutional reform. This is because grass roots efforts tend to me more widespread, Secondly, these efforts are easier to implement (simply by virtue of their smaller scale) and would use fewer public resources than a reform of the local electoral system or entire municipal policy-making process. Thirdly, the knowledge of larger institutional reform may take longer

to disseminate to the citizenry, and even upon knowledge of these changes, apathy towards to formal government may still run high.

As Van Hees makes clear, "there is increasing empirical evidence that such small-scale initiatives are indeed effective in fostering citizen deliberation (Bächtiger and Steiner, 2005; Baiocchi, 2001)" (2008: 3). While grass roots initiatives do in fact help the participants to engage in deliberation, their success in building widespread consensus or having an impact on policy output is more equivocal. But before I discuss the potential shortcomings of these smaller scale initiatives, it is important to note that I intend to follow Hendricks' suggestion not to divide the study of the relationship between civil society and deliberative democracy into the micro and the macro, as the two systems are often over lapping. Because the micro affects the macro and vice versa, the concurrent study and the attempted democratic reform of both systems is necessary. For instance, while often the barriers to consensus building or effective policy impact at the local level are related to the micro constraints upon bureaucrats that I noted above (time and budgetary constraints, etc.), there are barriers that also exist as part of larger and more systemic issues. For instance, as Van Hees argues, a "typical way in which consensus building (or truth-tracking) may go astray is when the perceptions of the individual participants are systematically distorted" (2008: 2).

An important instance of this phenomenon occurs in relation to moral issues or issues in which people feel their personal safety/way of life may be jeopardized. Emotional responses to reports of crime, graffiti, littering and other incivilities are not often counterbalanced by factual information about neighborhood safety. In neighborhoods known for sex work, people often express a greater sense of unease on the streets (Lowman, 2000). The issue of sex work and neighborhood safety both ring with social and economic overtones as those who are usually critical of a neighborhood's safety levels are the middle class property owners; not those who works on the streets or live on the streets. Only recently has the safety and quality of neighborhoods known for sex work become a concern for policy makers, as activists have drawn attention to crimes committed against sex workers and have increased the pressure on politicians and policy makers to treat sex workers with the same level of deservedness as more 'mainstream' citizens.

As I hope my interviews will highlight, there are many ill informed assumptions that tend to guide people's views on sex work and sex work related businesses. The most influential of these are the assertions of the inherent risks and dangers of sex work and the threat that its very existence poses to the outside individual-that sex work is necessarily abusive, forced, deprived, drug ridden, violent, nondiscretionary, and visible. Certainly, areas known for sex work can be intimidating to the non sex-worker because people may feel their personal safety is jeopardized; but more than a threat to the actual physical well being of their neighbors, sex workers and/or others who work the streets stand as a challenge to people's personal lifestyles and moral codes. An individual's sexual norms may be disrupted by simply viewing or coming into contact with a sex worker.

Efforts to reduce visible sex work in one's neighborhood, then, could be reflective of a tendency to reinforce the status quo, to what is known and to what poses less theoretically challenging questions for the individual. It is these deeply embedded personal opinions, stereotypes, underlying assumptions and silent observations about sex work, however, that are critical in securing the consent of members of the public and politicians who either aid in, or witness, the transformation of the red light community and accept the " 'social costs' of gentrification as inevitable" (Atkinson and Bridge, 2003) and even as a

sign of progress (Cahill, 2006: 14). Of course, it is unfair to say that people's opinions are 'incorrect,' but there is evidence of media and other forms of discrimination against sex work that can place doubt in many of these 'informed' opinions about sex work. This doubt warrants a more thorough investigation and formal discussion of sex work worldwide.

Clearly, deliberative democratic decision-making presents significant challenges. Proponents of deliberative democracy must bring together diverse and sometimes extreme views and temper and educate participants via a discussion whose organization, location and structure ideally holds no bias and no particular intended outcome. Because of its personal and moral nature, the topic of sex work poses a uniquely difficult challenge for the development of the deliberative democratic framework, but not one that is impossible. It is, however, necessary to revert back to a consideration of the obstacles to deliberation and inclusion that are generally present within Amsterdam before contemplating the form and implementation strategy that it should take as it relates to sex work. Before doing so, "the truth-tracking justification of deliberation is of only limited applicability" (Van Hees, 2008: 2).

Institutionalism and Habermasean Communicative Action:

Institutionalism acknowledges the influence that institutions have on our social, positions and our individual parameters of choice (Gaffikin et al., 2005: 5).[xxviii] Our thinking is embedded in these social locations and in our relational position to others, in various power structures, etc. (Van Hees, 2008: 3). [xxix] The institutionalist approach, then, "rejects the notion that the social world is constituted of autonomous individuals, each pursuing their own [atomistic, isolated, autistic] preferences" (Gaffikin et al., 2005: 6). In this sense, interests are not fixed entities, as other theories may purport, nor are they natural to any individual human character but rather are constructed through various interactions with complex circumstances, institutions and other people in various places and time (Gaffikin et al., 2005: 2; Van Hees, 2008: 2). Critical planning theory requires that we pay attention to the influences of institutions and other variables that constitute our social locations in order to disassemble the interests and the powers that lay behind them.

This is not to say, however, that we are "mere cogs in someone else's machine … we are reflective beings [and] we have choices about what to accept of our structured, social embeddedness, and what to reject" (Healy, 1997: 56). With regards to the issue of individual agency within an institutional framework, Healy relies on a theory of structuration which emphasizes "the recursive relation between structures and agency" to show that "individuals are neither fully autonomous nor automatons" (Healy, 1997: 46,49). This means that the circumstances could potentially be otherwise, that a situation "could be transformed into something different" but that this "malleability can only be harnessed if we 'explore the cage of our consciousness' through 'conscious reflexivity on our assumptions and modes of thinking'" (Gaffikin et al., 2005: 6), as is described by the deliberative democratic process. Deliberative democratic reform to sex work policy making, then, involves both institutional change and a change of individual consciousness. More precisely, institutional change shifts the parameters within which one is able (or newly enabled) to develop and more freely express one's own interests and thoughts based on a range of information.

The second conceptual base that Gaffikin and colleagues attend to is the normative concept of communicative action developed by Jürgen Habermas. Habermas' theory of communicative action is applied in many of the planning profession's normative assessments. Essentially, proponents of

communicative action desire a society in which actors seek a common understanding and coordinate political actions based on that understanding. This common understanding is achieved through reasoned argument, cooperation and a focus on consensus building rather than on self interested actors acting strategically in pursuit of their own goals (Habmeras, 1984: 86). In order for this to occur, communicative action argues for the reconstitution of the public realm so that "meaningful and undistorted communication can take place" (Gaffikin et al, 2005: 7). As a part of this reconstruction, the concept questions the role of experts, the rationalist hegemony of legitimate forms of communication and reasoning, and "adds an appreciation of moral and emotive-aesthetic forms of reasoning" (Gaffikin et al., 2005: 7).

Healy argues that powerful interests make it appear that there is only one correct way of reasoning within policy and that to counter this we "must construct our ways of validating claims, identifying priorities, and developing strategies for collective action through interaction, through debate" (1997: 53). An example of this may include a reformatting of typical policy discussions from a focus on producing outcomes to one that understands the benefits of long and perhaps inconclusive discussions. However, it is ideal if a consensus is achieved through these deliberative processes as 'inconclusive discussions,' may deter people from further involvement in politics rather than encourage. Yet, I want to reiterate the argument that a reform of the local policy making process should remain the priority over any one particular outcome of it (being a consensus expressed in policy output, ie. the reinstallation of the R.L.D windows). If in making these changes to the policy making process and learning the ropes of 'consensus building' reformers come across some 'inconclusive' debates, then it is important to realize the productivity that can exist amongst inconclusiveness.

A separate example may include the encouragement of less formal political discussions that have accessible language, time and place to make them more inclusive and less threatening to 'outsiders.' Either example serves to dull oppositional politics and the promotion of particular interests (generally those that protect the status quo) and sets the stage for thorough and productive debate. This, then, "leads away from competitive interest bargaining toward collaborative consensus-building … [which] can build the capacity to transform ways of organizing and ways of knowing … in other words, to build [new] cultures" (Healy, 1997: 30).

In determining their audience for their reform efforts, reformers are making clear where they believe power to be derived from (civil society, the elites, etc.). In their arguments, for instance, it becomes evident whom these reformers view as powerless and whom they believe the democratic franchise could be further extended to. Important in the consideration of power is the source from which we believe that power is derived. Economic poverty has traditionally been regarded as the main source of powerlessness and class-based political theories have historically dominated research on democracy. In recent decades, however, more attention has been focused on the political inclusion of groups that have been marginalized based on their social identity rather than their class.

Sexual minorities and power:

Several scholars (Kymlicka, 2005; Benhabib, 1996) have focused their research on the relationship between democracy and minorities, in particular how the processes of differences are articulated through liberal democracy (Wheatley, 2003: 507). These theorists offer a uniquely critical view of democracy and its institutions. However, the findings must be modified to fit my research

subjects since I am more narrowly focusing on the expressions of power within democratic decisions making. Moreover, the minority categorization of sex workers is not directly comparable to the racial or ethnic status of the people who are the objects of much 'diversity' research. I will thus rely on emerging theories that explore the relationship between various other kinds of group identities and power (although rarely do they explore the question of 'democratic' power).

Sex workers, for instance, form a unique social identity because they are grouped by an expression of deviant sexuality. People with sex worker identities experience discrimination and the majority of them stand at the intersection of several social hierarchies, including gender, class, race, nationality, sexuality, and sexual identity all of which combine to make them a marginalized group. Via the process of othering, sex workers stand as the other of the others (within the category of women, for example, they stand at the opposite and 'negative' end of the spectrum on many dichotomies).

While sex workers are not united in their sexual orientation, and by no means have a homogenous identity, they are grouped based on a marginalized expression of sexuality and therefore can be defined as a sexual minority. Sex workers first became recognized as sexual minorities through the politics of HIV/AIDS and the fight against moral conservative politics. It was here that SWRA could

> …look for allies amongst other groups of people who were stigmatized because of their sexuality and sexual expression. They came to be seen as part of a broad 'pro-sex movement,' which includes the promotion of sexual minorities and action against censorship (Jeffreys, 2008: 76).

As Jeffreys makes clear, "the concept of sex workers as a sexual minority, amongst other sexual minorities" provides a base from which to attempt to destigmatize sex work as part of a broader movement aimed at destigmatizing sex and sexuality (2008: 76). Extending this logic, recognizing sex workers as a marginalized minority allows scholars to acknowledge sex workers within the aforementioned bodies of literature on minority integration (for example, multicultural citizenship). Indeed, linking the plight of sex workers to other social identities and marginalized groups can prove useful because, generally speaking, the solution to their marginalization is much the same as it is to many other marginalized groups-that is, to continue to contest the power of economic and social elites while at the same time insisting on the inclusion of all citizens in the democratic process.

The emerging literature around sexual citizenship highlights the injustices that are shared by sexual minorities in the social, civil and political realm.[xxx] Brenda Cossman, for example, concentrates on the social and metaphorical notions of citizenship. According to Cossman, sexual citizenship is comprised of the legal regulations of sexuality (including: sexual practices, marriage and other public entitlements) and those discourses that occur outside of the formal legal realm but are nonetheless internalized (2007: 198). . Indeed, the state has an agenda, part of which involves constructing and identifying the 'good sexual citizen' (and by implication, the 'bad' sexual citizen). The law and various related regulatory practices promote this agenda by participating in the construction of 'normal' and 'deviant' sexuality.

The criminalization of sex work, for instance, helps identify sex workers (and their customers, to a much lesser extent), as 'bad' sexual citizens.[xxxi] The sex worker who deviates from sexual norms and therefore is given less access to government provisions than other workers (such as occupational health and safety, maternal leave, employment insurance). This distinction exists even in those countries where

the sale of sex is not actually illegal (in Canada, for instance). Clearly, these variations and relativities can and do affect one's citizenship status (in the metaphorical and formal legal sense of the word) (Robson and Kessler, 2007: 539).

Bell and Binnie argue that all citizenship is sexual citizenship because "the foundational tenets of being a citizen are all inflected by sexualities," yet, "we are not equal sexual citizens" (2000: 10). According to this view, claims to specific legal rights for sexual minorities may help in the fight for equality, but they are not sufficient. As Robson and Kessler note, while the denial of "the right to marry marks sexual dissidents as second-class citizens," a symbolic "victory in a fight for such rights does not necessarily radically change the parameters of sexual citizenship" (2007: 543). Even in the face of legal victory, cultural and social discourses continue to align to determine the lines of social acceptability and to mark people as others. For instance, it is unlikely that even once sex work is legalized and sex workers are granted the same rights and formal dignities as other professions that a sex worker will instantly become deemed a "good citizen" by the general public and escape the confines under which she has lived for many years.

Following the recognition of such underlying historic forces, theorists like Foucault call upon us to look at those "as of yet unforeseen kinds of relationships," even friendships, love and other power relationships that cause one to think of "yet unforeseen kinds of citizenship" (Bell an Binnie, 2000: 50 and Robson and Kessler, 2007: 543). These are what Foucault calls "practices of belonging," and can be defined as social cues that an individual internalizes and acts out in a desire to belong.

Many early sexual citizenship scholars neglected to fully address the civil and political aspects of citizenship or considered it secondary to other more "unforeseen kinds of citizenship." Yet a small number of sexual minority scholars ask us to pay close attention to the formal, tangible legal realm. Carl Stychin, for instance, points out that the while the Foucauldian claim that citizenship has a disciplinary function is persuasive, it is important to recognize that these claims are always embedded within legal and political contexts and therefore rights always retain an edge (2007: 13). However, Stychin argues that any discussion of specific reforms must be "balanced by a consideration of the disciplining power of law" (Stychin, 2007: 7, 11 and Binnie, 2007: 118). Stychin argues that in the fight for greater legal and political rights, we must be aware that such reforms may in themselves "serve to restrict rights and curtail possibilities for wider social and cultural transformations"[xxxii] (Binnie, 207: 118). Discipline can be seen as resistible in and through the battle for formal rights but we must remain aware of the potential implications and limitation of this approach to full citizenship (Stychin, 2007: 7, 11 and Robson and Kessler, 2007: 544).

Certainly, the achievement of a right (whether legal, social, political or civil) does not signal a time for congratulatory complacency (as the case of legalization strongly shows us). There will always remain much work to be done, but acknowledging the impact of formal rights on invisible discourse (and vice versa) demonstrates that the invisible and the visible discourses that combine to form sexual citizenship are both of equal importance. Returning our attention to the relationship between sexual minorities and democracy, we can now more clearly make the argument that the construct of "sexual citizenship" should be further grounded in the visible discourses of rights whose aim is the full expression of the democratic ideal of citizenship (civil, political and social-as described by Marshall).

Therefore, for sexual citizenship to remain a useful analytic and conceptual tool within my

research it must also be "grounded in the legal consequences of sexual minorities' access to and denial of access to citizenship" (Robson and Kessler, 2007: 5) (the right to participate in public office, the right to participate in political discussions, the right to fair legal recourse, the right to be 'out' in public without repercussions). Of course, the invisible and the social are never very far away-they are embedded in our thought processes and influence the types of associations we hold, our relationships with others and our sense of belonging. In this sense, even when one succeeds on the level of gaining tangible public rights- the invisible social and the personal will still profoundly impact ones public and visible life and as such, the "language of metaphor will remain useful" in order to understand these influences (Robson and Kessler, 2007).

I am particularly fond of Phelan's conceptual understanding of full citizenship found in her book *Sexual Strangers*. To Phelan, full citizenship requires that one be recognized fully, "not in spite of one's unusual or minority characteristics, but with those characteristics understood as part of a valid possibility for the conduct of life" (2001: 8). This is difficult, because it is sexual minorities who stand as outsiders in the 'us' and 'them' distinction and it is this exclusionary dichotomy that make possible a definition of citizenship in the first place. Recognizing sexual minorities as having 'valid' modes of living troubles the border the 'us' and the 'them' and makes citizenship less particular and perhaps uncomfortably ambiguous. For these reasons, one suspects that there would be a great deal of resistance to the recognition of such a way of living. Nonetheless, Phelan argues that acknowledgement is at the "heart of citizenship;" in this sense, citizenship goes beyond claims of legal and political rights, and includes a "claim on public attention and concern" (2000).

The acknowledgment of sex work as a legitimate profession and the validation of the sex worker as having made a legitimate life choice are then both necessary in the claims for full citizenship. However, even in the rare cases where sex workers are respectfully acknowledged, they remain excluded by many social and political processes. The gentrification of the R.L.D and its surrounding policies has served to socially and politically alienate and ostracize sex workers, thus preventing their full integration into society. It is these processes that further distance sex workers from the democratic ideal of citizenship with regard to civil, political and social rights.

The democratic ideal of citizenship:

In a generalized formulation, democratic citizenship is a matter of principles that both recognize and create space for diverse peoples to live and participate in society. Democratic citizenship should entail a respectful contractual relationship between autonomous, yet equal, subjects and their state, symbolized and certified, in a sense, by passports and an understanding of shared rights of freedom and equality as fundamental human rights. This understanding is clearly ideal because a great degree of inequality exists among citizens and in the rights they can exercise. And in many cases, the contractual relationship between the state and its citizens is not respectful, and is expressed, instead, in the state's unwelcome regulation of intimate life and the denial of related rights.[xxxiii]

Previously, I spoke to the divide between the focus on formal routes and informal routes to full citizenship (seen and unseen). Efforts to extend democratic citizenship exist primarily as part of the formal route. In such efforts, two aspects of citizenship are commonly implied: citizenship as a right to rights-as access to existing privileges given by legislative institutions, and simultaneously, as a claim to rights of full participation in the decision making process of how rights are designed and executed

(Beger, 2004: 147). Sexual dissidents have historically been excluded from both forms of participation (Beger, 2004).

Considering that the most basic definition of democracy is rule by the people, one could expect that the topic of inclusion, and minority inclusion at that, would have a more obvious role. After all, one must be included before power/rule can be shared. While there is a growing literature that speaks to the benefits of inclusion and pays specific attention to the deliberative democratic techniques and instruments that can be used to prevent further disenfranchisement, there is little to no discussion of the benefits of deliberative democracy to sexual minorities. I intend to fill this gap in the literature. I argue that the gentrification of the R.L.D can be understood as an exclusionary process that has an acutely negative impact on sex workers who work within the R.L.D. As such stands as a primary example of the further disenfranchisement of a sexual minority.

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[i] Red lights districts in the Netherlands have historically been the exception to the rule rather than the norm. In Dutch cities the Red Light District (R.L.D) is a name for a neighborhood that has the visible sale of sex as its main form of commerce. These designated areas are most often located along the ports or in central locations and on many occasions are sanctioned and financially sustained by the Dutch municipalities (Brants, 1998). Even though brothel/window prostitution was formally illegal in the Netherlands until recently, all levels of Dutch government practiced a system of regulated tolerance prior to legalization, a point that I will attend to later (Brants, 1998). This is opposed to the less tolerant approach that other municipalities take to neighborhoods that are famously known for prostitution (such as East Hastings in Vancouver or National Street in Cuba) that use zoning and other administrative tools to relocate or criminalize prostitution in all areas of the city (Nelen and Huisman, 2008: 210).

[ii] From here on in I will use the term sex work to replace the more popular term prostitution. I do this because the Dutch, since the legalization of the 'exploitation of prostitution' and the repeal of B215s have recognized prostitution as a special profession and partially seek to provide employee and occupational rights and safety to those who practice it. In legalizing sex work and the exploitation of sex work, the Dutch government believed that sex work should be practiced "as it is occasionally even now, in circumstances of relative safety, security, freedom, hygiene and personal control" (Weitzer, 2000: 937). Rather than using a term more popularly used in abolitionist arguments (prostitution), that literally pays most attention to the act (sale of sex for money), the term sex work more clearly defines the relationships that exist in the sale of sex for money between client, employer and employee and gives more credit to the social base of sex. After all, prostitution is work.

[iii] Using oral history, interviews and other relevant documents that attend to these relationships.

[iv] In its most basic sense, a policy network refers to the set of political actors inside and/or outside government who are involved in, or taken an interest in, the making of public policy. Although the concept of a policy network is widely interpreted, many of its theorists share a common understanding, a minimal or lowest common denominator definition of a policy network, as a set of relatively stable relationships which are of non-hierarchal and interdependent nature linking a variety of actors, who are common interests with regard to a policy and who exchange resources to pursue these shared interests acknowledging that cooperation is the best way to achieve goals" (Borzel, 1998: 254)- (Compston, 2009: 7).

[v] The Red Thread Union is the primary legal representative body for sex worker in the Netherlands. It was founded in 1985 by (ex) sex workers with the aim to fight the rights of all sex workers, who work in the Netherlands, whether male, female, Dutch or foreign. Its strong point is that its expertise comes straight from contacts with sex workers (http://rodedraad.nl/other-languages/english/trade-union.html). In 2001, after many years of trying, the Red Thread Union was finally accepted by the FNV-the largest trade union in the Netherlands.

[vi] The government sponsored foundation specializing in sex work related issues.

[vii] The aforementioned system of informal licensing schemes, for instance, had brought together law enforcement personnel, bylaw enforcement personnel, sex workers, fire marshals, and brothel owners and forged interesting if unlikely relationships in many Dutch cities/towns (Daalder, 2007: 52-55).

[x] A smart shop (or smartshop) is a retail establishment that specializes in the sales of psychoactive substances, usually including psychedelics.

[xii] It is well known, for instance, that in November 2008 the popular Yab Yum sex club was forced to close its doors and in January 2008 the authorities withdrew the operating license of another prominent industry location, the live sex theatre Casa Rosso on the basis of its violation of the BIBOB Act ("suspected of housing criminal activity").

[xv] http://www.1012.tv/

[xvi] For example, Mayor Cohen, who is spear heading this effort, has gained huge popularity over the years both within Amsterdam and internationally. Cohen was named one of Time Magazine's 2005 European Heroes and was chosen "Best Mayor of the Netherlands 2006," "Best mayor of the Netherlands in the last 25 years" and has been nominated "Best Mayor of the World 2006" (World Mayor, 2008). It is doubtful that these highly affected persons would consider Cohen as wonderful a leader as those who held a vote in these ratings. Indeed, the opposition to the Future Strategy plans stood as a larger or politically stronger contingent; presumably Cohen would also face a greater threat to his tenure that would, in turn, make him less likely to win such awards. City Council explains the parallel between Cohen's increasing popularity and his plans for the R.L.D by asserting that the Future Strategy efforts are actually in response to people's demands for a reinvented public space in the central area of the R.L.D (Future Strategies).

[xvii] As of yet, this is only an assumption. It is difficult to measure shifts in public attitude especially when one is not residing within that country. I make this hypothesis, however, on the basis that there have been no large media or public outcry to the recent political treatment of sex work and sex workers within the R.L.D except for by those who are directly affected. This hypothesis will be more fully explored as I conduct an analysis of the media treatment of sex work and people's attitudes towards sex work as part of my discourse analysis.

[xviii] According to Smith, gentrification first emerged in Amsterdam in the 1970s and has been fueled since the early 1980s by significant shifts in municipal housing policy. It wasn't until the early 1990s that gentrification became "de facto public policy" in Amsterdam (Smith, 1996: 178). Similarly, Jobse writes on how questions of housing and "redevelopment have in fact been at the heart of municipal politics in Amsterdam since the 1980s, perhaps even more so than in most other European cities, and they have played a central role in the restructuring of the city" (1987: 2). Dieleman and van Weesep concur, pointing out that: "few national governments, even among those of the social democracies of Western Europe, intervene so extensively in the housing market as that of the Netherlands…it's virtually comprehensive" (1986:310). These authors demonstrate that from the early 1970s, the municipal government of Amsterdam has been deeply involved in its land and housing markets. The state's role, however, has shifted in the past few decades from a strict regulator of housing with the apparent intention of social equality to an active participant in the private gentrification of Amsterdam.

[xix] Or those decision making bodies that directly affect the distribution of space.

[xx] Areas in which the majority of inhabitants are typically of a sexual minority status or in which the space is very sexualized (such as areas known for sex work or the red light district itself).

[xxi] Considering the controversies surrounding the use of space that plagues these neighborhoods, surprisingly very little research has been done on the relationship between sex workers and space and/or the relationship between the sex industry and space (a notable exception is Elizabeth Bernstein, 2004). To this end, the study of the gentrification of the R.L.D and its effects on sexual minorities can enrich our understanding of the interaction between sexual minorities, sexual space and gentrification. Authors who will be of assistance here include those who study space and its relationship to LGBTs such as Brown (2006), Binnie (2006), Michalowski and Wonders (2001), Koski (2007) and Ingram (1997). My research will act as an extension of this literature since sex work occurs across all sexualities, and since research with a queer focus cannot encapsulate all of the dynamics that occur within neighborhoods whose primary business is sex work.

[xxii] As Colebatch makes clear, authoritative instrumentality is the way in which policy is most commonly understood, yet there stands "a tension that policy workers encounter- between a sacred account, which assumes coherence and authority and focuses on the outcome, and a profane account, which recognizes interest, contest and ambiguity and focuses on the process- and learn to manage" (2006: 320).

xxiii As Colebatch makes clear, authoritative instrumentality is the way in which policy is most commonly understood, yet there stands "a tension that policy workers encounter- between a sacred account, which assumes coherence and authority and focuses on the outcome, and a profane account, which recognizes interest, contest and ambiguity and focuses on the process-and learn to manage" (2006: 320).

xxiv Authors such as "Benhabib (1996), Cohen (1989), Dahl (1989), Dryzek (2000), Eslter (1986), Fishkin (1991, 1995), Gutman and Thompson (2004), Habermas (1992), and Rawls (1993)" (Van Hees, 2008: 1).

xxv A supplemental understanding of institutions for neo-institutionalism. According to Chappell, the concept of political opportunity structure "refers to consistent-but not necessarily permanent-dimensions of the political environment that provide incentive for collective action by affecting people's expectations for success or failure. The POS approach to political behaviour is interested in how political actors can both take advantage of existing opportunities and create new ones" (2002: 9).

xxvii Deliberative polling refers to a method developed by James Fishkin. Fishkin argued that for deliberative democracy to work most effectively, a diverse group should be selected at random that is a representative sample of the population. This would involve moving beyond those participants who most often volunteer for the process (those who are closest to the process or whom are initially invested in the development deliberative democratic franchise) to a selection process based at random. The aim is to get a sample that would model what the electorate would think if "hypothetically, it could be immersed in intensive deliberative processes…The deliberative poll was first conducted in Britain on national television in 1994 with a representative sample of three hundred voters considering the issue of crime, and they seem to have developed a more complex understanding of the issue than previously held" (http://www.cpn.org/tools/dictionary/deliberate.html)

xxxii Such as in the fight for the right to 'marry.' By achieving such a right we may be confining the desire of sexual minorities to express their love and attain the rights associated with marriage within the historical heterosexual norm. In doing so, we may be preventing the creation of other perhaps more appropriate or unique arrangements.