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The spatial dimension of justice: A reflection on prostitution in Brussels

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Introduction¹

This chapter is a tribute to the work of Sonja Snacken, who has dedicated a big part of her career in criminology to counter injustices in the criminal justice system. As a staunch defender of prisoners' rights, she has denounced and fought inhumane prison conditions as well as injustices in the penal system. However, her engagement with these topics goes beyond her ethnographic and activist approach. Her commitment is also reflected in her important participation in policy making and in her theoretical reflections on topics such as human rights, human dignity (Snacken, 2016) and justice in general.

In her work, Sonja has paid special attention to alterity and the rights of those we could roughly call 'the other'. In her acceptance speech for the 2015 ESC European Criminology Award, she illustrates this idea when she says that in her trajectory she has '*talked to victims of torture by police, physical ill-treatment by prison staff, lengthy isolation and inter-prisoner violence; to young mothers who had been on remand for two years without being allowed to receive visits from their small children*' (Snacken, 2015, p. 10). In this text, we will pay particular attention to this last reference in her speech on gender and justice. Taking that as our starting point, we will reflect on the connections between justice, space, gender and prostitution.

With these ideas in mind, we decided to enter into dialogue with her work while structuring this text in two main parts. First, inspired by her reflections on human rights and human dignity, we propose a conversation that highlights the spatial dimension of justice. In the same section we also

1 We would like to thank Stephanie Garaglia for her comments on the first draft of this text.

briefly discuss how spatial injustice is particularly blatant when we look at public space and gender. In the second part, we exemplify our point by using the specific case of the Brussels red-light district. Through this example, we reflect on how a spatial approach can reveal inequalities and injustices by the way in which the authorities deal with prostitution.

Gendered spaces and spatial justice

Many geographers and urban criminologists have shown how space matters to criminology. That is to say, how criminology can be enriched by paying attention to the city, to places (and their history), to public space, to urban design, to location, to geographic contexts, to particularities of different neighbourhoods, to different geographic scales and so on. We could add to the criminological discussion that space also matters to penology and that this can be seen through different scales. Comparative penology, for example, has shown how prisoners' conditions can be very different in countries such as Belgium and Brazil. This difference is noticeable in the chapters which Sonja Snacken (2001) and Tania Maria Dahmer Pereira (2001) contributed, respectively, to the edited volume *Imprisonment today and tomorrow: international perspectives on prisoners' rights and prison conditions*. Where someone is incarcerated has a critical impact on how humane or inhumane the treatment of the prisoner will be. At the urban level, the discussion about alternative ways of punishment such as electronic monitoring is ultimately a question of space, of how limiting someone's movement in public and private spaces is a determining variable in the severity of someone's punishment. The location of a prison also has a strong impact on the dynamics of the neighbourhoods in which they are placed. Lastly, on the very local scale of the prison itself, carceral geographers and carceral architects have highlighted the strong relationship between prison design, punishment, and human rights.

The call among geographers and urban scholars for the importance of considering the spatial element in social sciences analyses (including criminology) became informally known as the spatial turn (Warf & Arias, 2009). This spatial turn goes beyond looking solely at the location of social issues, that is to say, space in its geometric character. It actually understands space as an active force. According to Edward Soja, one of most influential urban scholars of our time (2009, p. 2), 'thinking about space has changed significantly in recent years, from emphasizing flat cartographic notions

of space as container or stage of human activity or merely the physical dimensions of fixed form, to an active force shaping human life’.

The second reason why we reference Soja in this text relates to his reflections on the concept of spatial justice. In his provocative article *The city and spatial justice*, he argues that thinking spatially about justice in all geographical scales is important from a theoretical, as well as a practical point of view. These insights can help yield more effective actions in attaining more justice and a greater democracy. For Soja (2009, p. 4), ‘combining the terms spatial and justice opens up a range of new possibilities for social and political action, as well as for social theorization and empirical analysis, that would not be as clear if the two terms were not used together. By combining space and justice, Soja (2009) calls attention to how justice and injustice are unequally distributed:

The normal workings of an urban system, the everyday activities of urban functioning, is a primary source of inequality and injustice in that the accumulation of locational decisions in a capitalist economy tends to lead to the redistribution of real income in favour of the rich over the poor. This redistributive injustice is aggravated further by racism, patriarchy, heterosexual bias, and many other forms of spatial and locational discrimination.

(Soja, 2009, p. 3)

One key word that we would like to retain from the quote above is that of patriarchy. Gender and patriarchy play a role in the way that justice and injustice take place in the city. Take again Snacken’s earlier reference to young mothers in prison. When we think about gender and the space of a prison, the relationship between prison design and (in)justice pops out. Female prison design should, for example, consider the possibility of prisoners being pregnant at the moment of arrest (or them getting pregnant once incarcerated, in a consensual or even non-consensual way). The guarantee of human dignity and the human rights of both mother and child are strongly dependent on how appropriate the space of the prison is. Simply mimicking the default male carceral design in female prisons will not do the job, as the needs of mother and child are reflected in specific physical spaces not found in male prisons (disregarding the question if any child should even be incarcerated as of birth). The absence of appropriate design for pregnant inmates is even more flagrant if we look again at countries like Brazil where the daily disrespect for female prisoners’ human rights, including the right of them as well as of their children to a healthy pregnancy and a humane birth,

is a crude reality (Leal et al., 2016). All these elements lead us to agree with Schliehe (2017) when she calls our attention to the importance of a feminist carceral geography.

Moving from prisons to public spaces, cases of gender-related spatial injustice are abundant. Many scholars have already pointed out how, for example, fear of crime plays a role in the way that women use public space. Gilow (2015), despite the limited sample used in her analysis, has shown how women in Brussels limit their mobility due to fear of crime. She underlines how limited mobility plays a role in how much a citizen is able to actively participate in social life.

The examples of the connections between public space, gender and injustice are not limited to less visible manifestations like those linked to fear of crime. They can also easily be perceived in the materiality of Brussels's urban landscape. A walk around the city centre will show how Brussels is not designed in a way that treats men and women equally. Among the many examples we could give here, maybe the presence of male public urinals is the most flagrant. In many parts of the city, men can make use of free public urinals. That same facility is not available to women. They are dependent on a very small supply of public toilets, which are often in an insalubrious condition. This denial of a very basic right of women reveals how patriarchy is embedded in the design of the city's urban landscape. Such spatial manifestation of patriarchy is even more evident if we bring our attention to probably one of the most male-dominated neighbourhoods of Brussels, the red-light district (RLD), which will be discussed next.

Spatial injustice in the Brussels red-light district (RLD)

Prostitution in Brussels takes several forms: clandestine street prostitution (Alhambra area, Avenue Louise and in a number of parks), 'luxury prostitution' (massage parlours and escort services advertised via word-of-mouth or the Internet), and window prostitution (in the Brussels RLD around the North railway station) (Loopmans & Vermeiren, 2009). In this text, we will focus on the case of the red-light district, which consists of about five streets concentrated around the Aarschot Street. There, window prostitution, present in around sixty shops, is legally tolerated. There are about one to four sex workers per window and while in the Aarschot Street most of them come from Eastern Europe (mainly Bulgaria and Romania), in the surrounding streets they are mostly black women from Sub-Saharan Africa (Weitzer, 2018). According to Weitzer (2010), this area can be characterized as a

‘variegated vice’ zone, located in the middle of the Brabant neighbourhood: a very densely populated residential and commercial district with a strong presence of Turkish and North African immigrants. The Brabant area is one of the neighbourhoods with the highest crime numbers in Brussels (Bailly et al., 2018), but the precise impact of the RLD on these numbers is unknown. Sex workers interviewed by Thor Colonna as part of her master’s thesis claimed to have been victims of threats, harassment, and physical violence. The recent violent murder of Eunice, a 23-year-old Nigerian sex worker, who was killed by seventeen knife stabs, was an absolute rock bottom (Colonna, 2020).

In addition to their actual victimisation, the vast majority of these sex workers feel utterly insecure. One of the reasons for such insecurity is the general perception that police do not react promptly whenever they are called to intervene in the RLD (Colonna, 2020; Ghilian, 2018; Post & Tylzanowski, 2018). These feelings of insecurity are reinforced by the ‘danger signals’ emitted by the almost continual presence of drunk men, fights, and even drug dealers in the area (Ghilian, 2018; Post & Tylzanowski, 2018). The physical degradation of the neighbourhood with barely-maintained houses, some of which are boarded up, garbage (including empty beer cans and bottles of liquor) lurking on the sidewalks, the abundance of tags, the smell of urine and the constant slow flow of honking cars send little reassuring signals to sex workers, visitors and residents (Colonna, 2020; Weitzer, 2018).

Like in many other countries, prostitution in Belgium is regulated. The responsibility for public order in Belgium, laid down in the municipal law of 1836, was delegated to the autonomous local authorities. This included the control of prostitution. According to Rodríguez García and Gillis (2018), the first specific regulations of prostitution were elaborated in Brussels in 1844 and served as a model for other Belgian cities. They had a ‘gendered ideology’ and served to tackle the ‘shameful plague’ (Rodríguez García & Gillis, 2018, p. 262). According to the authors, prostitution was seen as a necessary evil, but it had to be shielded from respectable people and the physical and moral dangers related to this practice should be strictly controlled. In that way, they talk about ‘a virtually carceral system of regulation’ (Rodríguez García & Gillis, 2018, p. 262) as a way to segregate those tolerated yet undesirable ‘others’.

The existing regulations were repealed in 1948 due to an abolitionist-inspired federal law in which the operation of brothels, public soliciting, advertising and procuring were banned, except for prostitution itself which remained legal. From 1948 to the 1980s, this legal framework and occasional police action were sufficient to keep a grip on prostitution. Loopmans

describes it as a form of ‘unregulated tolerance’ in which local policymakers actually ignore the existence of prostitution and leave the control and integration of sex workers in the hands of informal networks (Loopmans, 2013).

However, the increasing globalisation of the sex industry in the 1980s challenged this policy of unregulated tolerance. The increased mobility of sex workers combined with the internationalisation of the sex industry confronted local governments with the new presence of powerful players. These players did not hesitate to use legal means to obtain an extension of the imposed tolerance zones for prostitution. They were also often involved in human trafficking, the exploitation of women, and other forms of organised crime (Boels et al., 2016; Boels et al., 2013; Loopmans, 2013).

Today, window sex workers are not considered regular employees, but tenants who rent a room from the property’s owner. This gives them more autonomy than working in a brothel where the owner and managers set the rules (Loopmans, 2013). However, globalisation of prostitution together with the lack of a clear policy by the involved municipalities is now challenging the autonomy of these sex workers. Weitzer (2018) comparing the RLDs of Ghent, Antwerp and Brussels concludes that:

Brussels is unique in that madams operate as ‘assistant pimps’ who front for bosses who reside in Eastern Europe. They dictate working conditions, take half the earnings, and exercise tight control over the window workers. In this role, madams clearly violate the law against third-party control of sex workers. They are allowed to operate largely unfettered because of the local state’s *laissez-faire* approach to this red-light district.

(Weitzer, 2018, p. 133)

The 2019 conviction of ‘Mama Leather’, the leading figure of a notorious Nigerian prostitution gang in Brussels, and her sentencing to ten years imprisonment was the first case in Belgium in which action was taken against this type of crime (Chini, 2019).

The globalisation of the sex industry also had an important impact on life in the neighbourhood, which until then had consisted of a ‘finely meshed informal social network between prostitutes, local residents, shopkeepers and pub owners that could only be maintained through long-term social contacts’ (Loopmans, 2013, n. p.). Marie (an 80-year-old sex worker) says: ‘Before, when it was Christmas, the whole street was full, the windows were full, the painters came and they decorated the windows.... when it was the end of Ramadan, they brought us cakes, we lived very well together’ (Colonna,

2020, p. 45). Because of the internationalization of the sex industry and the mobility of the sex workers, the link with the neighbourhood dissipated and the mutual tolerance often found in RLDs weakened as a consequence. Moreover, the prices for a visit to a sex worker dropped sharply. One sex worker interviewed by Colonna (2020, p. 42) testifies that the arrival of Sub-Saharan African sex workers led to the slashing of prices '[t]o fifteen euros an intercourse. While Europeans are thirty euros minimum.' The poor conditions to which these workers are submitted are also reflected in the overpopulation of premises (three to four sex workers sharing a space normally intended for one person) and even in the case of sex workers being housed on the premises, which goes against the municipal regulations (Colonna, 2020). It goes without saying that the solidarity among sex workers is now severely affected.

Local authorities have been under pressure to review their unregulated tolerance and to try to get the situation minimally under control through administrative interventions. This situation is complicated by the fact that the Brussels RLD falls under the territory of two municipalities (Sint-Joosten-Node and Schaarbeek) and each have a very different approach to these issues. The mayor of Sint-Joosten-Node does not hide the fact that he wants to expel prostitution from his territory. He often equates prostitution with human trafficking and claims that prostitution must thus be eradicated. The prostitutes are seen as victims of crime or as somehow linked to criminal networks rather than empowered women who choose their profession and can earn their own money (Colonna, 2020). In line with this philosophy, the municipality is taking measures to obstruct prostitution, discourage the presence of sex workers and urge them to move. The municipality opened a day-care centre in the middle of the prostitution area as a way to put extra pressure on the permanence of those sex workers (Colonna, 2020). The Schaarbeek mayor, on the other hand, opts for greater tolerance to the presence of prostitution in his municipality. For example, he often receives the representatives of sex workers in order to take their concerns into account. In addition to that, the perspective of Schaarbeek is to treat brothels as hospitality industry establishments (or HoReCa, in Dutch), which makes it possible to circumvent the ban on the exploitation of brothels. This in turn allows them to monitor the working conditions of sex workers (Boels et al., 2013).

Not looking at the spatial context in which prostitution takes place in Brussels means overlooking some crucial insights for the understanding of how the treatment of prostitutes can vary so deeply in these two neighbouring municipalities. While in one municipality they are chased

away as the undesirable other, in the other their presence is more tolerated, which does not mean that their working conditions are even close to ideal. If we want to do justice to these women, it is crucial to look at how space plays a role in the way that they are being treated and in the working conditions that are available to them.

In addition, while prostitution can indeed be linked to human trafficking and exploitation, there are also many women who freely choose to practice this profession for life or in order to temporarily try to earn as much money as possible. Defining all sex workers as only victims means to silence their voices and deny them their rights as individuals. Moreover, chasing them from certain neighbourhoods, which ultimately forces them into street prostitution, and confining them to inhumane working conditions could be seen as forms of spatial injustice.

Conclusion

Inspired by the instigating work of Sonja Snacken and her engagement with the rights of 'the other', we decided to have a look at how justice relates to discussions about space. We started by looking at the spatiality of prisons and the penal system and how this spatiality plays a role in the quality of prisoners' conditions. From there, we moved into a discussion on gender, justice and space in order to point out how both prisons and public spaces often treat women in an unequal way. From gender, we moved into the case of the spatial justice of prostitutes in Brussels. These people are 'othered' twice. First of all, they are women living in a patriarchal city that does not treat male and female genders in the same way (not to mention other genders which differ from this binary approach). They are confronted daily with harassment, abuse and with a police force that does not give them the protection they deserve. Additionally, they are often seen as undesirable women whose presence in the city is merely tolerated but whose working conditions are poor and whose voices are rarely heard.

When zooming in on the places where these women work, we can gain extra insights into the particularities of their condition. The Brussels RLD falls under the control of one police zone and two municipalities with juxtaposed approaches to prostitution. The strong opposition to their presence in one of those municipalities pushes them to concentrate on the other municipality where their presence is somehow tolerated. However, given the internationalization of sex work, the social links between sex workers and the rest of the local community is becoming less and less

cohesive. These developments lead to sex workers being increasingly perceived as people linked to human trafficking and criminality and decreasingly as autonomous and independent women claiming their right to work and exist in the city. The spatial aspects of these concurrent issues help us to understand how justice has a strong spatial dimension.

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