

## Sympathetic Distrust: Liberalism and the Sexual Autonomy of Women

### Introduction

An increasing number of feminists agree with Susan Moller Okin's claim that multiculturalism is "bad for women,"<sup>1</sup> because it locks them up within the confines of their traditional, often patriarchal, communities and hands them over to the power of the men within that community. Okin was the first in a long line of Western authors who have questioned the feminist credentials of multiculturalism.<sup>2</sup> One of them is a former Dutch politician, Ayaan Hirsi Ali. She has consistently defended the thesis that Islam is inherently misogynous and wishes to curb all expressions of autonomous female sexuality. Her fierce denunciations of Islam and of relativistic multiculturalism have made her into one of the most controversial public figures in the Netherlands.<sup>3</sup> Dutch feminists (Muslim and non-Muslim) have become severely divided over the issues that she has brought to the fore. Some have praised her as a brave woman who, in the best tradition of feminist activism, has dared to be controversial and speak up against patriarchal traditions. Others have criticized her for wanting to liberate Muslim women without taking account of their own ideas on autonomy and equality. Whereas Hirsi Ali has suggested that women's emancipation could only be achieved through the adoption of secular liberal values, her critics have pointed out that many Muslim women have successfully managed to reconcile their faith in Islam with the struggle for emancipation. With her belief

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<sup>1</sup>Susan Moller Okin, "Feminism and Multiculturalism: Some Tensions," *Ethics* 108 (1998): 661-84; and *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999).

<sup>2</sup>See for instance: Unni Wikan, *Generous Betrayal: Politics of Culture in the New Europe* (Chicago: Chicago University Press 2002); Fadela Amara, *Ni putes, ni soumises* (Paris: Editions la Découverte, 2003); Necla Kelek, *Die fremde Braut: Ein Bericht aus dem Inneren des türkischen Leben in Deutschland* (Köln: Kiepenhuier und Witsch Verlag, 2005); Irshad Manji, *The Trouble with Islam Today: A Muslim's Call for Reform in her Faith* (New York: St. Martin's Griffin, 2005).

<sup>3</sup>See Ayaan Hirsi Ali, *The Caged Virgin* (London: The Free Press, 2006).

that women are much better off with Western liberal views on gender relationships and sexuality, Hirsi Ali has firmly inscribed herself in the tradition of liberal feminism.

Some decades ago, feminists fought a different ideological battle over female sexuality. The battleground then was located in the domains of pornography and prostitution. Liberal feminists took issue with the radical feminist standpoint that denounced pornography and prostitution as forms of sexual slavery that were degrading for women. The liberals argued that feminists, rather than supporting the conservative rejection of such practices, should conceive of them as legitimate forms of work, on the condition that women engaged in them voluntarily. To present porn stars and prostitutes as victims only reaffirmed the madonna-whore complex, which had a detrimental effect on the sexual liberty of all women. Prostitutes therefore deserved to be recognized as strong women who, by capitalizing their bodies, proved their sexual autonomy. In the Netherlands, this liberal standpoint gained significant influence. Policy-makers and politicians became convinced that the legalization of prostitution would improve the position of voluntary "sex workers." As a consequence, since 2000, the ban on brothels in the Netherlands has been lifted, pimping is no longer outlawed, and prostitution has become an officially recognized profession.

To what extent are women indeed better off with a liberal view of gender relationships and sexual autonomy? Should public policies always be guided by the unconditional respect for the autonomy of (adult) citizens, or might it be wiser concerning some practices to adopt a more cautious, perhaps even paternalistic, approach? I will address these questions by comparing the debates on the position of Muslim women and the moral status of prostitution. My focus will be on the recent Dutch discourse, but the issues are of current interest in all Western societies.<sup>4</sup> The position of Muslim women and that of prostitutes are usually considered to be entirely different issues: the first addresses the relationship between feminism and multiculturalism, the second touches upon the relationship between feminism and conceptions of sexuality—where in both cases feminism is understood as an intrinsic part of the Western legacy of liberalism. However, divergent topics such as (female) virginity, forced or arranged marriage, female genital mutilation, the hijab, double sexual standards, the madonna-whore complex, and concerns

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<sup>4</sup>For a comparative study of public debates and policies regarding Muslim women in Western European countries, see Anne Phillips and Sawitri Saharso (eds.), *The Rights of Women and the Crisis of Multiculturalism*, special issue of *Ethnicities* (2008, forthcoming); for a comparative study on prostitution, see Joyce Outshoorn (ed.), *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce* (Cambridge: Cambridge University Press, 2004).

about the rise of raunch culture all revolve around the same issue, that of female sexual autonomy. The paper will start with some conceptual clarification on the distinction between procedural notions of moral and ethical autonomy, and a discussion of the critical assessment of these liberal notions in terms of relational autonomy (section 1). Section 2 focuses on the interpretations of autonomy and liberalism as they have emerged in the Dutch debates initiated by Ayaan Hirsi Ali on women within Islam. Hirsi Ali's view of liberalism as the only reasonable comprehensive doctrine, and of personal autonomy as the only road to human flourishing, has been criticized for its illiberal implications. Nevertheless, regarding practices that one has good reasons to suspect are harmful to the women involved, her attitude of what I will call "sympathetic distrust" deserves to be taken seriously. In section 3, I use this insight to discuss the re-emergence in the Netherlands of the classical controversy over prostitution between liberal and radical feminists. Seven years after its legalization, all parties agree that prostitution has still not become a "normal" branch of industry. But they vehemently disagree about the reasons for this (section 4). In the conclusion (section 5), I argue that sympathetic distrust may constitute a fruitful criterion for feasible liberal policies on contested practices of sexuality such as arranged marriage and prostitution.

### 1. Liberalism and Autonomy

The political philosophy of liberalism starts from two basic values: the harm principle and the principle of autonomy. John Stuart Mill aptly captured both in a single formula: "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not deprive others of theirs, or impede their efforts to obtain it."<sup>5</sup> In its most literal sense, autonomy means self (*auto*) rule (*nomos*), or self-government. According to Gerald Dworkin, by exercising autonomy, "persons define their nature, give meaning and coherence to their lives, and take responsibility for the kind of person they are."<sup>6</sup> In contemporary political and moral philosophy, autonomy is an essentially contested and multi-layered concept. For the purpose of this paper, I will focus on three conceptions or forms of autonomy: moral, ethical, and relational autonomy.

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<sup>5</sup>John Stuart Mill, *On Liberty* (London: Dent & Sons, 1972 [1859]), p. 75.

<sup>6</sup>Gerald Dworkin, *The Theory and Practice of Autonomy* (New York: Cambridge University Press, 1988), p. 20.

### 1.1. Moral autonomy

The first form of autonomy is *moral* autonomy: the capacity to set for oneself and obey universal laws. It is the will and the capacity to obey principles that one accepts as self-imposed obligations that are binding for all. This Kantian interpretation of autonomy requires that one acknowledge the dignity of each human being as an end in itself. A person is morally autonomous in this sense “when he is not guided just by his own conception of happiness, but by a universalized concern for the ends of all rational persons.”<sup>7</sup> Moral autonomy overlaps to a considerable extent with what Rawls, in his exposition of political liberalism, has termed “political” or “full” autonomy.<sup>8</sup> Persons are fully autonomous when they perceive themselves and others as free and equal citizens of a well-ordered society.<sup>9</sup> Moral autonomy is primarily a procedural capacity that is intrinsically linked with Rawls’s principle of the priority of the right over the good. It presupposes a sense of justice, and addresses the practical question: how should one act in relation to others? Politically, it engenders a thin version of liberalism, according to which a liberal society is radically tolerant vis-à-vis the comprehensive doctrines that citizens adhere to as persons. Even if these doctrines require individuals to submit to a higher (say, religious) authority, they are considered “reasonable” and hence permissible as long as they are coherent with the principles of justice as fairness. Rawls admits that state neutrality regarding personal aims does not amount to neutrality of effect: political liberalism will inevitably be less hospitable to some life forms, however reasonable, than to others.<sup>10</sup>

According to Will Kymlicka, however, the privileging of certain life forms over others is not merely a contingent, empirical effect of political liberalism—it is a conceptual implication of it. By guaranteeing civil rights such as freedom of opinion, speech, and religion, the liberal state makes it clear that, as citizens, individuals are free to critically explore different views and commitments, including their own, and that they may change them if they wish to do so. Through state institutions and regulations such as free public education for both sexes, subsidy for day care centers, or the legalization of gay marriage, this message will inevitably “spill over” and affect the way citizens relate to themselves as private

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<sup>7</sup>Jeremy Waldron, “Moral Autonomy and Personal Autonomy,” in John Christman and Joel Anderson (eds.), *Autonomy and the Challenges to Liberalism* (Cambridge: Cambridge University Press, 2005), p. 307.

<sup>8</sup>John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 77–78.

<sup>9</sup>*Ibid.*, p. 30.

<sup>10</sup>*Ibid.*, p. 197.

persons. Thus, Kymlicka convincingly shows that Rawls's neat distinction between the public role of citizens and their private life as persons is implausible.<sup>11</sup>

### 1.2. Ethical autonomy

Despite Rawls's claim that moral autonomy is "political not ethical,"<sup>12</sup> it paves the way for the liberal appreciation of a second form of autonomy, that is, *ethical* autonomy. According to Rawls, politically autonomous citizens regard themselves and their fellow citizens as free persons who have the power and the right "to form, revise and rationally pursue a conception of the good."<sup>13</sup> This capacity of ethical autonomy is conditional upon a sense of the good life, and addresses the practical question: what kind of life is worth living, what kind of person does one aspire to be? Early liberals such as Kant and Mill already emphasized the right of individuals to pursue their own happiness. The emphasis was as much on pursuing one's *own* good (versus universal principles) as on *the* good (versus the right). Ethical autonomy is similar to what Isaiah Berlin called positive liberty, the capacity "to be moved by reasons, by conscious purposes, which are my own."<sup>14</sup>

Although Kant still suggested that the aims of morality (doing your duty) and happiness (pursuing your desire) are mutually exclusive, moral and ethical autonomy are in fact closely linked. First, they are both subject to the principle of self-government. The subject listens to his own reason (or conscience) in setting and obeying the universal law, and listens to his own heart (his desires and emotions) when he pursues his happiness in the way he sees fit.<sup>15</sup> Second, ethical autonomy is bound to

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<sup>11</sup>Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Oxford University Press, 2002), pp. 233-39.

<sup>12</sup>Rawls, *Political Liberalism*, p. 77.

<sup>13</sup>*Ibid.*, p. 30. The dominant usage is to refer to this form of autonomy as personal autonomy. See, for instance, Joseph Raz, who defines personal autonomy as "the vision of people controlling, to some degree, their own destiny, fashioning it through successive decisions throughout their lives" (Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), p. 369), or Dworkin's definition of autonomy as "the capacity of a person critically to reflect upon, and then attempt to accept or change, his or her preferences, desires, values, and ideals" (Dworkin, *The Theory and Practice of Autonomy*, p. 48). I prefer to go along with Rainer Forst's coinage of ethical autonomy, because this form of autonomy is reminiscent of the Greek notion of ethics as the relation of the self to itself (Rainer Forst, "Political Liberty: Integrating Five Conceptions of Autonomy," in Christman and Anderson (eds.), *Autonomy and the Challenges to Liberalism*, pp. 226-42). I preserve the notion of personal autonomy for a particular, more substantive, interpretation of autonomy (see section 2.2).

<sup>14</sup>Isaiah Berlin, "Two Concepts of Liberty," in Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, (1969 [1958])), p. 131.

<sup>15</sup>See Waldron, "Moral Autonomy and Personal Autonomy."

moral limits. As already indicated, Rawls's political liberalism is based on an overlapping consensus between "reasonable" comprehensive doctrines. The choice to become a committed member of the mafia, however authentic and well-considered, does not qualify as a reasonable option. Ethical autonomy counts as a value insofar as it involves a choice among goods: "a choice between good and evil is not enough."<sup>16</sup>

The crucial difference is that while moral autonomy is a capacity that human beings possess even in the most oppressive circumstances, individuals must have sufficient opportunities in order to exercise ethical autonomy. Society therefore should offer a range of meaningful options for its members to choose from. Hence the extent to which individuals in their personal life can truly exercise ethical autonomy also depends on the amount of civic, political, and social rights and liberties they enjoy as citizens.

Liberalism values toleration and plurality. Neutrality of the state vis-à-vis comprehensive doctrines seems the best strategy to generate a plural society. But to what extent is such neutrality really possible? Does the value of ethical autonomy not discourage certain conceptions of the good life and support others? Does it not, for instance, privilege forms of life in which individual life plans take precedence over the goals of a collectivity? Several scholars take Kymlicka's line of argument to the bolder conclusion that ethical autonomy constitutes the comprehensive or perfectionist core of liberalism. Because liberal-democratic societies have a high regard for autonomy, Joseph Raz thinks that individuals in such societies are only able to flourish by becoming more autonomous.<sup>17</sup> Therefore, the state has more than a mere negative duty to prevent violations of autonomy. It also has the positive duty to encourage and support the ethical autonomy of citizens as "an essential ingredient of the good life."<sup>18</sup>

The notion of ethical autonomy, however, confronts us with a conundrum, for what criteria decide when a person is truly exercising ethical autonomy? Ethical autonomy requires that a person is not only independent of external influences, but also that she is able to withstand internal impulses that keep her from achieving the aims she has set for herself. It is closely linked with the romantic notion of authenticity, while lacking the connotation of emotional immediacy. Hence a truly autonomous person is someone who is able to rationally reflect upon her first-order desires and able to agree with and act according to what her second-order desires, her "better self," tells her to do. But what criteria

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<sup>16</sup>Raz, *The Morality of Freedom*, p. 378.

<sup>17</sup>*Ibid.*, p. 394.

<sup>18</sup>*Ibid.*, p. 15.

decide whether one's conception of one's better self is "really" better? When I am offered a delicious bonbon, my first impulse is to accept it, while my better self tells me to refuse it, because I do not want to become overweight. But is this second-order warning not caused by an undesirable (third-order) identification with the ideal of female beauty painted by the Western fashion industry? Because of this problem of infinite regress, and because they cherish the political ideal of value pluralism, most liberals insist that, analogous to moral autonomy, ethical autonomy must be seen as a procedural capacity. Its value remains independent of the actual aims a person has set herself in life. If push comes to shove, ethical autonomy is first and foremost about living your life "from the inside."<sup>19</sup>

This position, according to Kwame Anthony Appiah, leads to the paradoxical outcome that a person may have an autonomous aspiration to live a life in servitude.<sup>20</sup> Gerald Dworkin likewise emphasizes that "a person who wishes to be restricted in various ways, whether by the discipline of the monastery, regimentation of the army, or even by coercion, is not, on that account alone, less autonomous."<sup>21</sup> Appiah and Dworkin thus defend a rather thin interpretation of liberalism that, quite paradoxically, allows for illiberal conceptions of the good and for traditional social roles like that of a butler or a nun.

### 1.3. Relational autonomy

According to critics of these procedural notions of autonomy, however, the paradox withers away if we modify the overly rationalistic and individualistic accounts of human subjectivity underlying them. Even in our late-modern societies, human individuals are never fully self-governing or self-sufficient subjects. No matter how independent we are, we develop our sense of self in and through the cultural and social environment that we inhabit. This does not so much imply that we have a false sense of our desires or interests due to oppressive or authoritarian forms of socialization (although this also may be the case), but that there is no authentic or unencumbered self to begin with. Autonomy is always a relational capacity. According to this communitarian revision of the liberal view, even the most autonomous person cannot entirely separate her rational self from her deepest goals and commitments, nor does she conduct her life fully independent of others.<sup>22</sup> In addition, feminist

<sup>19</sup>Kymlicka, *Contemporary Political Philosophy*, p. 222.

<sup>20</sup>Kwame Anthony Appiah, *The Ethics of Identity* (Princeton: Princeton University Press, 2005), p. 11.

<sup>21</sup>Dworkin, *The Theory and Practice of Autonomy*, p. 18.

<sup>22</sup>See, for instance, Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge:

authors have emphasized that many of us (mostly, but not exclusively, women<sup>23</sup>), when confronted with a moral dilemma, adopt a perspective of care rather than a perspective of justice, perceiving ourselves and others as vulnerable and mutually dependent subjects rather than equal and independent bearers of rights.<sup>24</sup>

On the other hand, postmodernist thinkers of all sorts and conditions have challenged the idea of an autonomous self as the historically contingent and culturally specific ideal of Western Enlightenment. Thus, Michel Foucault argued that human subjectivity, rather than an independent and enlightened source of thought and action, is the provisional outcome of processes of *asujettissement* (subjection) to discursive regimes of power and knowledge. Likewise, referring to the constitutive role of the unconscious, psychoanalytically orientated scholars point out that rather than coherent, unitary, and self-transparent, as subjects we are inevitably fragmented, multi-layered, and opaque to ourselves.<sup>25</sup>

From the perspectives of communitarianism and the ethics of care, a procedural approach to moral and ethical autonomy offers necessary but not sufficient criteria. To adjudicate on the moral and ethical standing of a particular practice or lifestyle, we cannot do without reference to substantive elements, that is, certain virtues or goods that enhance or diminish the autonomy of the persons involved, no matter whether they (claim to) have freely chosen this practice or lifestyle. Most communitarians and care ethicists do not wish to replace the ideal of individual autonomy, they only want to complement it with a more relational perspective. Still, their perspectives are criticized for the risk of sliding down the slippery slope of *paternalism*, thereby undermining the liberal values of toleration and pluralism.

For postmodernists who emphasize the historically and culturally constructed nature of social practices and personal identities, autonomy

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Cambridge University Press, 1982), and Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981). Several defenders of multiculturalism link up with this communitarian critique of the liberal conception of an unencumbered self. See, for instance, Charles Taylor, "The Politics of Recognition," in Amy Gutmann (ed.), *Multiculturalism and the Politics of Recognition* (Princeton: Princeton University Press, 1992), and Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Basingstoke: Macmillan, 2000).

<sup>23</sup>See Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, Mass.: Harvard University Press, 1982).

<sup>24</sup>For philosophical elaborations of Carol Gilligan's empirical findings, see, for instance, Eva Feder Kittay and Diana T. Meyers (eds.), *Women and Moral Theory* (Totowa, N.J.: Rowman & Littlefield, 1987).

<sup>25</sup>An excellent overview of conceptions of relational autonomy is given in Catriona Mackenzie and Natalie Stoljar, "Introduction: Autonomy Refigured," in C. Mackenzie and N. Stoljar (eds.), *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (New York: Oxford University Press, 2000), pp. 3-31.



does not even comprise a necessary criterion for deciding on the (moral or ethical) standing of acts or practices. There is a chance here that we will end up with a *relativistic* approach, according to which any practice or lifestyle is acceptable as long as there are individuals who participate in it as a matter of course, who perceive and experience it as "natural" or "normal."

The risks of paternalism and relativism notwithstanding, these relational refigurations of autonomy are indispensable insofar as they account for the fact that autonomous thought and action are simultaneously restrained and enabled by the historical, social, and cultural context in which individual identities are formed.<sup>26</sup>

In the following sections, I will assess the ways in which these different conceptions of moral, ethical, and relational autonomy have been played off against each other in the recent Dutch debates on the (sexual) autonomy of Muslim women (section 2) and the position of prostitutes since the lift of the ban on brothels (section 3).

## 2. Ayaan Hirsi Ali and the Sexual Autonomy of Muslim Women

As in all Western countries, in the aftermath of September 11 the Netherlands were caught up in intense debates on cultural diversity, the role of Islam, and the limits of toleration. One of the main protagonists in these debates was the Dutch-Somali Ayaan Hirsi Ali. Her first article, published in autumn 2001 under the heading "Do not abandon us. Let us have a Voltaire!"<sup>27</sup> was greeted with approval. Hirsi Ali argued that the Islamic world was a strictly hierarchical world, in which strong anti-semitic feelings raged and everything in life was geared to the hereafter. Islamic law, the *shari'a*, enjoyed priority over all human rules and laws, and it was inherent to Islam that a believer was not allowed to doubt or criticize his faith. The world of Islam was therefore incompatible with liberal democracy and needed to pass through a phase of Enlightenment.

Like many liberal feminists, Hirsi Ali linked the feminist pursuit for gender equality and the autonomy of women with the achievements of a

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<sup>26</sup>Liberal conceptions of autonomy do not entirely ignore this insight. To Gerald Dworkin, for instance, we are all "deeply influenced by parents, siblings, peers, culture, class, climate, schools, accident, genes and the accumulated history of species" (Dworkin, *The Theory and Practice of Autonomy*, p. 36). But this is presented as the self-evident observation of the background condition of all human life, which does not at all detract from the possibility of evaluating the lesser or greater capacity for autonomous judgment and action vis-à-vis those external influences.

<sup>27</sup>Ayaan Hirsi Ali, "Laat ons niet in de steek. Gun ons een Voltaire," *Trouw*, November 24, 2001. For the English translation, see Hirsi Ali, *The Caged Virgin*, pp. 35-41.

liberal society, while rejecting multicultural politics as the uncritical acceptance of traditional communities in which women and homosexuals are treated as inferior. Her short film, *Submission Part I*, denounced the oppression of Muslim women as purportedly legitimized by the Koran.<sup>28</sup> Shortly afterwards, its director, Theo van Gogh, was murdered by an Islamic fundamentalist, and Hirsi Ali was caught in the spotlight of the international media. In the summer of 2006, she left the Netherlands in order to take up a position at the American Enterprise Institute, a conservative Washington think-tank. The recent publication of her autobiography, *Infidel*,<sup>29</sup> and the announcement of her next book, *Shortcut to Enlightenment*, are proof that her faith in the achievements of Western liberalism has remained unshattered.

### 2.1. *Autonomy as liberation from Islam*

How may one characterize Hirsi Ali's interpretation of liberalism and autonomy in the light of the previous analysis? First, throughout her discourse, liberalism consistently figures as the positive counterpart of Islam: a Muslim believes in the values of community, a liberal in the autonomy of the individual; a Muslim tends to be fatalistic, a liberal emphasizes individual responsibility; a Muslim obeys the holy scripture, a liberal follows the constitution. In her autobiography, she mentions her gradual discovery that to be moral people need not be motivated by the fear of a revengeful God or the prospect of a heavenly hereafter, but that: "My moral compass was within myself, not in the pages of a sacred book."<sup>30</sup> She professes her belief in the value of *moral* autonomy by emphasizing the importance of Reason, the obligation to "think for ourselves" and to take responsibility for our own morality. While in Islam women are less worthy than men, the Western world acknowledges their fundamental equality in all domains of life: political, economic, social, and sexual. Women consequently deserve unconditional respect as autonomous sources of morality, and should be treated not as means but as ends in themselves. From this perspective, Hirsi Ali wages war against female genital mutilation, sexual and domestic violence, forced marriages, and honor killing. Such practices are liable to punishment, no matter whether particular spokespersons (mostly men) defend them as essential to a community's culture or religion. Hirsi Ali praises liberal democracy as a superior political regime because it puts individual rights and freedoms first.

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<sup>28</sup>To see the movie, go to [ayaanhirsiali.web-log.nl](http://ayaanhirsiali.web-log.nl); the original script can be found in Hirsi Ali, *The Caged Virgin*, pp. 141-50.

<sup>29</sup>Ayaan Hirsi Ali, *Infidel* (New York: Free Press, 2007).

<sup>30</sup>*Ibid.*, p. 281.

One of these rights is the right to lead one's life in one's own way, as guaranteed by freedom of conscience, freedom of opinion, and freedom of association. Hirsi Ali is also a staunch defender of *ethical* autonomy, of the freedom to shape, pursue, and change one's own conception of the good. Again she contrasts this with the world of Islam, in which criticism, let alone renunciation, of his faith by a born Muslim is simply inconceivable. She calls upon Western societies to actively support dissident Muslims like herself who face the wrath of their former fellow-believers. They should provide them not only with *de jure* but also with *de facto* exit options. But she also reminds Muslim women that freedom is not identical with being released from all bonds. Taking charge of your own life requires being able to make well-considered choices, to have a sense of purpose and a fair amount of discipline.<sup>31</sup> Hence Hirsi Ali subscribes to the view that ethical autonomy does not merely involve freedom from external pressures, but also that you are able to control your primary impulses, focus on long-term life goals, and listen to your "better self."

## 2.2. *Liberalism as a new faith*

But liberalism is more than a political philosophy to Hirsi Ali. It is also a comprehensive doctrine of the good: "through comparative research I came to only one conclusion: Western democracy offers the best opportunities and chances for the development of a human being into a full-grown, sovereign individual."<sup>32</sup> Western culture brings forth "healthy, balanced and well-educated mothers" and gives men "the opportunity to develop communication skills necessary for living harmoniously within a family."<sup>33</sup> Explaining why she left the Dutch social democratic party (PvdA) to join the conservative liberals (VVD), she suggested that justice involves the encouragement of an individualistic lifestyle rather than safeguarding the rights of minority groups:

I have come to realize that social justice begins with the freedom and integrity of the individual. Everything in our society focuses on the individual citizen: you take your exams on your own, you fill in your own tax form, and in court you have to face your sentence alone. Personal responsibility always comes first.<sup>34</sup>

In line with this view, liberalism is perceived as the positive alternative to Islam. Thus, Hirsi Ali presented her "fall" from Islamic faith in

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<sup>31</sup>Hirsi Ali, *The Caged Virgin*, pp. 129-40.

<sup>32</sup>Margreet Fogteloo, "Als je een grote droom hebt, zet je door." Interview with Ayaan Hirsi Ali, *De Groene Amsterdammer*, March 1, 2003 (my translation).

<sup>33</sup>Hirsi Ali, *The Caged Virgin*, pp. 2, 3.

<sup>34</sup>*Ibid.*, p. 68.

terms of a conversion: "... but recently I was ready. The time had come. I saw that God was an invention."<sup>35</sup> Similar to her conception of liberalism, atheism is more than a personal view. In her perception, a truly modern (wo)man can only be an atheist:

I think that most people who call themselves religious are essentially atheist ... [our (Dutch) prime minister] is forever referring to biblical standards and values ... yet he is an academic ... Can he believe that the world was created in six days? ... That simply cannot be true. Scientists are unbelieving. I am convinced that our prime minister is not a Christian.<sup>36</sup>

Hirsi Ali has thus testified to her affinity with the radical Spinozist branch of Enlightenment. Islam and Christianity are frequently identified with their most fundamentalist varieties. Several Dutch commentators have exposed the contradictory nature of her claims. According to one of them, Hirsi Ali has expressed her "passionate love for secular society in precisely the terms [of unconditional ties and an imperative monoculture] which are alien to it,"<sup>37</sup> while another concluded: "Hirsi Ali writes with the understandable anger of someone who just escaped from a religious sect, and with the enthusiasm, but also the absolute certainty, of the fresh convert."<sup>38</sup>

These critics have pointed out that Hirsi Ali's interpretation has done little justice to the complexity of the Enlightenment heritage. They have rightly emphasized that the inauguration into modernity for many people in the West did not lead to the abolition of religion, but rather to its displacement and transformation: a displacement from the public to the private sphere, and a transformation from a faith based on the authority of others to believing on one's own authority. Consequently, a secular society is not the same as an atheist society, and a moderate Islam is not incompatible with the principles of liberal democracy. Hirsi Ali's penchant for certainty in this respect seems to be peculiarly at odds with the liberal room for doubt that she finds so sorely missing in Islam.

This penchant for certainty also comes to the fore in a firm belief that when people truly exercise their ethical autonomy, they will embrace an individualistic lifestyle. Hirsi Ali thus identifies the procedural value of ethical autonomy with a more substantive value, which I will call *personal* autonomy. According to this particular conception of autonomy, "the aim is to make a life in which you yourself matter most."<sup>39</sup> Indi-

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<sup>35</sup>Ibid., p. 76.

<sup>36</sup>Ibid., pp. 79-80.

<sup>37</sup>Sjoerd de Jong, "De vrienden van Ayaan," *NRC Handelsblad*, January 28, 2003.

<sup>38</sup>Jolande Withuis, "Het individu is heel en heilig," *NRC Handelsblad*, December 13, 2002.

<sup>39</sup>Appiah, *The Ethics of Identity*, p. 15.

viduals are assumed to be autonomous when they are primarily motivated by the urge to distinguish themselves. From this perspective the only legitimate human associations are voluntary associations, established to serve the interests or needs of individuals who may resign their membership whenever they wish. Less voluntary communities, constituted through the bonds of family, nation, or culture, are contemplated with distrust. The relationship with others is conceived of as a competitive rather than a caring relationship. Hirsi Ali thus subscribes to liberalism as a comprehensive doctrine with personal autonomy as its substantive core value, while rejecting the equally substantive accounts of relational autonomy as elaborated within communitarianism and the ethics of care.

Because people are not endowed with some innate capacity to choose the form of life that is best for them, in Hirsi Ali's view, the capacity for "true" ethical—that is, personal—autonomy must be developed through particular modes of upbringing and education. A truly liberal state should therefore actively support institutions and practices aimed at further developing the autonomy of its citizens, while discouraging those that foster an excessive commitment to one's community or to particular others.

### 2.3. *Critical voices*

Hirsi Ali's radical interpretations of autonomy, liberalism, and the emancipation of Muslim women have been challenged from different perspectives.

First, Dutch Muslim women have objected to her assumption that the only way toward emancipation and empowerment is to shake off the shackles of Islamic faith. They have challenged her view that only then would women be able to become truly morally and ethically autonomous. Muslim women, so they have argued, are well capable of making up their own minds about what Islam has to offer them. The Koran offers ample evidence that Islam originally argued for the equality and dignity of female believers, and many Muslimas experience Islam as their only source of comfort in a world of hatred and discrimination. Hirsi Ali's strategy of Islam-bashing does not support but rather hampers their emancipation. It moreover detracts from the real sources of their problems, which are the relicts of traditional and patriarchal culture, social and economic deprivation, and racism and Islamophobia.<sup>40</sup>

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<sup>40</sup>See, for instance, Famile Arslan, "Angst voor hoofddoek is angst voor anders-zijn," *NRC Handelsblad*, January 5, 2003, Naeema Tahir, *Een moslima ontsluit* (Antwerpen/Amsterdam: Houtekiet, 2005), and the interviews with Dutch Muslimas in Ceylan Pektas-Weber, *Moslima's: Emancipatie achter de dijken* (Amsterdam: Bulaaq, 2006).

A second line of criticism has accused Hirsi Ali of not taking sufficient account of the complicated predicament of especially young Muslim women in the Netherlands. As second-generation migrants, they feel drawn to the liberties and opportunities of Western culture, but they are simultaneously committed to their own cultural and ethnic background. The majority of them are navigating carefully between the contradictory demands of these different worlds. They wish to liberate themselves without becoming uprooted; they prefer to fight against injustice from within rather than from outside their communities.<sup>41</sup> Hirsi Ali's uncompromising attitude shows little sensitivity for the complex predicament of the women she wishes to protect. These critics have challenged Hirsi Ali's presumption that ethical autonomy is irreconcilable with any commitment to a particular tradition, community, or religious faith.

Finally, some have charged Hirsi Ali with adopting a paternalistic attitude toward Muslim women by claiming to know better than they themselves what is good for them. One of the leading Dutch feminists has claimed that "one does not promote emancipation by imposing the same goals on everyone. This contradicts the idea that what is at stake is autonomy and free choice."<sup>42</sup> And in a discussion in which Hirsi Ali argued for more state interference with the upbringing and education of Muslim children, the leader of the GreenLeft Party accused her of selling out some essential values of liberalism to replace them with paternalistic state interventions.<sup>43</sup>

Each of these critiques has taken issue with the illiberal implications of Hirsi Ali's interpretation of liberalism. If one subscribes to the value of autonomy, they argue, one has to take the perspective of Muslim women seriously and acknowledge that it is conceivable to make an autonomous choice for submitting to the doctrines of a religious creed or for serving one's community.<sup>44</sup> While the first two objections appeal to

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<sup>41</sup>Reference has been made, for instance, to Saïda el Hantali, who in 1999 started a shelter for Moroccan victims of incest and domestic violence (Dorien Pels, "'Stille Kracht' geeft moslimvrouwen stem," *Trouw*, March 7, 2003). Likewise, Nebahat Albayrak, currently Minister of Alien Affairs, has defended her strategy of remaining in close contact with her Turkish constituency as far more effective than Hirsi Ali's strategy of alienation (Nausicaa Marbe, "'Ik geniet ervan als mensen me het vuur na aan de schenen leggen'," *Vrij Nederland*, January 11, 2003).

<sup>42</sup>Anja Meulenbelt, "Vrouwen bevrijden zonder vrouwen," *de Volkskrant*, September 11, 2004.

<sup>43</sup>Ayaan Hirsi Ali and Femke Halsema, "Beste Femke/Beste Ayaan," *Vrij Nederland*, May 21 and June 4, 2005.

<sup>44</sup>As Dutch sociologist Sawitri Saharso explains, in discussions on Muslim women the (Western) feminist principle of equality often overrules the equally important feminist principle of autonomy, i.e., women's freedom to make their own choices. See Sawitri Saharso, "Feminist Ethics, Autonomy, and the Politics of Multiculturalism," *Feminist*

the more substantive view of relational autonomy as defended by communitarianism and the ethics of care, the third line of criticism is linked to the procedural notion of autonomy as defended by political liberals. But what they have in common is their objection to Hirsi Ali's overly individualistic interpretation of autonomy.

Accordingly, these critics accept that some citizens may thrive in an individualistic lifestyle, while others are happier when they spend their life caring for others or in the service of some higher spiritual goal. Irrespective of whether conceptions of the good are geared to modern, traditional, or alternative lifestyles, they are all perceived as equally permissible forms of life with which a liberal state should not interfere as long as they do not inflict harm upon others. This position resonates with Bhikhu Parekh's insight that "[e]very way of life, however good it may be, entails a loss [which] cannot be measured and compared."<sup>45</sup>

Comprehensive liberals such as Hirsi Ali seem to believe, on the other hand, that only their conception of the good life brings universal happiness. They thereby ignore an essential part of the heritage of the Western Enlightenment that political liberals take far more seriously, the ability and will to relativize from time to time even one's most cherished and fundamental truths and values.

### 3. Sympathetic Distrust

However, does Hirsi Ali not have a point when she refuses to take individuals' own accounts of what is good for them at face value? How is it possible to actually know whether a life, even our own, is lived from the inside? Can people sometimes not be mistaken about the true value that their faith or their job has for them? And would they not be grateful if they were helped to see through their self-deception? In such cases, the motto of toleration and respect for individual autonomy may become a license to indifference, based on an unreasonable fear of paternalism. This holds not only for personal relationships, but also for the relationship between the state and its citizens.

A persevering political liberal insists on a basic attitude of respect for the autonomy of citizens, *unless* there are clear signs that a person lacks such capacity and cannot be held (entirely) accountable for her opinions and deeds. Adherents to a more comprehensive view, on the other hand, claim that instead of paying individuals *unconditional respect* at all times, it is sometimes better to adopt an attitude of *sympathetic distrust*. This standpoint is motivated by the awareness that some practices or

lifestyles perhaps are not harmful to others, but may be harmful to oneself—even if the person involved emphatically denies this. In such cases, I suggest, sympathetic distrust is preferable to unconditional respect, even if we (as fellow citizens, social workers, or state officials) must admit that we are thereby contesting the quality of the choices a person claims to have made freely.

When do liberals have a legitimate reason to show sympathetic distrust? First, there are cases in which individuals *physically* harm themselves. We call this self-mutilation, which already indicates that we think that these individuals need to be protected against themselves. We do not consider them fully accountable for their deeds, because no person of sound mind would voluntarily choose to inflict pain upon herself.<sup>46</sup> If we go along with this view, we may reasonably conclude, for instance, that we also do not need to respect the request of circumcised women for reinfibulation after childbirth. It seems entirely justified, even if adult women ask for it themselves, to paternalistically prohibit such a form of genital mutilation (as is currently the case in the Netherlands). But if we follow this line of reasoning, it becomes quite hard to explain why we do not likewise outlaw forms of plastic surgery—such as breast enlargement, constriction of the vagina, or excision of the inner labia for “aesthetic” reasons—which are also performed at the request of women themselves.

The problem becomes thoroughly thorny when we suspect the occurrence of *psychological* self-harm. Take, for instance, a woman who blames herself for her husband’s abusive behavior, a girl who claims she should wear a hijab because she would otherwise be a walking temptation to men, or someone who agrees that women who menstruate are impure and should therefore not be allowed to prepare meals. From a perspective of sympathetic distrust, women do themselves wrong by cherishing such ideas. They degrade themselves, even if they deny doing so. Such internalizations of negative self-images are harmful to a person because they affect her sense of dignity, her self-respect.

Political liberals should therefore admit to comprehensive liberals like Hirsu Ali that the limits of toleration are located at this very spot. However, the latter are mistaken if they perceive every choice of a more traditional or religiously orthodox way of life as a sign of insufficient ethical autonomy. Adherents to liberal conceptions of multiculturalism

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<sup>46</sup>Hence I disagree with Joel Feinberg’s categorical rejection of what he calls “hard paternalism,” i.e., the interference with freely chosen activities, however harmful to the self, even if they involve physical self-mutilation. In his view, state interference with activities that are harmful to the self are allowed only when it can be convincingly shown that they were not truly voluntary. This is what he calls “soft” paternalism. See Joel Feinberg, *Harm to Self* (New York: Oxford University Press, 1986), p. 119.



rightly point out that when a woman, for instance, wears the hijab to show that she is a devout Muslim, it is her way of enhancing her sense of dignity, or that an arranged (instead of a forced) marriage does not need to conflict with the ethical autonomy of the partners, nor does it necessarily violate their self-respect. Likewise, it is perfectly conceivable that a person could voluntarily part with his possessions and enter a monastery, or that an engaged couple could decide to preserve their virginity until their wedding night.

#### 4. The Sexual Autonomy of the Prostitute

The proposed reservation on the liberal value of toleration has serious repercussions for our thinking about how some traditional or religious practices affect the sexual autonomy of women, even if they willingly go along with them. It induces us to problematize customs such as reinfibulation, arranged marriage, or the cult of purity surrounding menstruation. But it also forces us to reconsider our views of practices such as pornography and prostitution, which we usually associate with modern, libertine conceptions of the good life.

As with the debates on the position of women within Islam, the Dutch discourse on prostitution covers the same spectrum of views that can be found in other Western countries. Some liberal feminists embrace the figure of the prostitute as a sexually independent woman, while others denounce the sex industry as an environment in which harm to women is inherent, thus questioning whether women can really freely choose to work as a prostitute.

##### 4.1. *Prostitution as sexual slavery*

Since the 1970s, radical feminists have denounced prostitution as "one of the most graphic examples of men's domination of women."<sup>47</sup> According to these critics, the sex industry consists of the exploitation of women by men, and is structured by deeply ingrained attitudes and values that are oppressive to women.<sup>48</sup> Prostitutes are extremely vulnerable to violence and abuse, they have to submit to the often perverse sexual wishes of their customers, and they are forced to hand over a large part of their earnings to their pimp or brothel-keeper. For some, prostitution is even tantamount to sexual slavery.<sup>49</sup> Since it is by definition impossible to

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<sup>47</sup>Carol Pateman, "Defending Prostitution: Charges against Ericsson," *Ethics* 93 (1983): 561-65, p. 561.

<sup>48</sup>Laurie Shrage, "Should Feminists Oppose Prostitution?" *Ethics* 99 (1989): 347-61.

<sup>49</sup>See Kathleen Barry, *Female Sexual Slavery* (Englewood Cliffs, N.J.: Prentice Hall, 1979).

make an autonomous choice for slavery, they claim that no woman engages in prostitution out of free will, that prostitution is not like normal work, and that the transaction between a prostitute and her client has nothing to do with a fair bargaining process.<sup>50</sup>

Radical feminists also adduce empirical evidence to argue that very few women freely choose to prostitute themselves. Many prostitutes have a personal history of physical and sexual (child) abuse,<sup>51</sup> and the majority of women are forced to do the work, either physically or as a result of economic need.<sup>52</sup> Even when initially entering the business on their own account, their freedom is relative: once "in" it is difficult to get out again. Most women indicate that they would rather do different work, and "as far as the work itself is concerned, it seems that a certain skill in splitting off feelings ('switching off') is a precondition to keep on doing it ... One might even say that dissociative proficiency is a way of professionalism."<sup>53</sup>

Radical feminists are particularly scornful about the defense of prostitution as a necessary evil: by providing men with a regulated opportunity to satisfy their sexual needs, so this argument goes, it prevents sexual frustration and the harassment of other (read: decent) women. In a recent pamphlet denouncing the "normalization" of prostitution, Dutch politician Karina Schaapman quotes the Dutch feminist and first female doctor, Aletta Jacobs, whose response to this argument was: "If that is really your opinion, it is your ethical duty to make your daughter available to serve that aim."<sup>54</sup> Schaapman gives a graphic description of what it takes, especially for a young girl, to satisfy the sexual need of clients:

she irrevocably has to deal with aggression, jealousy, drugs, sickness, rock-hard penetrations and perverse sexual demands. This requires at least a full-grown body, expertise and a strong personality. How many eighteen-year-old prostitutes meet these requirements?<sup>55</sup>

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<sup>50</sup>Scott A. Anderson, "Prostitution and Sexual Autonomy: Making Sense of the Prohibition of Prostitution," *Ethics* 112 (2002): 748-80.

<sup>51</sup>Ine Vanwesenbeeck, *Prostitutes' Well-Being and Risk* (Amsterdam: VU University Press, 1994).

<sup>52</sup>Ruth Hopkins, *Ik laat je nooit meer gaan. Het meisje, de vrouw, de handelaar en de agent* (Breda: De Geus, 2005).

<sup>53</sup>Vanwesenbeeck, *Prostitutes' Well-Being and Risk*, p. 107.

<sup>54</sup>"Indien dat werkelijk uwe meening is, zijt ge zeedelijk verplicht uw dochter voor dit doel beschikbaar te stellen," cited in Karina Schaapman, *Hoerenlopen is niet normaal. Twijfels bij een liberaal prostitutiebeleid* (Amsterdam: Balans, 2007), p. 6.

<sup>55</sup>*Ibid.*, p. 15. As a young woman, Schaapman worked as a prostitute herself. In her autobiography, she explains how she got into it more or less by chance, although the death of her mother when she was thirteen and her flight from an abusive father obviously played a role. See Karina Schaapman, *Motherless* (London: John Murray, 2007).

Radical feminists also argue, finally, that commercial sex is damaging to all women, because it reinforces the idea that women should be sexually available at all times. In confirming the distinction between "bad" and "good" women, it leaves women in our society no other option than to identify with either the image of the whore, who is considered immoral because sexually loose, or the madonna, who is put on a pedestal while simultaneously being divested of her sexual freedom.

#### 4.2. Prostitution as sex work

Liberal feminists are often no less concerned about the miserable condition of the majority of women working in the sex industry. But they are convinced that the abolition of prostitution will not improve their situation. In countries where prostitution is illegal, their situation is even worse. The strategy should be exactly the reverse: in order to improve their working conditions and further the sexual autonomy of prostitutes, voluntary prostitution should be recognized as a job like any other. Prostitutes are not to be regarded as victims, because this only contributes to their stigmatization. Rather, they should be conceived of as "sex workers," entitled to the same social and economic rights as other workers. The women's movement should support prostitutes in this struggle for emancipation and empowerment.<sup>56</sup>

A particularly outspoken plea for the normalization of prostitution has been offered by Martha Nussbaum.<sup>57</sup> As long as women freely engage in it, Nussbaum finds nothing intrinsically wrong with sex work. She admits that prostitutes actually suffer much harm, and that most women feel forced to do the work because they lack other employment opportunities. But she rejects objections by radical feminists that prostitution is wrong because it involves submitting your body to the control of others, or because it is about the invasion of intimate bodily space. After all, most labor activities are controlled by others, and as long as it happens with your consent, there is nothing wrong with having your body invaded in exchange for money. In order to support these claims, Nussbaum discusses other work activities where bodily services are rendered, and which are usually not considered problematic. The last item on her list is the job of the "colonoscopy artist": a hypothetical occupation invented by Nussbaum in order to argue that a job in which a woman would take

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<sup>56</sup>Petra de Vries and R. Zuidema, "Wat mag het lichaam voor geld? Feminisme, sekswork en de opheffing van het bordeelverbod in historisch perspectief," *Tijdschrift voor Genderstudies* 9 (2006): 37-49, p. 43.

<sup>57</sup>Martha Nussbaum, "'Whether from Reason or Prejudice': Taking Money for Bodily Services," in Martha C. Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999), pp. 276-98.

money for having medical students penetrate her colon for the purpose of research, however odd or risky, would not be regarded as immoral. According to Nussbaum, the only reason why we think the invasion of bodily space in prostitution intrinsically wrong, is that it involves *sexual* activity—thus suggesting that the distinction between sexual and other kinds of activities is obviously a trivial matter.<sup>58</sup>

While radical feminists consider prostitution to be a graphic example of the male domination of women, liberal feminists attribute the stigmatization of prostitutes to male anxiety about losing control over women's sexuality. While both parties subscribe to the liberal values of (procedural) moral and ethical autonomy, they part company when they have to decide whether prostitution may be a vehicle for female sexual autonomy. Faced with this question, radical feminists appeal to a more relational interpretation of autonomy, according to which a woman who works as a prostitute cannot separate her conception of self from the dominant views of her society, neither from the conceptions of decent femininity and bodily integrity with which she was raised, nor from the images of sexy femininity and constant availability that she must live up to in the world of the sex industry. Liberal feminists, on the other hand, combine a more relativistic approach, according to which the meaning of prostitution is historically and culturally contingent, with a firm belief in the liberal value of personal autonomy. They are convinced that women who voluntarily work in prostitution have managed to rise above the cultural conventions and images of their society, and hence subvert the existing gender hierarchy and conservative ideas about female sexuality.<sup>59</sup>

#### ***4.3. Prostitution as a recognized profession***

During the 1980s, the liberal feminist view of female sexuality got the upper hand in the Netherlands. A true feminist was a woman who dared to engage in sexual experiments, and hookers and porn stars were seen as the new vanguard in this struggle for sexual liberation. Politicians and policy-makers became convinced that the only way to improve the position of prostitutes was legalization: not only would it remove the stigma attached to their work, it would also enable the authorities to tackle problems of public safety and criminality. The preceding Dutch legislation on public decency (in effect since 1911) did not prohibit prostitution as such, but declared that "he who makes a profession or habit of deliberately bringing about or stimulating fornication by others with a third

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<sup>58</sup>In my concluding remarks I will question Nussbaum's relativistic stance on the meaning of sexuality.

<sup>59</sup>Nussbaum, "'Whether from Reason or Prejudice'," p. 286.

party" was liable to punishment.<sup>60</sup> The new law, in effect since 2000, is intended to support and protect the rights and autonomy of prostitutes. It recognizes prostitution as a profession, albeit an exceptional one, in which workers may insist on their right to bodily integrity. The distinction between voluntary and involuntary prostitution is considered essential: any form of force, violence, or deceit is punishable by law, and a prostitute should be able "under certain circumstances" to refuse the agreed-upon labor.<sup>61</sup>

What were the effects of lifting the ban on brothels? It has been estimated (2006) that between 20,000 and 25,000 women are working as prostitutes in the Netherlands.<sup>62</sup> More than half of them originate from foreign countries. Since 2000, about half of them have left the legal sector in order to work in informal branches of the sex industry, causing the number of licensed sex establishments to decrease by some 17%. Legal exploiters have difficulty competing with this illegal circuit, also because technological developments make it easy for the business to go underground. Anyone with a mobile phone and an advertisement in a newspaper or on a website can start an escort service. As the sex work takes place in a hotel room or a private house, surveillance is difficult.<sup>63</sup>

Meanwhile, the trafficking in women has increased dramatically. Victims seldom have the courage to notify the authorities: they fear both the retaliation of their assailants and the Dutch judicial system, which treats them primarily as illegal migrants rather than victims of sexual abuse.<sup>64</sup> Their legal colleagues, moreover, perceive them as "amateurs" who undersell, thereby spoiling the market for "professionals" like themselves.<sup>65</sup>

The stigma on prostitutes, whether they work voluntarily or not, has not disappeared. Since legalization, only 5% of active prostitutes have officially registered as self-employed workers. Despite their legal status,

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<sup>60</sup>Quoted in City Council Amsterdam, *Oud beroep, nieuw beleid. Nota prostitutie 2007-2010* (Amsterdam, 2007), p. 17.

<sup>61</sup>de Vries and Zuidema, "Wat mag het lichaam voor geld?" p. 45.

<sup>62</sup>This paper does not discuss male prostitution, which is a much smaller and less visible branch of the sex industry. About half of the male prostitutes in the Netherlands are under age (a considerable percentage of which are Moroccan-Dutch boys), the majority work without a pimp, and it is not the prostitutes but the customers who are vulnerable to violent attacks. See, for instance, Paul van Gelder, *Kwetsbaar, kleurig en schaduwwijk. Jongens in de prostitutie* (Amsterdam: Thela Thesis, 1998); Transact, *Factsheet. Jongensprostitutie: feiten en cijfers* (September 2005).

<sup>63</sup>Sander Flight et al., *Evaluatie opheffing bordeelverbod. Gemeentelijk Beleid* (Amsterdam: DSP groep, 2006).

<sup>64</sup>See Hopkins, *Ik laat je nooit meer gaan*.

<sup>65</sup>Marianne H. Marchand, Julian Reid, and Boukje Berents, "Migration, (Im)mobility, and Modernity: Towards a Feminist Understanding of the 'Global' Prostitution Scene in Amsterdam," in *Millennium: Journal of International Studies* 27 (1998): 955-81.

these women still feel discriminated against: banks refuse to grant them a mortgage, health insurance companies demand extremely high premiums, and most of their job-related expenses, such as the rent of a room, are not tax-deductable.<sup>66</sup>

There is also abundant evidence that the majority of prostitutes have a personal history of sexual violence, that they are confronted with all kinds of abuse while in the business, and suffer from post-traumatic stress disorder afterwards. In other words, prostitution thrives upon a lack of self-respect of the women involved.<sup>67</sup> Finally, many prostitutes complain about the hardening of the industry. The emergence of websites with extreme porn induces customers to make ever more extreme demands. The average customer on *hookers.nl*, a site where prostitutes are rated for the quality of their sex services, prefers young, inexperienced and obedient women, and is interested mainly in cheap and superficial sex. Although a considerable number of customers have proved willing to report forced prostitution when they suspected it, there are also many who simply do not care.<sup>68</sup>

Currently, both proponents and opponents agree that legalization has not improved the position of prostitutes in the Netherlands. Nevertheless, liberal feminists maintain that rights and regulations remain the best protection against violence and abuse. What has been lacking thus far, they argue, is a thorough implementation and enforcement of existing rules. Prostitutes should, for instance, be better informed about their rights, clients should become "critical customers" who visit only bona fide brothels, and the police should receive more resources to combat the criminal activities attached to the sex industry.<sup>69</sup> Moreover, the new law should be accompanied by general procedures that regulate the conditions of labor contracts between prostitutes and brothel-keepers. These practicalities are now left to the better judgment of local authorities, and to negotiations between employers and employees, that is, between powerful brothel-keepers and prostitutes who depend on them. Thus, prostitutes are left to their own devices when they want to enforce the rights to protection that they are legally entitled to.<sup>70</sup>

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<sup>66</sup>See Ludette el Barkany, "De overheid is nu mijn pooier," *Trouw*, December 29, 2007.

<sup>67</sup>See Melissa Farley, "'Bad for the Body, Bad for the Heart': Prostitution Harms Women Even if Legalized or Decriminalized," *Violence Against Women* 10 (2004): 1087-125.

<sup>68</sup>See Schaapman, *Hoerenlopen is niet normaal*, pp. 32-39.

<sup>69</sup>Marjan Weijers, "Comment on 'Hoerenlopen is niet normaal'," Aletta Jacobs lecture by Karina Schaapman, Groningen, March 7, 2007 (unpublished).

<sup>70</sup>de Vries and Zuidema, "Wat mag het lichaam voor geld?" pp. 46-47.

### 5. Liberal Policies on Sexuality

In this paper, I have focused on two debates that address the position of women that are usually perceived as entirely different. While Muslim women supposedly subordinate to restrictive rules of sexual chastity, prostitutes embody the libertine image of the sexually loose woman. Yet, both debates revolve around female sexual autonomy. In debates on multiculturalism, liberals try to find a balance between the values of cultural diversity and those of individual autonomy. In these debates, there is considerable agreement that the collective right of a minority community to preserve its culture or religion should give way in cases in which the fundamental rights or the autonomy of its members (in most cases women) are violated. Difficulties arise, however, in deciding what views and practices *count as* violations of autonomy. A comparison with debates on prostitution proves to be enlightening. Here, radical and liberal feminists agree that women's rights to sexual autonomy are indisputable. But, again, they disagree about the question of what practices enable women to exercise their autonomy.

There is no disagreement about the most graphic examples of injustice: forced marriage is as harmful as forced prostitution, abuse by a husband is as wrong as abuse by a pimp, and rape in marriage is just as reprehensible as raping a prostitute. Difficulties arise, however, when adult women consent to (sexual) practices that others reasonably assume degrading, harmful, or restrictive—such as wearing a chador, consenting to an arranged marriage, working as a prostitute, or participating in pornographic movies. In these cases, liberals agree that individuals should have the freedom to engage in any kind of sexual activity when, where, and with whom they wish, as long as they do not harm others.

Regarding prostitution, a representative of the Dutch GreenLeft party envisions “[s]ex workers who feel confident about their work, stand up for their rights, no longer accept exploitation and violence, work independently, determine their own price, refuse annoying customers, give pimps the sack, expose abuse.”<sup>71</sup> Without a doubt, this image of strong women who enjoy their erotic power over men and use it to their own benefit speaks to the feminist imagination. And surely not all women who work in the sex industry lack ethical autonomy, as do not all women who agree to an arranged marriage or who choose to enter a convent. However, the effects of the Dutch legalization of brothels, as well as the persistence of patriarchal views of female sexuality, provide sufficient reason to develop some sympathetic distrust vis-à-vis women who claim

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<sup>71</sup>Marieke van Doorninck, “Emancipatie,” *Tijdschrift van de liga voor de rechten van de mens* 25 (2006): 16-17.

to work in the sex industry voluntarily, or to consent wholeheartedly, for instance, to an arranged marriage.

But how should we translate this plea for sympathetic distrust into more specific policies? To what extent is a liberal government warranted in interfering with the (private and professional) sexual lives of women, especially if they do not ask for it themselves?

### 5.1. Guidelines and regulations

When it comes to policy interventions, a liberal society is inevitably faced with a situation of double-bind. Regarding prostitution, neither total criminalization nor total decriminalization will do. The first option, as Margaret Jane Radin points out, forces poor women to find recourse on the black sex market, making them only more vulnerable to exploitation and abuse, or to take on jobs that they find even more degrading. The second option implies that sexuality will be handed over entirely to the forces of the free market, which might lead to a "domino effect" ending in the commodification of all sexuality.<sup>72</sup> A similar observation can be made regarding policies targeting traditional practices concerning female sexuality. A total prohibition, for instance, on wearing the chador might deprive women from orthodox Muslim communities of the chance to follow an education or accept a job, because they would not be allowed in public without being veiled. Total acceptance, on the other hand, would withhold support to women who feel forced to veil, and give free reign to a patriarchal view according to which any woman who does not stick to a conservative dress code may be considered a sexual outlaw.

Hence, policies will have to steer a careful middle course between total prohibition and complete acceptance, and yet emanate a clear message of sympathetic distrust, namely, that as a liberal society, we are unhappy with the practice or custom at hand, and will allow it only on strict conditions.

Regarding traditional or religiously inspired customs such as arranged marriage or wearing a chador, sympathetic distrust could best be expressed through the development of guidelines for professionals, such as social workers, teachers, and family doctors. These guidelines would

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<sup>72</sup>See Margaret Jane Radin, *Contested Commodities: The Trouble with Trade in Sex, Children, Body Parts, and Other Things* (Cambridge, Mass.: Harvard University Press, 1996). Radin's position is based on the unquestioned norm that sexual interaction ideally amounts to "equal nonmonetarized sharing" (p. 132). Although Laurie Shrage is critical of such an essentialist image of sexuality, and instead espouses an interpretive approach that emphasizes the historically and socially constructed meaning of sexuality, she also opts for what she calls "radical regulationism," a policy in between total commercialization and total criminalization. See Laurie Shrage, *Moral Dilemmas of Feminism: Prostitution, Adultery, and Abortion* (New York: Routledge, 1994), p. 84.



require professionals to make an effort to find out whether the girl or woman in question is pressurized by relatives or religious authorities to comply with practices that might infringe upon her autonomy or affect her sense of well-being. And they would have to offer help through mediation or by finding exit-strategies when there is sufficient evidence that this is indeed the case.

As the Dutch situation convincingly shows, the abuse of women is incidental to prostitution, even after its legalization. This suggests that in a world where women no longer feel forced by economic circumstances, only a small minority of emotionally strong and sexually proficient women would choose to work as prostitutes. Hence, however much can be said in favor of the Swedish approach, which effectively prohibits prostitution by making it punishable for people to purchase sexual services,<sup>73</sup> a liberal society can and should not entirely outlaw prostitution. But from an attitude of sympathetic distrust, a radical (legal and professional) regulation of the industry seems imperative. In order to discourage women who are vulnerable to the conning of recruiters and the sexual demands of customers, the minimum age to be officially registered as a prostitute would be increased from 18 to 21. Only sex establishments that are organized as a cooperative society formed by the prostitutes themselves would be granted a license. In such establishments, women would have complete control over their working conditions, including the freedom to refuse customers, and the right to determine the prices of their services and have a say in the appointment of personnel such as their managers, bodyguards, and doorkeepers. Individuals who run an unlicensed sex establishment would be punishable by law; so would the prostitutes who work there, and their customers. Women (and men) would be allowed to work as independent prostitutes, but they would be compelled to declare their income to the tax authority and, if they are on welfare, to the social services. Committing fraud would be liable to the same kind of punitive measures as any other offense of tax or welfare rules.<sup>74</sup> Finally, pimping, understood as making a direct financial profit from the work of a prostitute while doing nothing in return, would be prohibited.<sup>75</sup> It is only within such a

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<sup>73</sup>In January 1999, starting from the assumption that prostitution is a form of exploitation of women (and children), Sweden passed legislation that criminalizes the buying of sex while decriminalizing the selling of sex.

<sup>74</sup>In the Netherlands, self-employed workers are compelled to declare their yearly earnings to the Revenue, on the basis of which they are assessed for paying income tax and national insurance contributions. For people who live on welfare or who receive unemployment benefits, it is mandatory to declare any additional income to the issuing authorities—which in most cases will lead to a cut-back on their allowance.

<sup>75</sup>The lift of the ban on brothels automatically implied that pimping was no longer an offense either, which has caused a serious omission in Dutch legislation. Forced prosti-

strict regulatory framework that the liberal feminist image of the prostitute as a strong and independent "sex worker," for whom her job is more like giving sexual therapy or performing sexual art than the mere selling of her body for sexual services,<sup>76</sup> could be defended with any credibility.

## 5.2. Education and contestation

In addition to professional guidelines and legal regulation, a liberal government could also actively support certain perceptions of sexuality and discourage others. It could do so, first, by compelling public schools to reserve some time in their curriculum for lessons in sexual health and sexual relationships. It could stimulate education in visual literacy to heighten the critical awareness of young people vis-à-vis the everyday media bombardment of sexual imagery, and subsidize the development of teaching material to that effect.<sup>77</sup> Many Dutch high schools invite external experts (sexologists or representatives of a sexual minority) to educate students and discuss their views of sexuality. In line with the liberal value of autonomy, such educational projects should not be aimed at passing on simple messages concerning "normal" or "healthy" forms of sexuality. They should, rather, stimulate students to think through their ideas about male and female sexuality, and to consider the possibly negative impact of these ideas on their own and others' sexual autonomy and well-being.

A government could, second, initiate a broader public debate on the meaning of sexuality. In the Netherlands, propelled forth by some revealing publications on the rise of raunch culture and the clearly

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tution can now only be dealt with if a victim is able (and willing) to report this. As only a small percentage of prostitutes dare to testify against their pimp, police officers stand empty-handed even when they know, yet cannot prove, that a woman is the victim of abuse. To fight the criminality attached to prostitution, the municipality of Amsterdam has recently announced a series of legal and administrative measures. The effective ban on pimping is one of these, the increase of the minimum age of prostitutes from 18 to 21 years another. As about 50% of the customers in the Amsterdam red-light district are tourists and foreign businessmen, the authorities hope and expect that the foreseen diminishment of supply will eventually lead to a similar diminishment of demand—which in due course is expected to lead to the closure of a considerable part of the historic red-light district (see City Council Amsterdam, *Oud beroep, nieuw beleid*). In November 2007 a majority in the Dutch parliament adopted a resolution asking the government to officially prohibit pimping.

<sup>76</sup>These are some of the roles that Shrage envisions in a more egalitarian organization of commercial sex (Shrage, *Moral Dilemmas of Feminism*, p. 130).

<sup>77</sup>These are some of the plans announced in the recent Dutch governmental memorandum on women's emancipation (Ronald H.A. Plasterk, *Meer kansen voor vrouwen. Emancipatiebeleid 2008-2011* (Den Haag: Ministerie van Onderwijs, Cultuur en Wetenschappen, 2007), pp. 61-67).

noticeable "pornification" of national television and the worldwide web,<sup>78</sup> there is increasing concern about the detrimental effects of an overly sexualized public culture. For most participants in the debate, sexuality appears to be a prominent aspect of their conception of self, a locus of intimacy and authenticity. This socially shared meaning of sexuality as an intrinsic good makes for a critical stance regarding both conservative perspectives on sexuality as a means for reproduction or a site of honor, and libertine views that take sexuality to be no more than the satisfaction of bodily appetites or the mere penetration of one body by another. According to this view, it is neither up to religious or medical authorities, nor to the mechanisms of the free market, but to individuals themselves to determine the "true" meaning of (their) sexuality. The liberal conceptions of autonomy and sexuality appear to be closely intertwined: while we are inclined to accept a sexual practice insofar as we regard the actors engaged in it as sexually autonomous, what counts as sexual autonomy is determined by the social meaning that we attach to the good of sexuality. Constructivist and relativist views such as those of Martha Nussbaum notwithstanding, it is precisely this more relational view of autonomy that in the Netherlands has opened up symbolic and political space for cross-cultural coalitions. Gradually, a third wave of the Dutch feminist movement seems to be emerging in which Muslim and non-Muslim women together challenge both conservative-religious ideas on female sexuality and the libertine raunch culture as the "excrecences of the same symptom, namely that women are still attempting to meet the norms of chastity, sexuality and beauty imposed upon them by men."<sup>79</sup>

Martha Nussbaum takes issue with the "sympathetic anger" of radical feminists who "view the prostitute as they view veiled women, or women

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<sup>78</sup>Dutch national television was among the first to broadcast "real-life" programs such as *Big Brother* and *The Golden Cage*, where young people agree to get locked up together, and have the camera peep at their every movement, including their sexual escapades. Among publications that got the debate going were an essay denouncing the abundance of extremely violent porn on the internet (Ralph Bodelier, "Extreme porno is een misdaad," *de Volkskrant*, October 22, 2005), the Dutch translation of Ariel Levy, *Female Chauvinist Pigs: Women and the Rise of Raunch Culture* (New York: The Free Press, 2005), and a documentary made by Sunny Bergman, *Beperkt houdbaar* [Perishable], broadcast on national television on March 8, 2007. Bergman's film sketched a disconcerting picture of Western girls and women who wish to undergo (and are willing to pay huge amounts of money for) plastic surgery, based on the photoshopped images of fashion models and porn stars.

<sup>79</sup>Stine Jensen and Çilay Özdemir, "Samen tegen eerwraak en slankheidsideaal," *NRC Handelsblad*, May 2, 2007. Jensen was also one of the authors of a manifest demanding that "sex should become haute couture again" (Sunny Bergman, Myrthe Hilken, et al., "Manifest: sex moet weer haute couture worden," *de Volkskrant*, April 16, 2007).

in *pardah*: ... as victims of an unjust system.”<sup>80</sup> In this paper, I hope that I have offered convincing arguments why a liberal government should indeed exercise what I prefer to call sympathetic distrust with regard to sexual practices and activities (conservative or libertine) with which women willingly go along while there are good reasons to suspect that they are harmful to them. In recent debates on multiculturalism, it is frequently claimed that liberals have allowed themselves to be taken hostage by the ideology of cultural diversity, and have adopted an overly tolerant attitude toward misogynous practices in illiberal communities under the pretext that it is “their own culture.” I think we should also be wary of being taken hostage by libertarian and libertine views that prevent us from facing the exploitation and humiliation of women in the sex industry under the pretext that it is “their own choice.”<sup>81</sup>

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<sup>80</sup>Nussbaum, “‘Whether from Reason or Prejudice’,” p. 286.

<sup>81</sup>Earlier drafts of this paper were presented at the workshop on Multiculturalism and Human Rights at the Department of Philosophy of the University of Toronto, April 27, 2007; at the Culture, Gender, and Health Research Unit of the School of Nursing, University of British Columbia, Vancouver, May 4, 2007; and at the RiDe (Research in Debate) group of the Department of Practical Philosophy, University of Groningen, October 3, 2007. I would like to thank participants at those meetings, as well the anonymous referees for *Social Theory and Practice*, for their helpful questions and comments.

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