

Largely the Same Policy, But Largely Different Ideas: The Ideational Underpinnings of the Norwegian and Swedish Bans on the Purchase of Sexual Services

Gregg Bucken-Knapp, PhD
University of Stirling, Scotland
gregg.bucken-knapp@stir.ac.uk

Johan Karlsson Schaffer, PhD
University of Oslo, Norway
j.m.karlsson@nchr.uio.no

Paper prepared for
the 2nd European Conference on Gender & Politics, Central European University,
Budapest, Hungary.
January 13-15, 2011

Introduction: Sex Purchase Bans In Norway and Sweden

As of January 2009, the purchase of sexual services is legally prohibited in Norway (and, for Norwegian citizens, abroad). Thus, after Sweden, which passed a similar bill in 1998, Norway became the second country in the world to criminalise buying, but not selling, sexual services. Why did Norway and Sweden adopt their respective sex purchase bans? Some scholars and commentators have argued that Norway followed in the footsteps of Sweden largely because of the lobbying of a broad feminist movement, which succeeded in construing prostitution as violence against women.¹ However, the sex purchase ban has been on the agenda for decades in Norway, gathering a broad, makeshift coalition of feminists, Christian groups and centrist politicians, which rather raises the question why they achieved the necessary parliamentary support only in 2007.

Drawing on a broad range of constructivist and ideational literature in both international relations and comparative politics, we examine both cases in detail. For Norway, we argue that the decisive shift came as a response to public outrage in mass media over the sudden arrival of Nigerian prostitutes selling sex in the Karl Johan street in downtown Oslo and other cities in 2003-2004. Key actors drew upon this development and came out in favour of criminalising the purchase of sexual services, where arguments construing the problem as transnational trafficking won out against competing problem frames. Politicians did not always present the sex purchase ban as a solution to that problem, yet it provided the backdrop for policy entrepreneurs to discover an increasingly receptive environment for calls to criminalise the purchase of sexual services (CPSS). In the process, the sex purchase ban was re-crafted as a solution to the problems of organised, cross-border trafficking. Following this, we turn back the clock and examine the Swedish case. There, we argue that CPSS resulted chiefly from the successful deployment of gender equality ideas in conjunction with causal stories as to the histories of abuse suffered by female prostitutes. While ban opponents

¹ Strøm, "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway."

raised concerns as to whether CPSS could have the desired effect, such concerns were ultimately unpersuasive when faced with the growing belief among many political elites that high profile policies promoting gender equality needed to be integrated into the mainstream of Swedish policymaking.² Thus, while ideas are an important tool for achieving policy change, different ideas are necessary in different national contexts, even when agents seek similar policy outcomes.

First though, we position our own, ideational approach to prostitution policy change in relation to alternative explanations, which either focus on how strategic actors deploy power resources in order to further their goals, or on how the problem of prostitution is construed in public discourses. This will set the stage for our subsequent discussion of prostitution policy reform in Norway and Sweden.

EXPLAINING PROSTITUTION POLICY CHANGE

Over the past decades, prostitution policies in Europe have been subject to dramatic change, but not convergence. As scholars have sought to explain this policy variance, they have tended either to focus on the agents pushing for prostitution policy change, or on the policy discourses in terms of which prostitution is construed as a societal phenomenon. This theoretical division of labour is also mirrored in the few studies that have addressed the case of Norway's recent prostitution policy shift.

The first category of research explains policy change as a process driven by rational actors seeking to further their self-interest: "policy outcomes are determined by negotiations between powerful actors, each trying to advance its agenda."³ This so-called power-interest model partially overlaps with a certain line of feminist research on the so-called critical mass thesis, which starts from the assumption that mobilising and representing women politically is crucial for

² Dodillet, "Cultural clash on prostitution: Debates on prostitution in Germany and Sweden in the 1990s"; Dodillet, "Ideologiska förutsättningar för den svenska och den tyska prostitutionslagstiftningen"; Dodillet, *Asex arbete? : svensk och tysk prostitutionspolitik sedan 1970-talet*.

³ Bleich, "Integrating Ideas into Policy-Making Analysis: Frames and Race Policies in Britain and France."

achieving women-friendly policies.⁴ In the context of prostitution policy reform, some feminist scholars, activists and policymakers have attributed the adoption of sex purchase bans in Sweden (and subsequently) Norway to “feminists and dedicated female politicians [who] understood the importance of and fought for the right of all women to have full control of their bodies.”⁵ Such studies usually tell linear narratives of success, where the strategic action and coalition building efforts by a “velvet triangle” of feminist activists, politicians and academics result in a series of women-friendly policies.

While this explanatory model usefully draws our attention to the interplay among political actors, it is insufficient as an account of prostitution policy change. First, a general problem with the power-interest model and the associated critical mass thesis in feminist scholarship is that they tend to take interests for granted. But the real puzzle is often to explain why certain actors define their policy preferences in the first place, and why similarly situated actors in different national contexts often come to take such different stance. Especially, second, another line of feminist scholarship questions the very notion that women as such share certain interests which get translated into policy once they gain sufficient political standing. Gender, these critics argue, is not a fixed, pre-political identity: it is constructed through the practices of politics.⁶ Hence, thirdly, in its crude form, the power-interest model and the critical mass thesis is not precise enough to explain the sharply diverging prostitution policy outcomes in European countries, where women and feminists have increased their parliamentary representation across the board.⁷

⁴ Wängnerud, “Women in parliaments: Descriptive and substantive representation”; Celis and Childs, “Introduction: The Descriptive and Substantive Representation of Women: New Directions.”

⁵ Ekberg, “The Swedish law that prohibits the purchase of sexual services”; Eduards, *Kroppspolitik: Om moder Svea och andra kvinnor*, 174; Strøm, “A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway.”

⁶ Childs and Krook, “Analysing Women's Substantive Representation: From Critical Mass to Critical Actors”; cf. Towns, “Understanding the Effects of Larger Ratios of Women in National Legislatures:.”

⁷ See, for instance, Dodillet, “Cultural clash on prostitution: Debates on prostitution in Germany and Sweden in the 1990s.”

Another category of research instead turns its focus to public discourses. For instance, a number of studies discuss how the phenomena of prostitution, prostitutes and their clients are constructed in public discourses and how such discourses are mirrored in public policies. Prominent examples on the case of Norway include Skilbrei's overview of Norwegian prostitution policy reform in the 1990s, which focuses on representations of prostitutes in the media and political debates, and Stenvoll's analysis of how cross-border prostitution in the northern Finnmark region was described in the media in the 1990s.⁸

This category of research often gives detailed, descriptive accounts of how prostitution is framed as a problem in public understanding. What's missing in these studies, however, are explicit, explanatory accounts of how public discourses affect prostitution policy. While it seems likely that changes in mass media discourse, responding to changes in prostitution markets, do influence policy, describing that shift is only half the story. It needs to be complemented with a careful assessment of how policy entrepreneurs were able to draw on the discursive shift in order to achieve legislative success. While the outcome, in retrospect, might seem over-determined, it is produced by active, purposive agents. Policy makers might seek to resist changes in the broader ideational framework or selectively draw on available information in order to maintain their preferred stance.

In this study, we draw on both of these approaches within an over-arching ideational framework. In international relations, comparative politics and related sub-fields, scholars who are engaged in ideational research share a broad interest in understanding what factors account for the increased salience of new ideas, the mechanisms through which ideas become embedded in various features of the polity, and the impact that ideas have on political processes.⁹ Successfully deploying ideas in support of policy objectives requires a synergy between ideas

⁸ Stenvoll, "From Russia with Love?"; Skilbrei, "The rise and fall of the Norwegian massage parlours: Changes in the Norwegian prostitution setting in the 1990s."

⁹ Berman, "Ideas, Norms, and Culture in Political Analysis."

and the relevant institutional and cultural features of the polity.¹⁰ Thus, ideational scholars do not deny that actors, their level of strategic resources, and institutional design are crucial elements in understanding policy outcomes. Where an ideational approach differs is in emphasising the need for actors to “embed their arguments in persuasive ideational frameworks”.¹¹ Indeed, placing ideas alongside more traditional explanatory variables, such as actors’ resources and the institutional framework, is a defining feature of contemporary integrated approaches to public policy, including Sabatier’s advocacy coalition framework and Baumgartner & Jones’s emphasis on punctuated equilibria.¹² Successfully nesting ideas for policy reform can be regarded as the mobilization of consent for policy.¹³ Within the field of international relations, the concept of grafting is used to describe a similar attempt at achieving policy change: entrepreneurs graft their reform idea onto existing international norms in order to improve the odds that governments will enact their proposals.¹⁴ A complementary argument is put forward by Kingdon who specifies how policy proposals need to “fit with the dominant values and current national mood” in order to be adopted.¹⁵ Taken jointly, these scholars stress that ideational accounts must demonstrate an explicit linkage between policy ideas and relevant ideational frameworks within the broader polity. An ideational approach thus augments mainstream perspectives on public policy reform, which focus on actors strategic capabilities and institutional constraints.

NORWAY

From Failure to Success

¹⁰ Beland, “Ideas and Social Policy: An Institutional Perspective”; Berman, “Ideas, Norms, and Culture in Political Analysis”; Cox, “The Social Construction of an Imperative: Why Welfare Reform Happened in Denmark and the Netherlands but Not in Germany”; Walsh, “When Do Ideas Matter?: Explaining the Successes and Failures of Thatcherite Ideas.”

¹¹ Hansen and King, “Eugenic Ideas, Political Interests, and Policy Variance: Immigration and Sterilization Policy in Britain and the U.S..”

¹² Sabatier, “The advocacy coalition framework: revisions and relevance for Europe”; Baumgartner and Jones, *Agendas and instability in American politics*.

¹³ Gourevitch, “Keynesian Politics: The political sources of economic policy choices.”

¹⁴ Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.”

¹⁵ Kingdon, *Agendas, Alternatives, and Public Policies*.

In Norway, criminalising the purchase of sexual services has been on the agenda for decades. From the late 1970s and a decade onwards, the Joint Action Against Pornography and Prostitution gathered a broad, heterogeneous coalition against pornography and prostitution. Initiated by the Women's League of the Centre Party (SP), the Joint Action included seemingly strange bedfellows: radical feminist groups such as the Women's Front, far left parties such as the Maoist Worker's Communist Party (AKP), Christian Democrats and church parishes, trade unions and the Norwegian Housewives' Union. At its peak, it gathered some 30–40 organisations claiming a total membership of ca 500,000 people and local groups across the country. Eventually dominated by the Women's Front, the Joint Action combined awareness-raising campaigns and political lobbying with militant, direct action directed against porn shops and assumed clients of prostitutes.¹⁶

In response to such activist demands in the 1980s, criminalising the purchase of sexual services was considered twice by the Department of Justice, in 1982-83 and again in 1986-87, the latter occasion including a broad consultative hearing.¹⁷ But whereas legislators in the mid-1980s heeded the Joint Action's demands for sharpening the anti-pornography laws, criminalising the purchase of sexual services never gained the necessary political support. The Joint Action disbanded due to internal tensions in the early 1990s, but both pornography and prostitution continued to stir political controversy in Norway.¹⁸

In the early 2000s, the issue of CPSS again rose on the agenda. In 2000, parliament criminalised the purchase of sexual services from minors, and the bill (Ot.prp. 28, 1999-2000) stated that a general sex purchase ban would be considered anew after two years. In the centre-right minority government from 2001–05, only the Christian Democrats (KrF), leading the coalition, were in favour of criminalisation, unlike their Conservative (H) and Liberal (V) allies.

¹⁶ Strøm, "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway"; Nilsen, "Når man gir seg ut for horekunde, får man finne seg i karakteristikken": Kampar mot prostitusjon 1981-1991."

¹⁷ Justis- og politidepartementet, *Ot.prp. nr. 48 (2007-2008)*, 1.

¹⁸ For instance, NOU 1997:23, *Seksuallovbrudd (Straffelovkommisjonens delutredning VI)*.

Still, in 2003, the Department of Justice appointed a working group to gather information and provide a broader knowledge base for deciding whether or not to criminalise the purchase of sexual services. Led by law professor Ulf Stridbeck, the working group visited Sweden and the Netherlands and met with social agencies, police and other actors involved in implementing the two countries' sharply diverging prostitution policies. Delivering its report on 8 October 2004, the working group advised against CPSS and Stridbeck publicly disputed the Swedish sex purchase ban in both Swedish and Norwegian press.

Opening the window of opportunity: Palermo, Schengen, Oslo

In the meantime, however, Norway had ratified the Palermo Protocols on human trafficking (St.prp. 58, 2002-2003). Adopted in 2000 by the United Nations in Palermo, Italy, the Palermo Protocols, as they are popularly called, signal what one scholar calls the meteoric rise of trafficking on the agenda of European countries.¹⁹ They also represent an interesting example of a so-called two-level game.²⁰ At an earlier point in time the Palermo Protocols, too, where the results of political negotiations where both state representatives and various non-governmental organisations struggled to have their preferred stance on trafficking written into the protocols, in order to allow them, at a later stage, to pursue their preferred policies domestically.²¹ Hence, as these protocols oblige states to undertake a variety of measures to combat the alleged increases in trafficking in human beings, yet are ambiguously and vaguely worded, they open up for both confusion and political manoeuvring as the protocols are supposed to be implemented nationally.²²

In the Nordic countries, the Palermo Protocols triggered revisions of domestic policies toward trafficking and prostitution. Moreover, the increased focus on

¹⁹ Askola, *Legal responses to trafficking in women for sexual exploitation in the European Union*.

²⁰ Putnam, "Diplomacy and domestic politics: The logic of two-level games."

²¹ Doezema, "Now You See Her, Now You Don't: Sex Workers at the UN Trafficking Protocol Negotiation."

²² For instance, Article 9.5 of the protocol reads as such: "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."

trafficking in Europe around the turn of the millennium was further fuelled in Norway and the other Nordic countries by their full accession to the Schengen Area in 2001, and the eastward enlargement of the EU in 2004 and 2007. While the Nordic Passport Union had facilitated intra-Nordic travel for decades, the Schengen area in principle (if not in practice) removed internal border controls with more than 20 other European countries. The increased freedom of movement in Europe seems to have triggered changes in prostitution markets, thus creating both opportunities and constraints for political actors to pursue prostitution policy change.²³

While these developments at the transnational and European level drew attention to the issue of trafficking, the situation also changed substantively at the street level in Oslo, as Nigerian women arrived on the scene in 2003. While street prostitution had long been dominated by foreign women, the number of Nigerian prostitutes increased from two in 2003 to 128 the next year and approximately 400 by 2006.²⁴ Additionally, partly in response to increased police presence in the traditional prostitution area, street prostitution moved from the backstreets in Kvadraturen, near Oslo Central Station, to the Karl Johan street.²⁵ A boulevard stretching past the parliament, Oslo university, the national theatre up to the royal castle, Karl Johan street is a national monument in itself, a site for tourism, shopping and night life, but also for parades on the 17th of May, Norway's national holiday.

A handful of studies have sought to analyse how Norwegian press covered the sudden arrival of Nigerian prostitutes in the main cities of Norway. Synnøve Økland Jahnsen argues that media narratives revolved around three conflicts: the 'Norwegian prostitution market', emphasising competition between women of different ethnic origins offering sexual services; the 'Norwegian lines of tolerance

²³ Holmström and Skilbrei, *Prostitusjon i Norden*.

²⁴ However, fieldworkers claimed that the number of prostitutes had not increased: it was their attitude and skin colour that made the Nigerian prostitutes such a salient problem. For instance, Liv Jessen of the Pro-Senteret claimed that according to their estimates, the number of prostitutes had modestly increased from 562 to 704 in the course of 15 years. *Aftenposten* Aften 2006-06-29, *Halve Oslo vil forby sexkjøp*, cf. Stridbeck, "Prostitusjon i Norge: Realiteter, politikk og regulering," 54; Jahnsen, "Women who cross borders," 1.

²⁵ Jahnsen, "Women who cross borders," 45.

and decency’, describing a conflict between prostitutes and ‘regular citizens’ in the use of public space; and ‘a global sex market’, which emphasises unequal relations between women and men and between Norway and Nigeria.²⁶ Nigerian women in prostitution were portrayed, paradoxically, as both illegal aliens exploiting Norwegian men and as victims of cynical networks of trans-border crime.²⁷ May-Len Skilbrei, too, discusses how recent public and political debates, both nationally and locally, have dealt with the phenomenon of Nigerian prostitutes in the streets of Oslo.²⁸ Skilbrei notes that while traditional discourses victimise prostituted women, the terms of debate shifted in these years, casting “regular Norwegian men” as victims of aggressive marketing of sexual services, while the Nigerian women were singled out and blamed for pushing their trade in the wrong place (Karl Johan street) and in the wrong way (too aggressively). In effect, prostitution by Norwegian women, if not simply neglected, was construed as more orderly and less disturbing. As Simonsen argues, mass media rarely sought to provide nuanced, multi-faceted narratives, but rather downplayed the complex character of the problem.²⁹ And as Jahnsen, Skilbrei and Simonsen all note, it’s hard to underestimate the symbolic importance of the Karl Johan street in the national context of Norway, and thus, public discourses not only construed prostitution as a nuisance for Norwegian men, but also as a taint on the pride of the capital and the nation.³⁰

In 2006, the issue of the Nigerian prostitutes surfaces on the political agenda. In April, Christian Tybring-Gjedde, MP of the Progress Party (FRP), suggested to reinstate paragraph 378 of the Penal Code, which banned “unambiguous exhortation or lewdness”. This, he argued, would mandate the police to target prostitutes and beggars on the streets of the capital, while safeguarding “the right of Norwegians to walk undisturbed on the Karl Johan”.³¹ In the ensuing debate, MPs Marit Nybakk (AP) and Ågot Valle (SV) sharply rebutted that the focus of

²⁶ Jahnsen, “Women who cross borders.”

²⁷ cf. Simonsen, “Ubehaget i journalistikken: Verden midt i blant oss,” 305f.

²⁸ Skilbrei, “Nigeriansk prostitusjon på norsk: Feil kvinner på feil sted.”

²⁹ Simonsen, “Ubehaget i journalistikken: Verden midt i blant oss.”

³⁰ Skilbrei, “Nigeriansk prostitusjon på norsk: Feil kvinner på feil sted,” 174.

³¹ Skilbrei 176, Simonsen 307f.

debate should be on sexual slavery and how organised criminal networks kidnap, violate and kill women. Moreover, in the summer of 2006, [the city's governing right-wing coalition] proposed to Oslo City Council to prohibit by local ordinances "the offering of sexual services in an aggressive or embarrassing way or in any other way that disturbs public peace, order and traffic."³² After minor changes, the Progress Party, Labour, and the Conservatives (H) voted in favour, to the opposition of the Socialist Left Party (SV) and the Liberals (V). However, the Police Directorate eventually refrained from implementing the decision.³³

Thus, this is where the decisive shift in the surrounding ideational framework occurs: It locks the political focus to the twin complex of transnational trafficking and the Nigerian prostitutes in the streets, which eclipsed alternative problem constructions. But policy entrepreneurs yet had to take advantage fully of the opportunity provided by this sea change in the political environment, and present the sex purchase ban as the proper solution.

Building support for the ban

At the same time as mass media increasingly reported on the Nigerian prostitutes in the streets of Norway's main cities, the CPSS policy proposal passed critical landmarks. In 2006, the Norwegian Confederation of Trade Unions (NCTU) congress decided to support a CPSS law, a decision which, as expected, had a strong impact on the centre-left coalition government, and the Centre Party came out in favour of criminalisation. A year later, after intense debates where the parties' leadership faced harsh defeats, the congresses of the Socialist Left Party (SV) and the dominant Labour Party (AP) decided to support a sex purchase ban. Hence, by April 2007, criminalisation had gained the necessary support by the government parties, and could pass the final hurdle in parliament. However, this

³² Skilbrei 170.

³³ Interestingly, the Oslo police seem to provide expert knowledge useful to policy entrepreneurs while also actively advocating criminalisation. Throughout the process of policy change, police spokespersons publicly argued that a ban would reduce the extent of prostitution and the associated disturbances of public order, and make Norway a less attractive destination for cross-border trafficking (Aftenposten Aften 2006-06-29, *Halve Oslo vil forby kjøp av sex*; Dagsavisen 2007-04-01, *Politiets hallikjegere vil forby sexkjøp*). Agnete Strøm also describes how the Women's Front met high-ranking police officers###.

turning of the tide in 2006–7 raises the question whether this sudden change was triggered or related to, explicitly or implicitly, a corresponding sea-change in the broader public discourse. As we shall see, while policy proponents not always referred explicitly to the phenomenon of Nigerian women selling sex in the streets of Oslo, they almost exclusively presented the sex purchase ban as a solution to the problem of cross-border trafficking.

The NCTU and the Centre Party come out in favour of CPSS

In the 1990s, trade unions became a battle ground for prostitution policy in Norway. In 1992, prostitutes marched with the 1 May demonstrations in Oslo and elsewhere, demanding the right to be organised as sex workers.³⁴ Radical feminists, sprung out of the Joint Action, countered by lobbying trade unions to “take a stand against prostitution and against legalizing prostitution as ‘work’.”³⁵ However, from the 1990s onward, the issue of trade unions and prostitution seems to have been debated primarily in terms of conventional categories of gender equality and (sex) workers’ rights, whereas the transnational dimension was less salient.

In 2006, the NCTU decided to support criminalisation. In her 1 May speech, NCTU president Gerd-Liv Valla publicly endorsed criminalisation, arguing that Norway should follow Sweden’s example.³⁶ In September, the NCTU gathered a national conference on prostitution and trafficking, where Valla stated that the union declined recognising sex work and organising prostitutes. While she argued that Norway had become an open and attractive market for the “sex industry”, she underlined that the NCTU supported criminalisation not in order to clean the streets, but as an expression of the equal worth of women and men.³⁷ Other proposals circulating at the same time suggested that the trade unions should fire

³⁴ Renland, “Fra medsøstre til ofre, horer og streikbrytere.”

³⁵ Strøm, “A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway.”

³⁶ Klassekampen 2006-05-02 *Noreg må forby kjøp av sex*

³⁷ Klassekampen 2006-09-08 *Vil kriminalisera*

representatives and employees who, in Norway or elsewhere, pay for sexual services (one trade union eventually decided on such a policy).³⁸

The next obstacle was passed in June 2006, as the eleven MPs of the Centre Party (SP), the smallest party of the governing red-green coalition, came out in favour of a sex purchase ban. Inga Marte Thorkildsen (SV), a critic of an outright sex purchase ban, had proposed to follow the Finnish example and criminalise only the purchase of sexual services from victims of trafficking.³⁹ In response to Thorkildsen's proposal, Erling Sande, SP's criminal policy spokesperson, argued that "nobody can deny that prostitution had increased in Oslo" and that a wholesale ban of the purchase of sexual services would more efficiently curb trafficking:⁴⁰

The Centre Party has decided to support the criminalisation of the purchase of sexual services. We do so because trafficking in human beings is increasing. In our view, it is double standards to condemn, on the one hand, human trafficking, while on the other hand having a legal market for it in Norway.⁴¹

Press commentaries saw the decision as a response to the Nigerian women selling sex in the Karl Johan Avenue.⁴² But as the other coalition partners were bound by decisions at their congresses to reject criminalisation, and, moreover, as the party leadership and government ministers of both SV and AP were outspoken opponents, time was not yet ripe for adopting a sex purchase ban.⁴³

The SV congress in 2007

At the SV party congress, CPSS turned out to be one of the most contentious issues. At the two previous congresses (2005 and 2003), CPSS had been turned

³⁸ Aftenposten 2006-10-08 *Vil sparke sexkjøpere*, Aftenposten 2006-11-09 *Forbyr sexkjøp*.

³⁹ In 2005, Finland's Centre-Social Democrat coalition government had introduced a bill that would have resulted in criminalisation, yet after heated debate, parliament rejected the bill in the summer of 2006, instead penalising only the purchase of sexual services from victims of human trafficking.

⁴⁰ Aftenposten 2006-11-06, *Har ikke flertall*

⁴¹ Aftenposten 2006-06-16, *Sp vil forby sexkjøp*; Aftenposten Aften 2006-06-29, *Halve Oslo vil forby kjøp av sex*

⁴² Klassekampen 2006-06-16, *Fri eller tvungen*.

⁴³ In response to SP's decision, Anne Marit Bjørnflaten (AP) and Olav Gunnar Ballo (SV) underlined that their respective parties had rejected criminalisation (Aftenposten 2006-11-06, *Har ikke flertall*).

down, with narrow margins. The pro-CPSS wing was fronted by the Socialist Youth and its leader, Kirsti Bergstø, as well as the party branch in Hordaland county. Deputy Chairman Audun Lysbakken also strongly favoured CPSS. On the other side, MP Inga Marte Thorkildsen, a lone voice who had gained majority against CPSS on the past few congresses, was backed by party Chairman Kristin Halvorsen, and other influential female politicians, such as MP Karin Andersen.

Interestingly, while arguments about trafficking figured in the debates, the opponents of criminalisation seem to have insisted on debating prostitution in general terms, focusing for instance on the need for social policy measures to help women out of prostitution. Proponents of CPSS, by contrast, seem to have mainly construed the problem to which they presented criminalisation as a solution, as transnational trafficking. Bergstø argued that the absence of a ban made Norway attractive for trafficking.⁴⁴ “We are in favour of criminalising whore customers, in order to curb trafficking”, a regional party leader argued.⁴⁵ Similarly, Lysbakken:

We must, as a society, say what we think of buying another human being and of selling women and children across national borders. Criminalisation of sexual purchases is one of the measures we can take.⁴⁶

Halvorsen also referred to the new forms of street prostitution in the past few years:

Many people witness prostitution that is much more aggressive and visible in several Norwegian cities. Many women experience it as offending, and wishes it to go away.⁴⁷

While Halvorsen also referred to the experiences of prostitutes and social workers she had talked to and argued that their opinion should be given the greatest weight, Bergstø claimed that Halvorsen and Thorkildsen had been duped by the ProSenteret, a field work centre in Oslo, the leader of which Liv Jessen

⁴⁴ Klassekampen 2007-03-24, *Slåss om kriminalisering*

⁴⁵ Ola Huke, fylkesleder, Sør-Trøndelag SV.

⁴⁶ Audun Lysbakken, Dagsavisen 2007-03-24, *Kamp om sexkjøp*

⁴⁷ Kristin Halvorsen (SV), Dagsavisen 2007-03-24

consistently argued against criminalisation.⁴⁸ They also disagreed as to whether the Swedish experience supported criminalisation or yet needed to be thoroughly evaluated.

Proponents of the ban, such as Lysbakken, also referred to the upcoming AP congress as a strategic opportunity not to miss.⁴⁹ With NCTU and SP already in favour, SV taking a stance for CPSS would influence the congress of the internally divided AP, too, and provide SV an opportunity to change the coalition government's policy.

After a long debate extending into the night, a majority of the 205 delegates voted in favour of CPSS, and the statement framed criminalisation of clients as a means to curb trafficking: "As long as the purchase of sexual services is allowed, Norway will be a coveted destination for trade in human beings [menneskehandel] and trafficking of foreign prostitutes."⁵⁰ The decision was reported as a victory for Lysbakken and the youth wing, and a defeat for Chairman Halvorsen, supported only by 74 (78?) delegates.⁵¹

Afterwards, a columnist in *Dagsavisen* claimed that the reason that the SV congress had turned in favour, was plain to see for anyone taking an evening stroll through Oslo city: "There, young Nigerian women walk from man to man in their hunt for a new whore customer. Trade in human beings [menneskehandelen] no longer takes place in the dark alleys around the Bank of Norway or in lugubrious basement brothels, but in the Karl Johan."⁵² Likewise, the left-wing daily *Klassekampen*, favouring criminalisation, commented that current domestic and international measures had done little to reduce street prostitution.⁵³ All in all, the trafficking discourse was dominant in the SV's internal debate. With the SV then

⁴⁸ *Klassekampen* 2007-03-24, *Slåss om kriminalisering*. *Dagsavisen* 2007-03-24, *Kamp om sexkjøp*.

⁴⁹ Audun Lysbakken: "Ap kommer til å ta dette opp på sitt landsmøte. Nå har vi muligheten til å gå foran. Tiden er moden for at SV tar dette standpunktet." (*Dagsavisen* 2007-03-24, *Kamp om sexkjøp*)

⁵⁰ *Aftenposten* 2007-03-25, *Vil kriminalisere horekunder*. However, the statement might also have proposed other measures than CPSS, such as working to change public attitudes and zero-tolerance for the PSS of civil servants (*Klassekampen* 2007-03-26, *Lovforbud*).

⁵¹ *Aftenposten* 2007-03-25, *Vil kriminalisere horekunder*; *Dagsavisen* 2007-03-25 *Kristins nederlag*

⁵² *Dagsavisen* 2007-03-25 *Kristins nederlag*

⁵³ *Klassekampen*, 2007-03-26, *Lovforbud*

in favour of CPSS, two out of three parties of the governing coalition were in favour, and the CPSS proposal just had one final hurdle to pass: The Labour Party.

The AP congress in 2007

The tipping point was the Labour Party congress in mid April 2007. Two years earlier, the congress had turned down criminalisation. This year, too, party leadership argued against the proposal, suggesting instead to give government more time to consider the issue, in a debate that stretched over several days.⁵⁴ Among those who entered the podium during the debate were party heavyweights such as Knut Storberget (Minister of Justice), Dag Terje Andersen (Minister of Industry), Helga Pedersen (Minister of Fisheries and vice party chairman) as well as Anniken Huitfeldt, leader of the women's network, who all endorsed postponing the decision.⁵⁵ Prime minister and party leader Jens Stoltenberg, however, did not declare a public opinion.

Storberget argued that while trafficking was already criminalised, a prohibition of the purchase would have little effect and would be difficult to enforce. Moreover, he feared that prostitution would move indoors, making prostitutes more vulnerable and dependent on traffickers, and said that no firm, unequivocal conclusions could be drawn from the Swedish experience.⁵⁶ Minister of Equality Karita Bekkemellem also passionately opposed criminalisation. In an interview, Bekkemellem said she feared that “the girls concerned would disappear under ground” and wished to wait until the Swedish experience had been thoroughly

⁵⁴ Before the congress, MPs Eirin Sund and Marianne Agdestein proposed to create a “red light district”, with health controls, taxation, audit and social rights for sex workers, in Oslo, Stavanger and other cities. Unsurprisingly, the proposal was dwarfed by the controversy on the sex purchase ban (Dagbladet 2007-04-19 *Bobler under Jens*).

⁵⁵ Previously undecided, Minister of Health Sylvia Brustad also publicly rejected criminalisation in the run-up to the congress, arguing that a ban would “force the business underground and lead to more brutal violence.” Foreign Minister Jonas Gahr Støre sought to mediate between the opposing camps, suggesting that the congress should initiate a process intending for a ban, while also considering other options (Dagbladet 2007-04-15 *Tviler seg til kompromiss*). Storberget similarly sought to modify his opposition to the sex purchase ban, endorsing Støre's compromise (Dagsavisen 2007-04-17 *Benekter klar motstand mot sexkjøp-forbud*).

⁵⁶ Dagsavisen 2007-03-29 ###.

investigated.⁵⁷ She also said that regardless of what the congress decided, “it is very important to work with other measures against prostitution and trafficking.” Eva Kristin Hansen (MP and ex-leader of the youth wing) voiced strong worries over the ban, but also acknowledged that many party members felt increasingly frustrated “that this problem just keeps growing and growing, and look for means to stop it”.⁵⁸ Two days before the congress decision, Anniken Huitfeldt met with prostitutes at Prosjenteret, and said that

it is a good social-democratic principle to listen to the people we wish to help, before we decide. In my view, the arguments for a prohibition fall short when meeting the girls who would be affected by such a prohibition.⁵⁹

Proponents of the ban included the youth wing AUF, the influential local branches in Oslo, Bergen, Trondheim, Sør-Trøndelag and Hordaland, and, as already noted, the influential Confederation of Trade Unions. In *Dagsavisen*, Jan Bøhler, of Oslo AP (but also a former member of the AKP), said that the shifting stance within the party was due to the increasing visibility of prostitution over the past couple of years, arguing that trafficking and prostitution had “gained a whole new volume” and that a prohibition would reduce the market.⁶⁰

The situation is more difficult than ever in Oslo and other major Norwegian cities. We must use legislation to draw the line. We don't want it to be such that you can buy victims of human trafficking in downtown Oslo.⁶¹

Similarly, ex-MP Ane Tømmerås claimed that the situation was “worse than ever” in Oslo:

It is more international, more organised, it occurs in more places and is more general. ... Norway has become a haven for international prostitution.⁶²

⁵⁷ *Dagsavisen* 2007-03-27 *Ap-kamp om sexkjøp*

⁵⁸ *Dagsavisen* 2007-03-27 *Ap-kamp om sexkjøp*

⁵⁹ VG 2007-04-20, *Sier nei til å forby sex-kjøp*

⁶⁰ *Dagsavisen* 2007-03-27 *Ap-kamp om sexkjøp*

⁶¹ *Dagsavisen* 2007-04-16 *Bøhler irritert på Støre*

⁶² *Dagbladet* 2007-04-20 *Norge et fristed for sexhandel*

During the congress, trade union representatives also argued for criminalisation, arguing that purchasing sex equals human trafficking, discrimination and abuse.⁶³

Interestingly, the internal division did not follow the traditional left-right dimension, as, for instance, some MPs associated with the party left were outspoken critics of the ban.⁶⁴ Moreover, many regional branches of the party had not discussed the issue, let alone taken a stance, in preparation for the congress, and even among those branches that had decided in favour of criminalisation, congress delegations were internally divided.⁶⁵ “It’s an important topic, but it’s far away from us, and we haven’t discussed it in the regional branch”, said Ingalill Olsen of Finnmark AP.⁶⁶ Hence, prostitution was mainly construed as city problem, even though the Finnmark district was the scene of a similar media focus on cross-border prostitution in the 1990s.⁶⁷

Outsiders also sought to influence the debate before the AP congress. Oslo City’s tourism manager Tor Sannerud endorsed criminalisation by reference to Nigerian street prostitutes, saying that “tourists do not expect to face such a city scene when they come to Norway’s capital, and many are very puzzled that this happens in one of richest cities of the world.”⁶⁸ Oslo police department also publicly criticised Storberget for resisting criminalisation and argued that a ban would reduce the extent of prostitution and the associated disturbances of public order, and make Norway a less attractive destination for cross-border trafficking.⁶⁹ Gunilla Ekberg, an adviser to the former Swedish government and a spokesperson for the Coalition Against Trafficking in Women, stated in an interview that “the difference in the volume of sales and purchases of Nigerian women shows with great clarity the difference between Sweden and Norway.”⁷⁰ Ekberg also implied that Norway was obliged by the Palermo Protocols to take

⁶³ Klassekampen 2007-04-21, *LO-kvinner går for forbud*

⁶⁴ Klassekampen 2007-03-27 *Åpen Ap-kamp om forbud*

⁶⁵ ###

⁶⁶ ###

⁶⁷ Stenvoll, “From Russia with Love?”

⁶⁸ Aftenposten 2007-04-16 *Rent og pent?*

⁶⁹ Aftenposten Aften 2006-06-29, *Halve Oslo vil forby kjøp av sex*; Dagsavisen 2007-04-01, *Politiets hallikjegere vil forby sexkjøp*.

⁷⁰ Klassekampen 2007-04-18 *Følg Sveriges eksempel*

measures to reduce the demand for sexual services. Mona Sahlin, leader of the Swedish Social Democratic Party, who visited the congress, dismissed the way opponents to the ban drew on the Swedish experience: “We are very satisfied with the result”, she said, although she refrained from advising the AP what decision to take.⁷¹

Opposing the ban, by contrast, Prosjenteret’s Liv Jessen argued that the sex purchase ban had done little to rid Sweden of the problem of trafficking, and that the number of people selling sex per capita was the same as in Norway.⁷² Meanwhile, female prostitute ‘Gitte’ reportedly gathered 200 signatures from prostitutes urging the AP to reject criminalisation, but MP Marit Nybakk (AP), a proponent of criminalisation, refused to accept the petition and ‘Gitte’ was denied entry to the congress.⁷³ In an interview, Nybakk said “There is no right to be a prostitute. We cannot allow sex slaves to be ravaged just because a Norwegian girl should have the right to sell herself.”⁷⁴

Eventually, though, 184 out of 300 delegates voted in favour of criminalisation, and both proponents and opponents rejected a compromise proposal from the editorial committee (which was internally divided too).⁷⁵ Press reported the decision as a victory for the youth wing, for influential regional branches of the party, including Oslo AP, and for certain members of parliament, who managed to win the support of the congress.⁷⁶ Böhler interpreted the decision as a means to solve the problem of Nigerian street prostitution in Oslo:

The congress wanted to take charge. It’s a matter of decency. It is a moral crisis that we have 700 Nigerian prostitutes in Oslo who are victims of degradation and exploitation.⁷⁷

⁷¹ Dagsavisen 2007-04-21 *Slakter Aps sexkjøp-notat*

⁷² Dagbladet 2007-04-18 *Kriminalisering er for lett vint*; Dagsavisen 2007-04-21 *Proaktiv*.

⁷³ Aftenposten 2007-04-17 *200 underskrifter fra prostituerte*, Aftenposten 2007-04-23 *Lederskap og feiltrinn*

⁷⁴ VG 2007-04-21 *Fanget i sin egen felle*

⁷⁵ Klassekampen 2007-04-23 *Stort flertall for forbud*

⁷⁶ Recognising the role of policy entrepreneurs outside political parties, Klassekampen praised the efforts of women’s organisations such as the Women’s Front and Ottar, who had met resistance from “Prosjenteret and PION, who fight for the prostitutes’ economic interests.” Klassekampen 2007-04-23 *Historisk*.

⁷⁷ Nationen 2007-04-23, *Vedtøk sexkjøp-forbud*

Presenting the bill

With all three coalition partners endorsing criminalisation (as had, previously, the Christian Democrats), a broad parliamentary majority now supported a sex purchase ban. A year later, in April 2008, Storberget presented the bill (Ot. Prp. 48 [2007-2008]) and the responses to the bill during the consultative hearing largely fit the dominant framing: Regardless of their stance on the issue of criminalisation as such, most instances seemed to regard the ban as a solution to the problem of cross-border trafficking, rather than other problems, such as gender inequality, social exclusion, etc.

And when the law was passed, finally, proponents justified it almost exclusively in terms of trafficking. Justice Minister Knut Storberget (AP), one of the fiercest critics of criminalisation only a year earlier, stated that the bill's purpose was to make Norway less exposed to trafficking:

[h]uman beings are not a commodity and criminalizing the purchase of a sexual act will make Norway less attractive for the traffickers. Our goal is to change attitudes, reduce the demand and thus reduce the potential market for the traffickers. Criminalizing shall not make the situation for women in prostitution worse; therefore the government will develop alternatives of livelihood for women in prostitution.⁷⁸

In sum, throughout these debates, the trafficking discourse seems to have eclipsed alternative understandings of what the of prostitution is. While opponents to CPSS seem to have relied more on alternative conceptions of prostitution, this is not to say that construing of prostitution as a social problem which has domestic roots, too, or as a problem of gender inequality, leads one to reject CPSS – it could well have been justified in those terms too, just as rejecting it could have been justified in terms of trans-border trafficking. But the fact that the debate actually took this path and that proponents achieved political and legislative success with such arguments, indicates that policy entrepreneurs could make use of the shift in public discourse and present the sex purchase ban as a solution to the twin

⁷⁸ Cited in Strøm, “A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway.”

problems of transnational trafficking and the Nigerian prostitutes in the streets of Oslo. Hence, the political discourse left little doubt that the purpose of passing the bill was to address the problem of trafficking as indicated by the presence of Nigerian street prostitutes in the Karl Johan.

SWEDEN

Early Legislative Activity, and the Rise of Gender Equality among Policymakers

The question of regulating prostitution has been frequently addressed by the Swedish *Riksdag* over the past three decades. Naturally, it is beyond the scope of this article to offer a comprehensive overview of the details associated with all of this parliamentary activity. Moreover, various aspects of the attempts by Swedish policymakers to regulate prostitution have been examined in a rich historiography (largely in Swedish, albeit with some shorter analyses in English) that has emerged in recent years.⁷⁹ In offering a condensed account of the Swedish case, our aim is to highlight how increasingly salient gender equality ideas were successfully deployed by pro-CPSS policy entrepreneurs. However, we do not argue that gender equality ideas constitute a sufficient condition in and of themselves to have resulted in CPSS. Rather, these ideas represent the principled beliefs grafted by pro-ban actors onto more broadly accepted causal stories of prostitutes as having abusive and vulnerable backgrounds.⁸⁰ Taken jointly, gender

⁷⁹As examples, see Claes Lernestedt & Kai Hamdorf, "Sexköpskriminaliseringen – till skydd av vad? – del I" nr 4/1999/2000, *Juridisk Tidsskrift*, pp. 846-859; Claes Lernestedt & Kai Hamdorf, "Sexköpskriminaliseringen – till skydd av vad? – del II" nr 1/2000/2001 *Juridisk Tidsskrift*, pp. 111-131; Hanna Olsson, "Från manlig rättighet till lagbrott: Prostitutionsfrågan i Sverige under 30 år", *Kvinnovetenskaplig Tidskrift*, No. 4, 2006, pp. 52-73; Susanne Dodillet, *År sex arbete? : svensk och tysk prostitutionspolitik sedan 1970-talet*. Stockholm: Vertigo Förlag, 2009; Petra Östergren, *Porr, Horor och feminister*. Stockholm: Natur och kultur, 2006; Arthur Gould, "The Criminalisation of Buying Sex: the Politics of Prostitution in Sweden" *Journal of Social Policy*, Vol. 30, No. 3, pp. 437-456, 2001; Yvonne Svanström. "Criminalising the John – A Swedish Gender Model?" in Joyce Outshoorn. (ed.) *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce*. (Cambridge: Cambridge University Press, 2004), 225-244, as examples.

⁸⁰Here, we are chiefly inspired by Deborah Stone, "Causal Stories and the Formation of Policy Agendas", *Political Science Quarterly*, Vol. 104, No. 2 (Summer, 1989), pp. 281-300, in which she offers a rationale for studying how causal stories are used to mobilize support: "Conditions, difficulties, or issues thus do not have inherent properties that make them more or less likely to be seen as problems or to be expanded. Rather, political actors deliberately portray them in ways calculated to gain support for their side. And political actors, in turn, do not simply accept causal models that are given from science or popular culture or any other source. They compose stories that describe harms and difficulties, attribute them to actions of other individuals or organizations,

equality ideas and accounts of abuse resulted in a line of argumentation that was a particularly effective discursive weapon, one that anti-CPSS actors found difficult to counter. As such, the Swedish CPSS debate of the 1990s sounded very little like its Norwegian counterpart.

Prior to the 1990s, three key instances of parliamentary activity stand out in terms of efforts by Swedish policymakers to grapple with the regulation of prostitution. First among these was the Sexual Crime Investigation, convened in 1972, with the final report released in 1976.⁸¹ Alongside discussions and proposals to redraft legislation regarding various aspects of the age of consent, incest and rape, the report also addressed prostitution. As Dodillet has shown, while some analyses have portrayed the report as advocating the complete deregulation of procuring, such was not the case. Rather, the report specifically identified both brothels and procuring as features of the commercial sex industry that were to be prohibited, and justified doing so on the basis of societal morals. Many of the author's proposals were deemed controversial, with some organizations filing official responses that criticized the report for not emphasizing the capitalistic nature of Swedish society and its links to sexual crimes, as well as the duty of the state to foster 'equal sexual rights'.⁸² The end result was the shelving of the report and the commissioning of two new separate parliamentary investigations, one addressing sexual crime, and one focusing on prostitution.

Second, the subsequent 1977 Prostitution Investigation was no less controversial. In this instance, however, a substantial amount of the attention was focused on the internal split between the chief investigator Inger Lindquist, on the one hand, and the secretaries and external experts on the other. According to the original chief secretary, Hanna Olsson, Lindquist's opposition to prostitution

and thereby claim the right to invoke government power to stop the harm." Of course, our emphasis here on linking ideas and causal stories should not be taken to exclude the significance of actors in bringing about this process. See Thomas Risse-Kappen, "Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War," *International Organization*, Vol. 48, No. 2, Spring 1994, pp. 185-214.

⁸¹ (SOU 1976:9) *Sexuella övergrepp: förslag till ny lydelse av brottsbalkens bestämmelser om sedlighetsbrott*.

⁸² Dodillet 2008, pp. 75-79.

being framed by the secretaries and external experts as stemming from patriarchal society led her to replace the original staff and attempt to shelve their report.⁸³ Olsson depicts the mindset of Lindquist pointedly, stating that she neither wanted their analysis published, nor did Lindquist believe that their texts should have been read by members of parliament.⁸⁴ Östergren suggests that this sharp divide between the two, if not inevitable, was certainly evident from the outset of the investigation, with Olsson openly announcing her opposition to prostitution, while Lindquist remained ambivalent about the potential effects of criminalization.⁸⁵ With new secretaries and external experts in place, Lindquist's report was presented to parliament in 1981. While maintaining that prostitution in Sweden had fallen since the early 1970s, certain actions were still necessary in order to bring about its further reduction. Chief among these was the prohibition of public pornographic performances (the only proposed measure enacted), as well as criminalizing the purchase of sexual services from a prostitute under the influence of narcotics, a broader application of existing legal measures against procurement, and allowing for prosecution of landlords with knowledge that a property had been let to those involved in procurement. The Lindquist report was explicit in condemning prostitution as being inconsistent with a society valuing individual freedom and equality of the sexes. Despite this, criminalization was not proposed, as doing so was deemed likely to have multiple undesirable consequences, including: pushing the sex trade underground, placing female prostitutes at risk, creating enforcement difficulties, and being unlikely to act as a meaningful deterrent.⁸⁶

⁸³ Olsson 2006, p. 62.

⁸⁴ Op. cit. The dismissed secretaries and external experts subsequently published their findings as Arne Borg, *Prostitution. Beskrivning. Analys. Förslag till åtgärder* (Stockholm: LiberFörlag, 1981).

⁸⁵ Östergren 2006, p. 276. In 1990, Lindquist still did not advocate criminalization. While rejecting policies that merely sought to regulate the existence of prostitution, Lindquist stated that criminalization would be an "arbitrary law with class overtones." See *TT Nyhetsbanken*, "Omöjligt att lagstifta bort prostitutionen" 1990-02-14.

⁸⁶ See *Prostitutionen i Sverige, bakgrund och åtgärder* (SOU 1981:71). For the subsequent government proposition arising from the Lindquist report, see Regeringens proposition 1981/82:187: *Om vissa åtgärder mot prostitutionen*. A subsequent parliamentary report on sexual crime was released in 1982. Here too, CPSS was rejected in favor of further measures to combat procurement. See *Våldtäkt och andra sexuella övergrepp* (SOU 1982:61).

Yet, while this wave of legislative activity in the 1970s and 1980s did not result in the adoption of a CPSS ban, a specific understanding of gender equality had been taking hold among Swedish political elites and relevant actors within civil society. As Sainsbury has shown, a gradual process unfolded from the late 1960s to the mid-1990s, in which a broadly categorized women's movement effectively redefined women's issues as matters of *gender equality*. This "discursive turn" is judged to have been strategically crucial, in that goals of the Swedish women's movements could no longer be regarded as particularistic when advanced under the mantle of more general societal norms central to democratic societies, namely equality and democracy.⁸⁷ *Gender equality* should, in the context of the political strategies of the Swedish women's movement, be understood as having a very specific meaning and strategic function. In terms of the former, gender equality is characterized by an emphasis on equal outcomes for men and women, as opposed to merely equal opportunities. Moreover, state interventionism is regarded as a particularly powerful and important instrument in the campaign to attain gender equality.⁸⁸ In terms of the latter, gender equality differs from the Marxist-inspired emancipatory term of 'equality' (understood as more broadly targeting the eradication of class differences) in that it explicitly identifies a particular variant of equality. By focusing on gender as a category of equality, the term provided an explicit rallying call for women's movement goals, regardless of political affiliation, and also facilitated the inclusion of similarly-oriented men.⁸⁹ Epistemic actors in Sweden contributed conceptual tools that facilitated a gendered analysis of existing conditions preventing the attainment of gender equality. Perhaps most prominent among these would be historian Yvonne Hirdmann, who popularized the term "genus system" in the late 1980s, characterized by two related principles: a logic of dichotomy, in which male and female attributes are to be kept distinct, and a logic of hierarchy, in which men are

⁸⁷Diane Sainsbury, "Women's Political Representation in Sweden: Discursive Politics and Institutional Presence", *Scandinavian Political Studies*, Vol. 27, No. 1, 2004, pp. 65-87.

⁸⁸Op. cit. p. 68.

⁸⁹Op. cit. p. 70.

considered the societal norm.⁹⁰ Such broader analyses dovetailed nicely with existing Scandinavian scholarly research that was focused more narrowly on the commercial sex trade, wherein an explicit emphasis was placed on the unequal power relations that were assumed to be inherent in the prostitute-client relationship.⁹¹

From the 1970s through the 1990s, successive Swedish governments made steadily increased reference to gender equality in conjunction with bills presented to the parliament. In the 1970s, the term appeared 637 times, in the 1980s gender equality was mentioned 732 times, and in the 1990s, gender equality is referred to 866 times in government bills.⁹² Governmental activity focusing on gender equality during this period included the appointment of several investigative committees, leading to a number of major reports, including “Women in State Service” [*Kvinnor i statlig tjänst* (SOU 1975:43)], examining the working conditions of women working within the state; “Steps On The Way” [*Steg på väg* (SOU 1979:56)], resulting from the 1975 UN Women’s Conference in Mexico City, in which states were called upon to develop a national gender equality plan; and, “Every Other Seat For A Woman” [*Varannan damernas* (SOU 1987:19)], charged with identifying strategies for increasing women’s political representation.

While women made significant gains in terms of parliamentary representation, the outcome of the 1991 parliamentary elections, in which the number of female MPs fell by four percent to 34%, represented something of a formative moment for contemporary Swedish politics. According to Rothstein, a formative moment is “distinguished by the fact that existing political institutions (are) so incapacitated as to be incapable of handling the crisis.”⁹³ Of course, we by no means argue that the reduction in the number of women MPs constituted a

⁹⁰ Yvonne Hirdmann, “Genusssystemet – reflexioner kring kvinnors sociala underordning,” *Kvinnovetenskaplig tidskrift*, nr 3, 1988, p. 51.

⁹¹ Stig Larsson, “Paradigmskifte i skandinavisk könshandelsforskning”, *Nordisk Socialt Arbete*, nr 1, 1990, pp. 3-14.

⁹² Data calculated by keyword search “jämställdhet” for each parliamentary session, 1971 through 1999/2000 at <http://www.riksdagen.se>.

⁹³ Bo Rothstein, Explaining Swedish Corporatism: The Formative Moment, *Scandinavian Political Studies*, Volume 15, Issue 3, September 1992, Pages: 173–191.

genuine dire threat to the workings of Swedish parliamentary democracy. Yet, there is no question that the political fallout of the election constituted a very real challenge to the existing cleavage structure. Specifically, in the period leading up to the subsequent 1994 parliamentary election, a feminist network, *Stödstrumporna* (Support Stockings) emerged, threatening to run candidates in the election, if the established political parties did not field a greater number of female candidates and put more emphasis on issues of gender equality.⁹⁴ Briefly, key figures in the SAP women's organization, S-kvinnor, floated the claim that some members were considering defecting from the party and running its own slate of candidates, claiming inspiration from the establishment of *Stödstrumporna*.⁹⁵ The result of this ad hoc pressure group activity was clear, with many Swedish political parties, most notably the Social Democrats, integrating issues central to women's movement into the mainstream of party concerns. The 1994 election saw an increase in the number of female MPs to forty percent, and the Support Stockings faded from the political limelight. However, gender equality ideas were now increasingly entrenched within the SAP, the government, and other parliamentary parties. As Gourevitch has observed, "To become policy, ideas must link up with politics, the mobilization of consent for policy. Politics involves power. Even a good idea cannot become policy if it meets certain kinds of opposition, and a bad idea can become policy if it is able to obtain support."⁹⁶ Gender equality ideas had now found a significantly broadened and secure base of power within the Swedish political establishment, and would effectively be drawn upon in order to promote CPSS.

The 1995 Sex Trade Report: Origins, Proposals and Public Comments

The impact of the political fallout from the 1991 parliamentary elections upon the Swedish prostitution debate did not need to wait an additional election cycle. In December 1992, Liberal Minister of Gender Equality Bengt Westerberg

⁹⁴ *Expressen*, "Det är som en gerillarörelse" 1992-01-17, and *Expressen*, "Stödstrumpa med karltycke". 1992-04-30.

⁹⁵ *Dagens Nyheter*, "S-kvinnor vill bilda eget parti" 1992-02-21

⁹⁶ Gourevitch, P. A. (1989). Keynesian politics: The political sources of economic policy choices. In P. A. Hall (Ed.), *The political power of economic ideas: Keynesianism across nations* (pp. 87-106). Princeton, NJ: Princeton University Press. Pp. 87-89.

announced that an investigative committee would be appointed to map out the extent of prostitution-related activity, nearly one decade after the last such effort. Even with this initial announcement, it was made explicit that the question of ‘criminalizing the john’s activity would fall under the report’s remit.⁹⁷ Westerberg appointed the former ombudsman for gender equality, Inga-Britt Törnell to the post of sole investigator for the report. In comments to the press in conjunction with her appointment, Törnell emphasized the difficulty of making a decision as to whether or not prostitution should be criminalized:

Through criminalization, state authorities take a stand against prostitution. On the other hand, it could push (prostitution) further into the dark. As such, it’s a very difficult and sensitive question. Spontaneously, I believe that we should be offering help and support to those who risk become trapped in prostitution.⁹⁸

Shortly thereafter, Westerberg also ordered the establishment of the Women’s Violence Commission (*Kvinnovåldskommissionen*), whose mandate was “from a women’s perspective, to conduct an overview of questions that have to do with violence against women and propose remedies for counteracting such violence.”⁹⁹ At this early stage in the reform process, prostitution and women’s violence had been made the remits of different investigative bodies. Yet, the two issues would subsequently be formally merged under one piece of proposed legislation, reflecting the degree to which a gendered analysis had become central to the understanding of prostitution as a problem and the policies that were thought an effective remedy.

Despite initial reservations towards criminalizing prostitution, Törnell’s final report, *The Sex Trade*, [*Könshandeln* (SOU 1995:15)] proposed just that. Characterizing prostitution as a phenomenon inconsistent with modern society, Törnell argued that the ability of men to purchase access to female genitalia in order to satisfy their own sexual desires went against efforts to ensure gender equality between men and women. Similarly, the commercialization of sexuality

⁹⁷ *Expressen*, “Westerberg till attack mot könshandeln” 1992-12-08.

⁹⁸ *Dagens Nyheter*, “Prostitutionen utreds igen. Kriminalisering svår fråga för före detta JämO” 1993-03-13.

⁹⁹ Prop. 1997/98:55, *Kvinnofrid*, p. 19.

inherent in prostitution was deemed at odds with the prevailing views of democratic society. The commercial sex trade was argued to undermine the physical and psychological well-being of female prostitutes, with assault, substance abuse and mental health problems all considered side-effects of engaging in sex work.¹⁰⁰ While acknowledging the potential for a criminalization of prostitution to result in the sex trade being pushed further underground, an increase in procurement, and a variety of challenges associated with enforcement, Törnell argued that criminalizing both the buyer and the seller was desirable. In motivating her stance, Törnell maintained that doing so would serve an important normative function, bringing about increased gender equality and signaling societal opposition to the sex trade. Criminalization was assumed to have a deterrent effect for both buyers and sellers, and was seen as a device for women to resist efforts to get them to enter the sex trade.¹⁰¹ Interestingly, months before the report was released, Törnell was quoted in media reports as rejecting the CPSS stance, as such a policy would ‘go against principles of gender equality’, allowing for women to be portrayed as victims and lacking in agency.¹⁰² Not unlike prostitution reports commissioned by previous Swedish governments, the Törnell report was also plagued by a fair degree of controversy and internal dissent. Professor Sven Axel Månsson, one of the academic experts appointed to the report, resigned in protest at Törnell’s public comments, and also announced his support for the CPSS stance.¹⁰³ Two other experts assigned to the report wrote separate dissenting opinions criticizing Törnell’s conclusions, one calling for no criminalization, while the other advocating CPSS.¹⁰⁴

When looking at the written responses submitted by various actors (both state and non state), roughly 40% opposed the call to criminalize both the buyer and seller, and instead supported the CPSS stance.¹⁰⁵ Ultimately, we think there

¹⁰⁰ *Könshandeln* (SOU 1995:15).

¹⁰¹ *Förbud mot köp av sexuell tjänst En utvärdering 1999–2008* (SOU 2010: 49) pp. 70-71.

¹⁰² *TT Nyhetsbanken*, “Utredare vill kriminalisera prostitutionen” 1994-11-24.

¹⁰³ *TT Nyhetsbanken*, “Expert hoppa av prostitutionsutredning i protest” 1994-11-29.

¹⁰⁴ *Könshandeln* (SOU 1995:15)

¹⁰⁵ It seems that there is no shared consensus among scholars as to how the responses break down in terms of stance. For alternate assessments, see BRÅ “Förbud mot köp av sexuella tjänster: Tillämpningen av lagen under första året” (2004), p. 14, Dodillet (2008) pp. 382-383 and

is little to be gleaned from comparing the numbers of those for or against a specific proposal, as one needs to take into account that some responses represented the views of only one individual, while others represented the executive bodies of large regional governments. Rather, the value of these written responses comes in examining how arguments for a specific policy preference were articulated – in this case, those who supported CPSS. Of particular interest are those that developed a logic for why Törnell's proposal ought to be rejected and why CPSS ought to emerge as the eventual policy option. Common to many of these more elaborated statements was a combined emphasis on the desire for broader societal equality, and how this would be undermined if already vulnerable women were to have their actions characterized as criminal. In some instances, ideas about gender equality, while a component in the logic, were not given explicit prominence, such as in the case of *S-kvinnor*:

At its core, prostitution is, as the report has shown, an unequal relationship. The majority of prostitutes find themselves in a very vulnerable position. This is reflected in, among other things, the injuries of a physical, psychological and social character that impact female prostitutes to a great extent. Therefore, it should only be the customers' actions that are criminalized. An additional reason for this is that purchasers of sexual services are more difficult to locate, and, in a situation where both parties are criminal, the police will direct their activities against prostitutes. The risk, in practice, is apparent that it would just be the one party, that is the women, who would be charged and punished. In that sense, an unequal situation would only be reinforced.¹⁰⁶

In other instances, such ideas received a much greater pride of position, as in the written comments submitted by ROKS (The National Organization of Women's Shelters in Sweden):

ROKS believes that the structural societal perspective as to male dominance and female subordination is the overarching explanation for the occurrence of prostitution... The sex trade is not a trade based on equal conditions... The fundamental stance in all work with prostitution ought to be: No prostitution is voluntary! We

Lernestedt and Hamdorf, p. 856.

¹⁰⁶ S-kvinnors yttrande över prostitutionsutredningens betänkande, SOU 1995:15

categorically reject the investigator's proposal that both partners in 'the sex trade' should be criminalized.

....

We propose a criminalization of only the purchaser. In the supporting documentation (to the report), it is clearly confirmed as to the power relation between the parties: the 'seller's' powerlessness, resulting from drugs and alcohol, sexual assault in childhood – 80% to 90% according to research, low self-esteem, etc. If one these adds a gender equality perspective to the discussion, the logic stops abruptly.¹⁰⁷

The explicit linkage between gender equality ideas and a conviction that CPSS was necessary to protect vulnerable women was also articulated by bourgeois political organizations, such as the Women's Association of the Center Party (*Centerkvinnorna*):

...it's time for society to mark its stance against those men who use psychologically and socially vulnerable women (and sometimes men) as goods for purchase. The sex trade is no business agreement between equal partners. Therefore, the report's proposal that both the buyer and seller of sexual services should be criminalized is unacceptable. Such a decision would constitute a societal signal that such activity occurs under equal conditions.

Instead, it is the case that most women (and men) who are prostitutes have often been exposed to sexual assault as children. Many suffer from self-hate, have serious drug problems and live in social misery. By criminalizing the purchaser of sexual services, as we propose, society instead sides with the vulnerable party. It also marks the responsibility of those who find themselves in the socially superior position, namely the male purchaser. Criminalizing those who purchase sexual services, that is to say the customers, will also be a way to have an impact on male attitudes towards women in the long run.¹⁰⁸

The next major setting in which gender equality ideas would be nested alongside notions of victimhood about would be the 1997 SAP party congress, where the party would take a stance in support of CPSS, against the wishes of the party leadership.

¹⁰⁷ ROKS, Betänkande av 1993 års prostitutionsutredning "Könshandel"

¹⁰⁸ Centerkvinnorna, Yttrande: SOU 1995:15

The Governing Social Democrats Take A Stance

Five months before the SAP government would publish its bill proposing CPSS, party delegates met for the annual congress (dubbed the ‘Congress of the Future’) in the northern city of Sundsvall. Four party districts, including two from the major urban areas of Stockholm and Göteborg, had submitted motions calling for the party to adopt a CPSS stance.¹⁰⁹ In rejecting the calls from these districts, party leadership did not deny the central role of a gendered analysis in addressing prostitution:

(Prostitution) involves women being exploited and degraded and it counteracts our striving towards equality between men and women...The party central committee considers it out of the question to criminalize prostitutes. That would be inhumane and lead to the women being put en par with her exploiter. Prostitution is one of the most extreme consequences of man’s domination and women’s subordination.¹¹⁰

Despite affirming the significance of ideas concerning gender equality for analyzing prostitution, the central committee nonetheless opted to oppose any form of criminalization, not by invoking competing normative ideas, but rather by reference to assumed difficulties of implementation thought to render CPSS ineffective:

First, there is the difficulty that, regardless of whether (criminalization) applies to one or both partners, drawing a sufficiently clear distinction as to the occurrence of a criminal activity. Moreover, both the prostitute and the purchaser lack any interest in having the crime revealed, which leads to additional difficulties in proving criminal activity...Another reason is that prostitution would likely become even more invisible than it is today and, as a result, be more difficult to control. This could lead to an increased risk of violence and assault of prostitutes.

///

The advantages (of CPSS) are insufficient when weighed against the

¹⁰⁹ A similar motion had been introduced at the 1996 party congress, but had been deflected by the party central committee on the basis of the issue still be under preparation in the Department of Social Affairs. See Socialdemokraterna., *Partistyrelsens utlåtande över motionerna 1056:1-2, Utlåtande*, 15-17 March 1996, p. 139.

¹¹⁰ Socialdemokraterna, *Partistyrelsens utlåtande över motionerna om “Strategi för välfärd: Framtidskongressen Sundsvall 1997”* p. 33.

disadvantages. There is often an excessive degree of faith in criminalization as society's only way to should strong engagement in a question. But, as long as criminalization can't be shown to have an effect, and as criminalization of only one party is not a navigable way forward, and as long as there is a better alternative to criminalization – social measures – then the central committee believes that there is not cause for introducing criminalization.¹¹¹

In the debate that followed, heated rhetoric occasionally framed the vote as having dire consequences in the struggle for gender equality, as witnessed in the remarks of Carina Brandt, who implored:

If (this vote) goes so far as to a roll call, you should know that the green button stands for continued exploitation of society's daughters and the red button for stop! Comrades, push the red button!¹¹²

In the face of this, Minister of Gender Equality Laila Freivalds sought to defend the central committee's anti-criminalization stance through a reiteration of the difficulties in combating prostitution that would result from CPSS, making reference to both the increased likelihood that a ban would push the sex trade further underground and that other states that had tried criminalization, such as Canada, had been unsuccessful. Her remarks led to an interesting exchange with *S-kvinnor* chair Inger Segelström, one that highlights the way in which epistemic actors are selectively inserted into the debate by actors on different sides of the prostitution policy debate. In challenging the claims of those who saw CPSS as likely to have positive effects, Freivalds reminded the congress of the critical assessment of police officials:

According to law enforcement officials in the four cities where prostitution occurs today, three of those believe that criminalization would make their work more difficult. One of the county police chiefs puts it like this: The women get to pay the highest price for an eventual criminalization. The police and the women have built up a relationship that protects the women. That would be torn down.¹¹³

¹¹¹ Op. cit., pp. 33-34.

¹¹² Socialdemokraterna, *Protokoll: Framtidskongressen, Sundsvall 8-14 September 1997, (del 3)*. p. 202.

¹¹³ Op cit.

Segelström's response acknowledged that the broad cluster of law enforcement officials had lined up against the ban, but suggested that there were other important actors whose views had to be considered:

The police, prosecutors and lawyers are against criminalization. But the politicians on the city councils in Stockholm, Göteborg and Malmö have said that it is time to criminalize, because this situation can't be dealt with any longer. Who rules -- the politicians or the lawyers? Vote the right way!¹¹⁴

Again though, CPSS proponents meshed gender equality ideas together with accounts of victimhood, and in doing so, argued that the result was a compelling logic that should take precedent over any concerns that a ban might be counterproductive. Such a stance was perhaps most concisely articulated in the comments of Christina Palmqvist, who maintained that:

Prostitution can't, in all likelihood, be fully legislated away, but via the criminalization of 'johns', we take a stance that it's not in keeping with our view of humanity to exploit the economically weak partner who has difficulties and, who instead, needs our help. Prostitution is the confirmation of women's subservience both in terms of power and in terms of economics. 'Now I've paid and now you're going to do as I say!' That's the 'message of the john'.¹¹⁵

In a debate where only two of the eighteen speakers supported the line of the party leadership, and in which a prevailing sense among opponents was that prostitution constituted a direct expression of female oppression, the outcome can be seen as a foregone conclusion. The SAP decided to show that, in the words of Segelström, as “the world's most gender equal party in the world's most gender

¹¹⁴Op. cit. p. 203. Freivalds' response is interesting in that it highlights the question as to the appropriate relationship between policymakers and those experts who supply them with pertinent information: “Inger, you do agree that politicians should make use of knowledge, and of those in society who carry out the duties that we've charged them with? If politicians want to be decisive and that results in a tougher job for those people, then isn't there cause for us to listen to them? We politicians have a duty to fight prostitution. Much remains to be done. I can understand that politicians on city councils, who haven't been able to get rid of prostitution, will feel frustrated. But there are paths to take in order to continue, and to increase, our efforts to get rid of prostitution and to help vulnerable women.”

¹¹⁵Op. cit. p. 205.

equal society, we can no longer accept that men can use money to buy women.”¹¹⁶

The Women’s Peace Bill: Proposal, Parliamentary Debate and Adoption

As noted previously, an investigation parallel to Törnell’s had been commissioned by Westerberg, charged with mapping out the extent of violence against women in Swedish society and proposing countermeasures. In February 1998, a government bill was presented to the parliament addressing the findings of both reports. Titled Women’s Peace (*Kvinnofrid*), the bill made clear the close link between the two issues:

Both the Women’s Violence Commission and the Prostitution Investigation address questions that, to a great extent, have to do with conditions between men and women, conditions that have significance for gender equality, both in individual cases and well as for society as a whole. To that extent, these questions can be seen as related to one another. Men’s violence against women is incompatible with efforts for a gender equal society and must be combated by all means. It’s also unworthy of such a society, and unacceptable, that men acquire temporary sexual relations with women through compensation.¹¹⁷

With gender equality firmly anchored as an underlying rationale for the overall package of legislative measures, the section focusing on prostitution policy reform rejected Törnell’s proposal and instead advocated CPSS and motivated such a choice on the now familiar basis of protecting vulnerable individuals:

...even if prostitution as such is not a desirable societal phenomenon, it is not reasonable to criminalize the one who, at least in the majority of the cases, is the weaker party who is exploited by others who want to satisfy their own sexual desires.¹¹⁸

In contrast to the doubts raised by Freivalds in 1997, the government bill argued confidently that the legislation would likely have the desired effects, with men not purchasing sexual services out of fear of conviction and with police having greater authority to conduct investigations. The notion that the sex trade would

¹¹⁶Op. cit. p. 196.

¹¹⁷Regeringens proposition 1997/98:55 *Kvinnofrid*, p. 22. The penalty for those convicted of purchasing, or attempting to purchase, temporary sexual relations was set at fines or a prison sentence of no more than six months.

¹¹⁸Op. cit. p. 104.

be driven under ground was also rejected, with the government claiming that as offering the sale of sexual services would not be made illegal, there was not likely to be any difference in the degree to which the sex trade remained visible.¹¹⁹

By the time of the May 1998 parliamentary debate that preceded the vote, the SAP, the Left Party, the Greens and the Center Party had thrown their support behind the proposed CPSS, while the Moderates, and the Liberals were opposed to any form of criminalization. For their part, the Christian Democrats backed Törnell's 1995 proposal, in which both parties would be subject to criminal prosecution. At this late stage in the legislative process, the respective camps trotted out the expected and familiar arguments. CPSS opponents voiced skepticism as to whether a ban would have the desired effect, whereas proponents not only brushed such concerns aside, but also situated their arguments within broader rhetoric having to do with both gender quality and victimhood.

Moderate Party MP Jeppe Johnsson opened the debate on CPSS by invoking supporting expert knowledge in the form of fifteen separate written responses to the Törnell report, filed by various state agencies, law enforcement officials, academic departments within universities, as well as interest groups. Johnsson highlighted the way in which specific epistemic actors both questioned the assumed effectiveness of CPSS in combating prostitution, as well as arguing how a ban would hinder successful anti-prostitution measures to date.¹²⁰ In further highlighting the discrepancy between the written responses from these epistemic actors and the government bill, Johnsson pointed out that the Council on Legislation (*Lagrådet*), whose official mandate is to carry out judicial preview on proposed legislation, had observed that CPSS was being put forward in the face of substantial written criticism.¹²¹ Liberal Party MP Lennart Rohdin made a similar argument questioning the legislation's impact, noting that it hadn't "been demonstrated that criminalization solves any problems, rather, it may worsen them."¹²² Rohdin also called into question the governmental motives behind

¹¹⁹Op. cit. pp. 104-105.

¹²⁰Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28, Anf. 1.

¹²¹Op. cit.

¹²²Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28, Anf. 136.

proposing CPSS, suggesting that the real intent lay not with combating prostitution, but in taking a normative stance:

I have a feeling that even if we were in agreement that criminalization was of no help to prostitutes, that the need by many for this moral condemnation is so great that it would still determine the outcome.¹²³

In terms of proponents, Ulrica Messing, the SAP labor market minister who had been responsible for drafting the Women's Peace bill, expressed the standard view that support for CPSS was driven by concerns over gender equality:

We think that prostitution is one of the worst expressions of the uneven division of power between men and women, and that it doesn't just impact prostitutes or those who purchase their services, but all of society. That's why we propose a criminalization of the purchaser. We are convinced that this will result in changed attitudes and decrease violence in society. We are also convinced that this will reduce prostitution.¹²⁴

Left Party MP Alice Åström argued that support for CPSS, and not the seller, was a intended to prevent continued harm to female prostitutes thought largely to have had abusive upbringings:

(The point has also been made) that this is a social problem, that these women, most often, are addicts and that they have been exposed to sexual assault, for example incest, during childhood. There are those tragic underlying stories. Research and studies show this. But that's precisely why we've chosen the solution not to criminalize the prostitutes. We're specifically criminalizing the purchasers of sexual services, who continue to exploit and oppress these women.¹²⁵

Segelström, who has been one of the instrumental pro-CPSS speakers at the 1997 SAP party congress, neatly encapsulated the overall argument in favor of the ban, linking gender equality to accounts of abuse, and specifically noting that backing from epistemic actors for the proposed policy did exist:

¹²³Op. cit.

¹²⁴Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28, Anf. 109.

¹²⁵Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28, Anf. 5.

We've had support from the big cities, Stockholm, Göteborg and Malmö, all of whom in their written responses to the Prostitution Investigation have requested this solution, because they say they've tried and tried with projects and information for decades, but that they've always failed... We social democratic women cannot, in the world's most gender equal parliament, allow that men can purchase women with money. We work for gender equality in all areas... We cannot accept that roughly half of these women are drug addicts. From what they've told me, they're not prostitutes in order to buy food, pay their rent or to live a life of luxury, rather they do so in order to finance their heroin abuse, every day of the year.¹²⁶

While the debate drew to a close on an ambiguous and nuanced note, with Liberal Party MP Barbro Westerholm (whose overall party opposed CPSS, but whose women's association backed the ban) acknowledging that there were clearly different points of view as to the most effective legal strategy for reducing prostitution¹²⁷, the outcome of the vote the following day was not. Only the Moderate Party and the bulk of the Liberals voted against the bill, with the Christian Democrats abstaining. Through a campaign that had repeatedly invoked ideas of gender equality, and by linking those to accepted causal stories about the abusive history of female sex workers, CPSS proponents had seen their preference enacted.

CONCLUSION

In this paper, we have sought to explain, respectively why Norway and Sweden decided to ban the purchase of sexual services. While some have suggested that the Norwegian policy outcome was the result of the successful lobbying of feminists in the so-called women's movement, our account of the process sheds some doubt over such a narrative. For certain, women's groups were an important actor in the process, lobbying trade unions and parties from within to endorse criminalisation and prompting the police with information. However, our analysis

¹²⁶Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28, Anf. 139.

¹²⁷Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28, Anf.

of the debates show that conventional feminist arguments were largely sidestepped in the process leading to the adoption of the ban. Instead, policy entrepreneurs re-tailored the sex purchase ban as a solution to the problem of transnational trafficking, of which the public had grown acutely aware after the arrival in 2003 of Nigerian prostitutes in the streets of Oslo and other main cities in Norway, and the related mass media coverage. Moreover, our study complements previous studies by pointing out that there was in fact a direct linkage between the shift in public discourses and the policy stances of key actors, most notably the political parties in the governing coalition. While several studies have concluded that public perceptions of prostitution changed substantively after the arrival of the Nigerian prostitutes, such conclusions would be corroborated by a more detailed account of prostitution policy debates prior to 2003.

In contrast, our analysis of the Swedish case shows that ideas regarding gender equality, especially as linked to conventionally-accepted causal stories regarding the abusive history of female prostitutes, were central to the arguments made by those seeking the adoption and implementation of CPSS in the late 1990s. While critics of the proposed ban shared ideas regarding the pursuit of gender equality and even a gendered analysis of prostitution as a form of violence against women, they were critical as to whether the ban could achieve the desired effect. Their concerns, however, rang hollow in the ears of CPSS proponents, who both stressed the symbolic function of their legislation, as well as their own supporting cluster of epistemic actors and expert knowledge.

Perhaps our analysis also demonstrates that, contrary to what proponents and opponents alike seem to believe, the sex purchase ban as such has no inherent meaning. It can be justified and challenged in many diverse ways, and the ways in which it is justified, in turn, is likely to set the terms for its implementation and enforcement. On the other hand, some argue that the Swedish sex purchase ban, too, has adapted to a changing discursive ecology: While policymakers passed the law with reference to prostitution as an expression of men's violence against women, it has increasingly become the solution to new, different problems as well, such as trans-border trafficking. As Petra Östergren argues, the sex purchase

ban as such is empty; “it can be filled with different, context-specific meanings, wishes and expectations.”¹²⁸ Unsurprisingly, this is especially true when it travels abroad, to a different national setting such as the Norwegian, for all its similarities with Sweden.

REFERENCES

- Askola, Heli. *Legal responses to trafficking in women for sexual exploitation in the European Union*. Oxford ;Portland Or.: Hart, 2007.
- Baumgartner, Frank R., and Bryan D. Jones. *Agendas and instability in American politics*. Chicago: University of Chicago Press, 1993.
- Beland, Daniel. “Ideas and Social Policy: An Institutional Perspective.” *Social Policy and Administration* 39, no. 1 (2, 2005): 1-18.
- Berman, Sheri. “Ideas, Norms, and Culture in Political Analysis.” *Comparative Politics* 33, no. 2 (2001): 231-250.
- Bleich, Erik. “Integrating Ideas into Policy-Making Analysis: Frames and Race Policies in Britain and France.” *Comparative Political Studies* 35, no. 9 (2002): 1054-1076.
- Borg, Arne. *Prostitution. Beskrivning. Analys. Förslag till åtgärder* (Stockholm: LiberFörlag, 1981).
- BRÅ “Förbud mot köp av sexuella tjänster: Tillämpningen av lagen under första året” (2004)
- Celis, K., and S. Childs. “Introduction: The Descriptive and Substantive Representation of Women: New Directions.” *Parliamentary Affairs* 61, no. 3 (3, 2008): 419-425.
- Centerkvinnorna, Yttrande över prostitutionsutredningens betänkande: SOU 1995:15
- Childs, Sarah, and Mona Lena Krook. “Analysing Women's Substantive Representation: From Critical Mass to Critical Actors.” *Government and Opposition* 44, no. 2 (4, 2009): 125-145.
- Cox, Robert Henry. “The Social Construction of an Imperative: Why Welfare Reform Happened in Denmark and the Netherlands but Not in Germany.” *World Politics* 53, no. 3 (2001): 463-498.
- Dodillet, Susanne. “Cultural clash on prostitution: Debates on prostitution in Germany and Sweden in the 1990s.” In *Genealogies of Identity. Interdisciplinary Readings on Sex and Sexuality*. Rodopi, 2005.
- . “Ideologiska förutsättningar för den svenska och den tyska prostitutionslagstiftningen.” *Kvinnovetenskaplig tidskrift*, no. 4 (2006).
- . *Är sex arbete? : svensk och tysk prostitutionspolitik sedan 1970-talet*. Stockholm: Vertigo Förlag, 2009.
- Doezema, Jo. “Now You See Her, Now You Don't: Sex Workers at the UN Trafficking Protocol Negotiation.” *Social & Legal Studies* 14, no. 1 (3, 2005): 61-89.

¹²⁸ Östergren, “Dubbelmoral, feminism och sexköpslagen.”

- Eduards, Maud. *Kroppspolitik: Om moder Svea och andra kvinnor*. Stockholm: Atlas Akademi, 2007.
- Ekberg, Gunilla. "The Swedish law that prohibits the purchase of sexual services." *Violence Against Women* 10, no. 10 (2004): 1187-1218.
- Gould, Arthur. "The Criminalisation of Buying Sex: the Politics of Prostitution in Sweden" *Journal of Social Policy*, Vol. 30, No. 3, pp. 437-456.
- Gourevitch, Peter. "Keynesian Politics: The political sources of economic policy choices." In *The political power of economic ideas: Keynesianism across nations*, edited by Peter Hall, 87-106. Princeton: Princeton University Press, 1989.
- Hansen, Randall, and Desmond King. "Eugenic Ideas, Political Interests, and Policy Variance: Immigration and Sterilization Policy in Britain and the U.S.." *World Politics* 53, no. 2 (2001): 237-263.
- Hirdmann, Yvonne. "Genusssystemet – reflexioner kring kvinnors sociala underordning," *Kvinnovetenskaplig tidskrift*, nr 3, 1988, p. 51.
- Holmström, Charlotta, and May-Len Skilbrei, eds. *Prostitusjon i Norden*. ANP 2008:64. Nordiska rådet, 2009.
<http://www.norden.org/da/publikationer/publikationer/2008-604>.
- Jahnsen, Synnøve Økland. "Women who cross borders – black magic? A critical discourse analysis of the Norwegian newspaper coverage of Nigerian women in prostitution in Norway." Masters thesis in sociology, Bergen, Oslo: University of Bergen, 2007.
- Justis- og politidepartementet. *Om lov om endringer i straffeloven 1902 og straffeprosessloven (kriminalisering av kjøp av seksuell omgang eller handling mv.). Ot.prp. nr. 48*, 2008.
- Kingdon, John W. *Agendas, Alternatives, and Public Policies*. New York: Longman, 1995.
- Larsson, Stig. "Paradigmskifte i skandinavisk könshandelsforskning", *Nordisk Socialt Arbete*, nr 1, 1990, pp. 3-14.
- Lernestedt, Claes & Kai Hamdorf, "Sexköpskriminaliseringen – till skydd av vad? – del I" nr 4/1999/2000, *Juridisk Tidsskrift*, pp. 846-859.
- Lernestedt, Claes & Kai Hamdorf, "Sexköpskriminaliseringen – till skydd av vad? – del II" nr 1/2000/2001 *Juridisk Tidsskrift*, pp. pp. 111-131.
- Olsson, Hanna. "Från manlig rättighet till lagbrott: Prostitutionsfrågan i Sverige under 30 år", *Kvinnovetenskaplig Tidsskrift*, No. 4, 2006, pp. 52-73.
- Nilsen, Magnhild. "Når man gir seg ut for horekunde, får man finne seg i karakteristikken!: Kampar mot prostitusjon 1981-1991." *Rødt: Marxistisk tidsskrift*, 2008. <http://marxisme.no/2008/01/magnhild-nilsen.php3>.
- Price, Richard. "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization* 52, no. 3 (1998): 613-644.
- Putnam, Robert. "Diplomacy and domestic politics: The logic of two-level games." *International Organization* 42, no. 3 (1988): 427-460.
- Regeringens proposition 1981/82:187: *Om vissa åtgärder mot prostitutionen*.
- Regeringens proposition 1997/98:55, *Kvinnofrid*.
- Renland, Astrid. "Fra medsøstre til ofre, horer og streikbrytere." In *Det ideelle offer - andre tekster om prostitusjon*, edited by Liv Jessen. Oslo: Koloritt,

- 2007.
- Riksdagens snabbprotokoll, Protokoll 1997/98:114, 1998-05-28.
- Risse-Kappen, Thomas. "Ideas Do Not Float Freely: Transnational Coalitions, Domestic Structures, and the End of the Cold War," *International Organization*, Vol. 48, No. 2, Spring 1994, pp. 185-214.
- ROKS, Betänkande av 1993 års prostitutionsutredning "Könshandel"
- Rothstein, Bo. Explaining Swedish Corporatism: The Formative Moment, *Scandinavian Political Studies*, Volume 15, Issue 3, September 1992, Pages: 173–191.
- S-kvinnors yttrande över prostitutionsutredningens betänkande, SOU 1995:15
- Sabatier, Paul A. "The advocacy coalition framework: revisions and relevance for Europe." *Journal of European Public Policy* 5, no. 1 (3, 1998): 98-130.
- Sainsbury, Diane. "Women's Political Representation in Sweden: Discursive Politics and Institutional Presence", *Scandinavian Political Studies*, Vol. 27, No. 1, 2004, pp. 65-87.
- Simonsen, Anne Hege. "Ubehaget i journalistikken: Verden midt i blant oss." In *Grenser for kultur? Perspektiver fra norsk minoritetsforskning*, edited by Eivind Fuglerud and Thomas Hylland Eriksen. Oslo: Pax, n.d.
- Skilbrei, May-Len. "Nigeriansk prostitusjon på norsk: Feil kvinner på feil sted." In *Norske seksualiteter*, edited by Wencke Mühleisen and Åse Røthing. Oslo: Cappelen, n.d.
- . "The rise and fall of the Norwegian massage parlours: Changes in the Norwegian prostitution setting in the 1990s." *Feminist Review* 67, no. 1 (2001): 63-77.
- Socialdemokraterna., *Partistyrelesens utlåtande över motionerna 1056:1-2, Utlåtande*, 15-17 March 1996.
- Socialdemokraterna, *Partistyerlesens utlåtande over motionerna om "Strategi för välfärd: Framtidskongressen Sundsvall 1997"*.
- Socialdemokraterna, *Protokoll: Framtidskongressen, Sundsvall 8-14 September 1997, (del 3)*.
- Statens offentliga utredningar, *Prostitutionen i Sverige, bakgrund och åtgärder* (SOU 1981:71).
- Statens offentliga utredningar, *Våldtäkt och andra sexuella övergrepp* (SOU 1982:61).
- Statens offentliga utredningar, *Könshandeln* (SOU 1995:15).
- Statens offentliga utredningar, *Förbud mot köp av sexuell tjänst En utvärdering 1999–2008* (SOU 2010: 49)
- Stenvoll, Dag. "From Russia with Love? Newspaper Coverage of Cross-Border Prostitution in Northern Norway, 1990—2001." *European Journal of Women's Studies* 9, no. 2 (2002): 143-162.
- Stone, Deborah. "Causal Stories and the Formation of Policy Agendas", *Political Science Quarterly*, Vol. 104, No. 2 (Summer, 1989), pp. 281-300.
- Stridbeck, Ulf. "Prostitusjon i Norge: Realiteter, politikk og regulering." *Nordisk Tidsskrift for Kriminalvidenskab* 92, no. 1 (2005): 54-72.
- Strøm, Agnete. "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway." *Reproductive Health Matters*

- 17, no. 34 (November 2009): 29-37.
- Svanström, Yvonne. "Criminalising the John – A Swedish Gender Model?" in Joyce Outshoorn. (ed.) *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce*. (Cambridge: Cambridge University Press, 2004), 225-244.
- Towns, Ann. "Understanding the Effects of Larger Ratios of Women in National Legislatures:." *Women & Politics* 25, no. 1 (1, 2003): 1-29.
- Walsh, J. I. "When Do Ideas Matter?: Explaining the Successes and Failures of Thatcherite Ideas." *Comparative Political Studies* 33, no. 4 (5, 2000): 483-516.
- Wängnerud, Lena. "Women in parliaments: Descriptive and substantive representation." *Annual Review of Political Science* 12 (2009).
- Östergren, Petra. *Porr, Horor och feminister*. Stockholm: Natur och kultur, 2006.
- Östergren, Petra. "Dubbelmoral, feminism och sexköpslagen." *Voltaire*, February 1, 2009. <http://www.voltaire.se/sv/blogs/30.597/brott-och-straff/dubbelmoral-feminism-och-sexkopslagen>.