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„Hopeless help or helpful hope? Women under the
Criminalization of the Purchase of Sex”

Prostitution legislation in Sweden. An attempt at a holistic theory.

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Nadine Rabinger, BA

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Contents

1. Introduction	6
2. Context.....	13
2.1. Swedish history up to Kvinnofrid Law	14
2.2. Two impacting commissions for the Law	18
2.3. The Law criminalizing the purchase of sex	20
2.4. Regulations concerning sexual violence	26
3. Controversial debates.....	28
3.1. Radical feminism and forced prostitution	29
3.2. Liberal feminism and sex work.....	32
3.3. Marxist feminism and prostitution	35
3.4. Socialist feminism and prostitution.....	36
3.5. Existentialist feminism and sex work.....	37
3.6. Approach of the study.....	37
4. Research Design	39
4.1. Theoretic framework.....	40
4.1.1. Violence theories	40
4.1.2. Economic theory and influence from Jean-Baptiste Say.....	42
4.1.3. Constructivist Sexual theory and fragments from Irigaray	43
4.1.4. Post-colonialism and fragments from Spivak.....	43
4.1.5. A variation of Critical Race Theory (CRT)	45
4.2. Methodology.....	47
4.2.1. Program evaluation	47
4.2.2. Policy cycle approach	48
4.3. Method	49
4.3.1. Data description	49
4.3.2. Data analysis	56
4.3.3. Limitations of data.....	60
5. Situation of Women under Kvinnofrid Law.....	60
5.1. Problem definition.....	61

5.1.1. Main stakeholders of program	61
5.1.2. Extent of prostitution in Sweden.....	65
5.1.3. Target group of program.....	66
5.2. Policy situation	69
5.2.1. Legal situation	69
5.2.2. Working conditions	71
5.2.3. Violence and health risks.....	73
5.2.4. Exit option	75
5.2.5. Perception of the public	77
5.3. Policy alternatives.....	79
Prohibition	79
Legalization.....	80
Rudimental legalization.....	81
Decriminalization.....	82
5.4. Policy evaluation.....	83
5.4.1. Violence interpretation	83
5.4.2. Economic interpretation	85
5.4.3. Sexual interpretation	87
5.4.4. Post-colonial interpretation.....	88
5.4.5. Critical Race Interpretation.....	89
6. Conclusion.....	92
7. Bibliography	96

Appendix

Abbreviations

APAPAST	Action Plan Against Prostitution And Sex Trafficking
Bpb	Bundesparteizentrale für Politische Bildung
CRT	Critical Race Theory
ECPAT	End Child Prostitution, Child Pornography And Trafficking of Children For Sexual Purposes
ISARPAC	International School of sexual Abuse Related Pastoral Counseling
NBHW	National Board of Health and Welfare
NPB	National Police Board
NPBPR	National Police Board Press Release
STD	Sexually Transmitted Diseases

1. Introduction

Gender equality is one of the cornerstones of modern Swedish society. The aim of Sweden's gender equality policies is to ensure that women and men enjoy the same opportunities, rights and obligations in all areas of life. The overarching principle is that everyone, regardless of gender, has the right to work and support themselves, to balance career and family life, and to live without the fear of abuse or violence (Swedish Institute 2014).

With these words Sweden officially invites observers and imitators into its national principles of gender equality – words that sound promising and enlightening to a society based on equality. According to the Global Gender Gap Report of 2013 Sweden ranks high in measuring up the gender differences in the fields of economics, politics, education and health (The World Economic Forum, loc. cit. Swedish Institute 2014). Sweden works hard to combat what has been incorporated into the modern society as a heritage from ancient times. Since the 1960's it intentionally aims at redistributing value to people on the basis not of their respective gender but by equality of terms for men and women. The fight for gender equality is a fight emphasizing equal treatment in work, payment, promotion, science, politics, the public sector and other relations. Yet how does Sweden define equal treatment? Two differing approaches about gender equality are rampant: a differential approach accepts biological differences of male and female and strives for equality as it is appropriate whilst validating apparent disparities. An identical approach extinguishes any possibility of difference in men and women and requires radical equalization in every area. (Newman & White 2012). Whereas practiced equality within logical boundaries is progressive, the question emerges whether equalization by *sameness* bears constructive value rather than a deterioration of sound doctrine of human beings – created as man and woman to complement each other in their respective weaknesses and bringing fruitfulness by reproduction and social exchange to the earth.

Sweden prescribed itself to a gender fight of vigorous equalization – by embracing gender *neutrality* rather than equality, as a means to approach newborn babies as well as adults; children's names and public schools are gender neutralized as well as the media and public social life¹. This study takes a look at how this gender fight is expressed in one specific area of public policy – in the domain of differential equality theory: women and men's sexuality. Sweden has adopted a pioneering and controversial approach in 1999 with its Kvinnofrid

¹ Public toilets are in Sweden gender-neutralized, which means that there is no separation of men and women. A gender-neutral pronoun was added to the National Encyclopedia and a movie-rating system was introduced that requires conversation between females about a different topic than men (Bailey 2013). These represent just a few examples of Sweden's gender policy.

Law concerning legislation in the realm of prostitution. 'Kvinnofrid' is a "term of the medieval age and means to 'leave women in peace'" (Leander 2005: 115). This law established a policy that criminalizes men who purchase sex and confronts them with imprisonment or a fine when they are caught in the act by the police. Necessary is the proof of the act as actual purchase of sex. Women who sell sex, on the other hand, are not guilty before court and are regarded as victims exploited by men. The Swedish government believes that prostitution is a "serious harm both to individuals and to society" (Regeringskansliet 2010a: 31) and it must be abolished by all means. Prostitution, defined as *genitals trade*, is understood as violence against women and therefore women must be protected. A distinction between voluntary and involuntary prostitution is irrelevant. As a result women are prohibited from working by minor regulations on sexual violence, which prevent for example the receipt of a tenancy for performing sexual relations in exchange for money.

Sweden started it, Norway and Iceland followed with curtailments, France has caught up by 2013 and in 2014 even the European Parliament started promoting the Nordic model: prostitution should be reduced by punishing the clients and not the prostitutes (European Parliament 2014). While in the late 1970's the official policy was getting the state off people's sexual lives as much as possible, a discussion was launched when not only prostitution was trivialized but also rape crime was about to be tolerated in Sweden. In the following debate prostitution became a matter of human dignity, yet there was no unity amongst parties and different office holders about criminalization policy. When a new commission was formed several years later, no indication was given that would hint at the soon successful establishment of the policy. For the first time the commission shared an equal number of men and women. They received sex market impressions from different European cities with the conclusion published in their report: that prostitution brings physical harm, lures sexually abused women and raises the danger of HIV and other STDs (Gould 2001: 439). Yet 62 out of 64 consulted parties rejected the commission's proposal of criminalization for sellers as well as buyers of sex, amongst them the National Board of Health and Welfare (NBHW) and the National Police Board (NPB). Only 3/8 wanted a criminalization of the buyers alone (Stridbeck 2004: 15). Social services were divided and a religious consensus was lacking (Gould 2001: 442).

Finally established, more by hazard than strategy, the law was promoted by the government with passion and several enforcement strategies were raised and intensified after initial difficulties of its implementation. Connections from within the government with radical feminists, who are quite strong in Sweden and pursue the abolition of prostitution due to its proclaimed violent character, helped to consolidate the relentless government battle in favor of the Law. The women – and men – as sellers of sex were not consulted in the process. Exit help was promised and the society was being educated with movie campaigns about the

perils of prostitution. The conviction of Kvinnofrid's successful character has remained largely unified within the government, although criticism has arisen from crucial political actors here and there throughout the time. Nevertheless, liberal voices about sex policy have been rare from within Sweden. However, they exist elsewhere.

What was a hot battle in Sweden after years of women's organizations trying to bring attention to the violence done to women, was celebrated only two decades ago on the same continent in the liberal Netherlands. "Prostitution, if made legal and cleansed of its stigma, can be a job like any other job" (Leidholdt 2003: 169). This describes the Dutch government's attitude when funding a conference on trafficking in women in Strasbourg in 1991, which clearly separated the phenomenon of trafficking from prostitution. The criminal act of using coercive factors to move women to another country was to be punished in the eyes of the organizers when at the same time it did not matter to them whether the women "were trafficked for purposes of prostitution or cookie baking" (ibid.). As a well-known fact, the Dutch government has since then only implemented its plan of licensing 2000 brothels and the women prostituting in them. Thailand, on the other side of the world, flourishes with child prostitution and customers who buy children and women on 'business trips' due to a corrupted police system despite its official prohibition of prostitution. New Zealand refrains from both ends of the spectrum – neither criminalizing nor legalizing, is their motto of *bearing* prostitution, and opinions about its success are controversial (Giusta & Munro 2008: 2).

Encountering different approaches to prostitution legislation brings up difficult questions that reach from normative to judicial and policy decisions, which are interdependent. Whereas the possibility of voluntariness of sex work excludes the inherence of violence, this rather normative question has judicial consequences regulating the punishment and the level of punishment for purchasers as well as sexual assaults that offend prostitutes. It includes highly polarizing decisions about the possibility of rape happening to prostitutes and the implementation of policies on behalf of those normative beliefs. Can the criminal act of trafficking be separated from prostitution? Legislation will be decisively different when looking at the two deviant cases of Sweden and the Netherlands, whether the answer to this question is no or yes. Yet the implementation of a certain prostitution policy may likewise have normative results – the population may be supportive of something that is officially promoted, object something that is officially combated and be indifferent to something that is officially shunned. Different feminisms come into play and do background work while being at war against each other. So for example is Sweden dominated by radical feminists, whereas the Netherlands have more liberal supporters in the fore front.²

² Liberal arguments on prostitution have been disregarded in Sweden. The Commission's report did not mention the possibility of prostitution as a choice and liberal viewpoints found little coverage in the press.

Above these different possibilities of beliefs and policy implementations, another theme, dwelling at the centre of it, comes into focus. Even if beliefs and implementation models are different, the implementation of a certain policy does not equal its effectiveness. When the Swedish regulation seeks to fight violence and protect women, is it indeed successful in its undertaking? Is its goal of *leaving women in peace* achieved? Has Kvinnofrid Law attained its objective? Whether women in prostitution are trafficked or not, whether they suffer violence or not, they are all affected by the implementation of national laws. The Swedish solution strategy of eradicating prostitution by the Sex Purchase Law that criminalizes men is embedded into a society that reaches for radical gender equality. But does it remain gender equality in words or is it indeed pursued by Kvinnofrid Law? Is the Law of help to the women in the job, and is it of help to those who want to quit? After fifteen years of its implementation, Kvinnofrid Law has met a lot of criticism and its effectiveness is doubted even within Swedish rank and file. The Skarhed Report released by the government in 2010 to evaluate the effective project has been challenged by Swedish language readers for its “flaws in the research and [...] unsupported claims” (Jordan 2012: 5). Dodillet & Östergren (2011) note that since the introduction of the Sex Purchase Law serious crime has increased, fewer clients means increased intensity of the experienced violence, the law does not scare away clients and sex workers do not feel respectfully treated (ibid.). But the Law is being presented as success by the Swedish government and only improvements to the undertaking are being introduced.

In literature contradictory evaluations are found. Desisting from official government or government-commissioned evaluations, empiric findings still do not bring complete coherence. The Swedish National Board even stated that “[n]o causal connections can be proven between legislation and changes in prostitution” (Swedish National Board 2007: 46, loc. cit. Jordan 2012: 7). The discrepancies have partly roots in flaws, inaccuracies and lack of data as well as in the difficulty of finding a common denominator for a heterogeneous target group: whereas women who have been trafficked, indirectly forced or otherwise desire to leave prostitution appreciate the *comfort of a penalty* for purchasers and therewith more personal security, women who want to work as sex workers are upset and disturbed by the Law. Yet even here generalizations cannot easily be made. There is no common effect upon the group and even members within one group, which could be measured. Some research does well in siding with one group and presenting their arguments, other research remains objectively committed to evaluating the real effects of Kvinnofrid Law. However, little work has been done in theorizing the complex issue, by trying to incorporate all facets and angles. Such an attempt shall be made in this study, with the purpose of presenting a more

Neither did the Riksdag nor interviews further the liberal view, as such arguments were simply not heard (Gould 2001: 452).

conceptual approach to an explosive topic – that can be embraced by either side and from within, yet which aims at improving the situation for all. The study abstains from giving a policy suggestion, based on the belief that “solutions are often the worst thing that can happen to ‘complex’ problems. Perceived problems activate the search for solutions, but perceived solutions depress that search” (Cyert and March 1963, loc.cit. Dery 1984: 103). Much more, the study seeks to identify deeper root issues, which keeps prostitution as it is and has been embedded in society since ancient times. It aims at developing or putting together a theory that allows for transformation in approach and improvement to those unheard in the whole process – the different groups of women that are in prostitution. Several fragments from established theories are incorporated for this purpose, developed further and brought together. The study therefore examines the Swedish situation for women under Kvinnofrid Law in relation to other involved actors and with a brief comparison to worldwide established policy alternatives in order to establish a meta theory for prostitution policy. The study revolves around the question how empiric findings characterizing the situation of women in prostitution and sex work under the Swedish Sex Purchase Law can be evaluated from a meta-level normative perspective? Other affected groups such as male or transgendered prostitutes are excluded in this study in order to focus on the female sex and particular female vulnerabilities.

The study was undertaken as a mixture of field research and literature and media analysis. The field research includes an interview with a social worker in Stockholm and a questionnaire filled out by a non-governmental women’s shelter; the literature analysis consists mainly of secondary (scientific) literature as well as of a critical analysis of primary literature such as governmental documents, and data generated by different forms of online media, documentaries and a book.

Theses of the study and first discussion

Whereas several theses were developed at the beginning of the study, they were developed at an empiric level. This level focused on the exit-, working-, legal-, violence- and perception conditions of the women under Kvinnofrid Law. In the course of the study, however, the attempt to identify these theses as right or wrong was pushed into the background. The assumption is that most likely, as revealed in the course of the study, those empiric theses are true to a certain extent for some women and different or wrong for other women. Therefore a different compilation of theses was developed on a meta-level, which is in line with the purpose of the study – to go beyond the mere truth or untruth of experienced effects of the Law.

- A certain degree of violence is inherent to all outsider-approaches of prostitution policy and is unnoticed or at least resistant to change due to the embedded habitus effect (according to Bourdieu) and neo-colonialist inclination among mankind.
- A violent experience for women in prostitution has strong correlation with women's vulnerable sexuality and predefined negative sexuality by primary attachment figures (as argued with Irigaray's theory of different male and female sexuality and Connell's hegemonic masculinity).
- Helping women exit prostitution is not linked to a law but to provision of education, trauma therapy and job alternatives, and must be wanted (as argued according to post-colonialist thought that stands up against imposing oneself upon another).
- Respecting women's choices is crucial to treating them as accountable for their actions (as argued with post-colonialist thought).
- The persisting cycle of demand and supply of prostitution is rooted in the different sexuality of men and women and is bound to exist if not treated at the root issue (as is argued with Say's theory of demand and supply and Irigaray's sexual theory).
- There is no rampant policy solution that embraces all angles without offending another, that is, working against another (as argued with Critical Race Theory).
- Self-interest plays a large role in the determination of policies, also in prostitution policy (as argued with Critical Race Theory).

It is expected that violence is inherent to all forms of prostitution policy, whether approached by abolitionists, sex work advocates or more lenient approaches. On the one hand, the violence stems from the neo-colonial inclination among mankind to rule above one another. On the other hand, it is the *inherited*, trained and impregnated result of a habitus effect that allows for actions and thinking patterns to prevail because they have become reality for someone and are not challenged. Whereas the actually affected group – in our research the women in prostitution – was not asked to speak for themselves, others make decisions for them and define characteristics unto them. Violence is expressed towards different actors in the *game*, verbally but also physically as an indirect result – when upholding one view, another is made light of and experiences of the other go unnoticed. The result of that is that women are kept in bondage, which is being consolidated in policy decisions as an ongoing physical experience of violence. Women are called the “weaker sex”, which has often been misunderstood as ‘failing’ on their side. However, women are physiologically, emotionally and spiritually built differently than men and these disparities are expected to result in a more violent and painful experience for women in prostitution. Histories of sexual abuse or molestation from primary attachment figures are expected to cause structural mechanisms of

increasing the likelihood of prostituting oneself. When women experienced sexuality as something that is taken from them, they never learned the value of giving it away to someone they love and trust. Therefore the early experiences are only intensified in prostitution work. The offer to exit prostitution, however, is not expected to be linked to legislation against prostitution. Women shelters can be provided under different legislations and women who find prostitution to be terrifying will want to exit, whether officially promoted or not. Their need is for women shelters that provide recovery programs and educational as well as emotional training to strengthen their personalities and increase their chances to find another job. Women should be respected as accountable for their actions and choices and must learn to make decisions themselves. This does not exclude help from the outside, however, abstains from taking decisions *instead* of them. Also, it clearly points to the possibility for the women to make a choice: obviously trafficked women are not able to make such a choice and therefore a decision to free them *must* be made from the outside. Prostitution exists in a seemingly never-ending cycle because supply is provided to meet a need. The question is whether this need is not actually perverted from its natural form and a vacuum of fulfillment in the natural is the real problem at stake: this brings up layers of emotional work and validation of men's apparent need – if there were no demand, there would be no market. These markets are used by governments in line with their own self-interest to approach the prostitution policy *of their flavor*. It is at least put in question that government's aim – in the case of Sweden – is really to protect women, as their prior motivation for their policy decision of criminalizing men. Governments have their own reasons for establishing policies and those intentions can be hidden by – as in this case – the *moral agenda* to protect women. Yet whether legalized or criminalized, or some half-form in between, no policy is expected to help every piece within the puzzle. Women, whether calling themselves sex workers or forced into prostitution, will have different experiences with legislation, even within their group. The theses remain to be examined in the course of the study.

Structure

The study leads through a short overview of the context of Swedish prostitution policy, including the development up to the Law and two important measures before its establishment. The Kvinnofrid Law is laid out in its purpose, application, difficulties and criticism and followed by some other laws and regulations. Then the research design is introduced, which consists of three parts: theory, methodology and method. The main part of the analysis follows according to its approach a four steps policy analysis describing policy problem, policy situation, policy alternatives and policy evaluation. The last stage lifts the

findings from empiricism onto a meta-level. The conclusion gives an outlook upon the Swedish gender fight in the realm of prostitution legislation and interprets the findings with a more conceptual approach that is upward-looking. Bibliography and appendix including interview and questionnaire are attached.

2. Context

The conditions in which women working in prostitution have been put through the Sex Purchase Act of 1999 have to be examined in the context of the Law's development in Sweden. Sweden's law was first codified into a single code in 1734 as *Sveriges rikes lag*. It comprises Civil law as well as Penal law. The codified Constitution³ of Sweden consists of four fundamental laws and an act regulating the procedures and responsibilities of the Riksdag, Sweden's legislative assembly⁴. It "can only be amended or abrogated by the Riksdag passing identically worded resolutions [...] on two different occasions, [which must be] separated by a general election" (Regeringskansliet 2004c). Statutory laws, which are subordinate to Constitutional law, are regularly established by legislative acts through the Riksdag. The government has the permission to enact regulations in less important matters (Europäische Union der Rechtspfleger (n.d.):194). Since the end of the 19th century law-making in Sweden has been a cooperative project within Scandinavia, which explains the degree of consensus within the Nordic law (ibid.). The Swedish Ministry of Justice ensures the "quality of legislation" (Regeringskansliet 2004a) and holds the responsibility for legislation in the areas of Constitutional, Penal, Civil and Procedural law (ibid.). Current Minister of Justice is Beatrice Ask, under the four party-minority government, which is led by Fredrik Reinfeldt of the Moderate Party since 2006⁵.

While earliest developments on prostitution and sex work law may not necessarily be seen in a causal relationship with the current circumstances women find themselves in, they still help to paint a clearer picture of the Swedish society and its way up to the stand against liberal

³ The Constitution defines the legal principles of a state in regards to its organization in state entities such as legislative, judicative etc.

⁴ The four fundamental laws are the Act of Succession (1810), the Freedom of the Press Act (1949), the Instrument of Government (1974) and the Fundamental Law on Freedom of Expression (1991). The Riksdag Act (1974) describes a "unique intermediate position between the Constitution and ordinary laws" (Regeringskansliet 2004b).

⁵ The Fredrik Reinfeldt government has been in power since 2006 and consists of four parties: Moderate Party, Centre Party, Liberal People's Party and the Christian Democrats; since 2010 the coalition rules as a minority government.

sex policy today. After immersing into the earliest prostitution history, two critical developments shall be described. The Law, its implementation, difficulties as well as critical voices to its effectiveness follow. Shortly other implemented laws in relation to the topic shall be mentioned.

2.1. Swedish history up to Kvinnofrid Law

The illumination of the Swedish prostitution history is of interest for this study because Swedish prostitution history paved the way to current prostitution politics. In order to understand the passion for the Swedish abolitionist movement and a society that advocates the criminalization of johns the subject has to be put into its wider context. As a rule, the past shapes the future. Path dependency of former decisions cannot be ignored. Without a regard of the political development throughout the time, although partly fruitful, an analysis cannot penetrate to a fuller understanding of the broad picture; misevaluations may be the result of not thoroughly studied developments.

The following pages cover the history of prostitution in Sweden, as prostitution becomes topic of interest for the law system. The study excludes a broader view of the general development in Europe and comparisons therewith.

Genderized inspections

In 1734 the first law on prostitution emerged that prohibited sexual relations outside of marriage (Klostermann & Wagner 1986: 143 (149)). Prostitution control was handed over to communal authorities in 1833 (Svanström 2004). Brothels and procuring were forbidden by the law, and women who offered their bodies for fornication could be fined and sentenced to forced labor. Nevertheless, prostitution with 'lecherous women' flourished at every inn. Due to the rise of syphilis health inspections for wandering groups such as glass makers, peddlers, smiths, that were originally established without official degree gained authority in 1812. Also inspections for suspected public women⁶ working at inns and coffeehouses took place regularly. However, venereal disease was still spreading and the inspections became genderized: inspections of women working at coffeehouses, inns and taverns became mandatory (Svanström 2000: 136). The Committee now concluded that women were the "source of venereal disease" (Svanström 2006: 145). Yet it was "the lack of legal employment [that] defined a woman as a possible source of contagion, not necessarily her behavior" (ibid. 139). An additional attempt to regulate prostitution was made by establishing

⁶ According to historian Joan B. Landes, after the emergence of bourgeois norms through the French revolution, women were excluded from participation in the public and hence a 'public woman' meant a prostitute; on the other hand, a public man was involved in political affairs (Landes 1988: 7,3, loc.cit. Svanström 2000: 12).

a state-run brothel, followed up by some private-run brothels. Surprisingly, they turned out to be a failure as no customers appeared (Sanger 2013/1858: 279), which was highly likely the result of a lack of medical and police supervisions, as well as the general objection to them amongst the public (Svanström 2000: 301).

The police was allowed to assist the physicians' inspections from 1839 onwards and more severe inspections for the military followed. In 1847 the first policy that exclusively focused on women was introduced – not encompassing brothels, it was however more of a “medical ordinance” (ibid. 144) for ‘loose’ – that is, all kinds of unemployed or publicly employed women. Gradually, the target group evolved into ‘lecherous women’, implying a certain sexual life style of the women (ibid. 416). Whereas approached from a regulatory aspect by the physicians, the police was more skeptical towards this system of coffee-house-harlotry. In the 1860's the police passed a regulation that made it impossible for the system to continue, as it was no longer allowed that more than two women lived in the same building. A fear of the emergence of unregulated brothels determined the actions of the police, whereas considerations amongst physicians dealt with the benefit of brothels to stop venereal disease. Once becoming a regulated woman, the women's sexuality was no more discussed (ibid. 408). Women who admitted that they were whoring as professionals were morally upgraded by physicians. Public women could be controlled but “lecherous behavior” (ibid. 250) was seen as dangerous to public health and order. Having the supervision of public sexuality transferred to the streets, the genderized control became once again obvious: while regulated women were altogether forbidden in these areas, all women had to be careful walking in these streets not getting accused of soliciting; men, on the other hand, were left free of such accusations.

While women's citizens' rights and rights of trade were strengthened, public women were deprived of rights: they were not allowed to complain about rape or other degradations but depended on the goodwill of the police (ibid. 247). While trying to regulate the sex business, selling sex was never forbidden in Sweden, as long as the “woman did not attract attention in public” (Svanström 2006: 147). As a fact, prostitution itself was never forbidden even in earlier years – but extramarital sex and adultery, which brought forth punishment by the church and public shaming, was forbidden by national law. If a woman violated one of these regulations – for example the prohibition of loitering in certain places or being available for medical examinations – she was subject to the vagrancy law of 1885. As a consequence she could be fined, receive a warning or be sentenced to forced labor. However, the main objective of the state was to withhold the spread of venereal diseases and to fight poverty by imposing these regulations upon the women.

Lex Veneris and Vagrancy law

During the interwar years, political instability, great unemployment and unrest were raging. Until the Social Democrats came to rule in 1933, social politics was stagnant. The regulation in place for seventy years was finally abolished when after years of protests from different ranks a commission was requested to investigate the case: the *Lex Veneris* came into effect in 1918 and held women viable who knowingly passed on venereal diseases; also, this law meant somehow a return "to the old tradition of general inspection" (Svanström 2000: 152). Persons that were infected with the disease had to be checked upon by obligatory 'services'. Women in prostitution were monitored by a law on sexually transmitted diseases and by the vagrancy law. All the different commissions on vagrancy held that prostitution had to be controlled by correction, "rather than workhouse detention" (Svanström 2006: 145). Controlling them through supervised custody in a collective manner was rejected for the sake of making them abide by rules through compulsory medical care and the police seeking them out (Lundberg 2006). No longer were prostitutes regarded as slothful or luxury-smitten but "[d]egeneration and inadequate economic circumstances for women were discussed in all reports" (ibid.). The extent of the vagrancy law can be noted when regarding numbers of women that received a warning for vagrancy in the years 1932, 1939 and 44/45- "on average 95% had been involved in prostitution" (SOU 1949:4, app. 1, 58, loc.cit. Svanström 2006: 144).

Ambivalence during interwar period

The 1919 commission suggested that prostitutes should be divided into two groups: professional prostitutes, who should be monitored by the state, and part-time prostitutes, who also had regular employment and should not be supervised. The danger to public order was seen in the former group rather than in the latter. This report never developed into a government bill but continued to be elaborated and presented anew. A contrary report was presented by the next commissions that held all women in prostitution to be a danger and in need of regulation. For the first time it was argued that prostitution should be treated separately from vagrancy as a matter of social hygiene (Svanström 2006: 146f.). The commissions consisted to the majority of men from different political arenas and polity levels. Reasons for the need of correction were sought in religious and moral thinking and blended with medical, social and economic deliberations. Whereas some representatives of the women's movements showed appreciation for the possibility of sterilization, several women voted against two government proposals that did not distinguish between vagrancy and prostitution (ibid. 148ff.). For these women the lifestyle of someone who was without a proper job and known as a vagabond differed greatly from someone who chose prostitution as a means of earns. To them, the consequences of increasing the likelihood of spreading

venereal disease could not be compared to the consequences of someone who was unemployed, and should not be treated under the same law.

Pathologization

The coming years were marked by a "pathologization of women in prostitution" (ibid. 149) while the society underwent a period of medicalization: this became evident also in the experts that were consulted; they were psychiatrists rather than physicians. Hence psychiatric detention replaced imprisonment for women living such a 'sexually abnormal' lifestyle. Sterilization was allowed and quite frequent. The demand side of prostitution was determined as a crucial factor that had to be reduced. Prostitution was addressed as a social policy question. The 1939 commission focused on the criminalization of "prostitution-related activities" (ibid. 151) but a 'prostitution-lifestyle' was to be corrected only in women. Men could merely be charged with offending public order. However, a government bill of the 1939 commission was never brought forth.

In contrast to women, homosexual, that is, male prostitutes were termed as 'parasites' but never classified to be mentally ill; rather the men were thought to have found an easy way of gaining income. Whereas homosexual clients were at times regarded as having psychopathological conditions, heterosexual clients were scarcely point of discussion and their sexual desire was regarded as normal (ibid. 153).

The 1949 commission wanted to abolish the vagrancy law but the psychopathological care had to be improved. The Children and Young Persons Act raised the age of exclusion from the vagrancy law up to 23 years. The women lingering in prostitution were attributed as mentally deranged and in need of social care rather than punishment. However, women without a pathological disorder should be treated as criminals because they disturbed the public. "Further, all experts agreed that prostituted women, rather than pimps, were the cause of other women entering prostitution" (ibid. 154).

Not mentally but socially 'deranged'

Whereas the focus had shifted from preventive care until the early 20th century to dysfunctional care during the Hitler era, the second half of the 20th century reinforced 'care for sociopaths'. Sweden started off the 1950's untouched by the World War and economically strengthened. Despite being seen as sexually liberated, it was not until the sexual liberation in the 1960's that the establishment of brothels was promoted by individuals. Finally the vagrancy law was abolished and replaced by a law on antisocial behavior. For the first time, the demand side was recognized to be the primary problem for prostitution. When Liberal woman MP Ingrid Gärde Widemar addressed the issue in parliament, expected reactions

from other MPs failed to appear. Nevertheless, the statement meant that a feminist voice had found its way into the law system (ibid. 155).

The next phase of investigative commissions granted to prostituted women normal psychological abilities, however, their behavior was classified as antisocial; customers were not object of examination. The "traditional vagabond" (ibid. 156) was said to have disappeared in the 1962 report and criminalization of *prostituted vagabonds* was not an option. Eventually a government bill of the 1962 report on antisocial behavior was passed in parliament.

Despite their differences, the 1885 vagrancy law and the new law also had similarities. They both mentioned work detention as possible *treatment* for prostitutes, although the latter preferred social care. Both were morally coined by the term *honest labor* (ibid. 157f.). In 1980, the legislation was replaced by a Social Services Act.

The process up to the legislation in 1999 went through different stages of conceptualizing the women as a threat to the society – a threat to public order, a threat to public health, a threat to themselves, a threat to morality. It included different discourses ranging from medical to purity debate amongst different actors, the women's movement in charge of pursuing the abolishment of the regulation system and only much later a debate about the validity of men purchasing sex. Finally the debates made an advance into the parliamentary scenery and bills became regularly introduced and voted down. By now, the debate and research have shifted from a focus upon women as sellers to the clients who buy sex (Serughetti 2013).

2.2. Two impacting commissions for the Law

The last two developments before Kvinnofrid Law was established are of particular significance for the study, as they reflect the political atmosphere before the turning point of its implementation. Where a gender war for equality had started, inequalities were still common and opinions about those diversified. Looking at the political circumstances right before the enforcement of the Law gives an illustration of the varying opinions among politicians and other groups, which bear no indication that the Law would be implemented at all. This atmosphere has to be taken into consideration when evaluating the perception of the Law through the society today.

A huge debate on gender equality and feminist issues had started in Sweden in the 1960's⁷. Whereas the women's movement was in unison about the patriarchal, oppressive character of prostitution, the party opinions in how to solve the problem differed. Since 1918 the federal

⁷ The search for equal treatment of men and women's sexuality became institutionalized in the Ministry of Equal Status (1976) and the Equal Opportunities Ombudsman (1980).

parliament has been in charge of decisions concerning morality legislation, which helped in forming a nation-wide awareness and strengthened the advocates' powers of self-assertion. "[A] strong and vocal women's shelter movement, feminist research with substantial impact on debate and praxis, and national and international developments that influenced the view of legitimate responses of the Swedish state to men's violence against women" (Leander 2005: 153) contributed to bringing about the search for a "coordinated response" (ibid.). Therefore the Kvinnovrid law was an outcome of decades of preceding parliamentary debates. Sex workers or prostitutes⁸, however, were actually never included in the discourse.

In 1976 an investigative commission with a 7:1 predominance of men was charged to examine sexual crimes. The conclusion was that the state should have as little influence in people's sexual lives as possible. However, the undertakings were not only trivializing prostitution, but also voting in favor of tolerating rape crime. By this a discussion was launched, which ended up seeing prostitution as suppression. Their target number one was the dissolution of the existing commission. Aspiring to create a new commission, men and women should be equally strong represented (Boethius 2001: 8).

The new commission was formed in 1977⁹, which ended up with split reports due to political divergences between the commissioner in charge and the other experts. The thrust of the argument was that prostitution was not a question of gender equality but of human dignity. Although recognizing that predominantly women were objects of sexual commerce (Svanström 2004: 229), both reports concluded that criminalization would drive prostitution into the invisible scene and be a danger rather than a help. Instead, preventive care was propagated. Among the party lines the opinions about the inquiry's conclusion differed: whereas the police, the judiciary, the Ombudsman, Social Democrats, women's conservative group, gay rights groups, and the Swedish Association for Sex Education (RSFU) stood behind the proposal, other women's movements such as ROKS¹⁰ were in favor of the criminalization of johns. The conservative party was a strong advocate of the criminalization of both purchasers and sellers (ibid.).

In 1993, a male minister for equality in a centre-right government appointed a new commission that should investigate so-called sexual delinquencies. The argument was that "prostitution had changed its character and form" (Gould 2001: 439) and its "damaging effect" (ibid.) made action compulsory. The commission consisted of an equal number of women

⁸ Depending on the self-assigned voluntary choice, the women are either called sex workers, referring to their voluntariness, or prostitutes, referring to at best a choice of vulnerability.

⁹ This commission consisted with a 100% increase on the female side of two women versus eighth men.

¹⁰ ROKS (National Association for Battered Women's Shelters) pioneered in their proposal to punish the johns only in 1987 and has been a forerunner in the abolitionist movement including pornography, child sex slavery and sexual commercialism (Gould 2001: 449). Further support for the criminalization of johns came from the Swedish Association of Women's Shelters and Sweden's first women's organisation, the Fredrika Bremer Association (ibid. 442).

and men and was chaired by the Minister of Justice Inga-Britt Törnell. Advisors came from different social groups and included “civil servants, administrators, police officers, social workers, academics and the manager of a rehabilitation home for both prostitutes and substance abusers” (ibid.). The commission received sex market impressions from different European cities and was determined not to let Sweden become a market for Eastern European prostitutes (ibid.). The commission’s conclusion was summarized in its report: about the physical harm done to prostitutes, the danger of HIV and other STDs, the huge amount of physically abused women in prostitution. The commission appealed to criminalize both the buyers and the sellers of sex under the premise that means for preventive and exit care as well as police control would be provided (Boethius 2001). Furthermore, the term ‘sex trade’ was preferred to prostitution, “as it covered ‘sexual services of various kinds’ not just intercourse” (Gould 2001: 439). The proposal found harsh rejection from 62 out of 64 consulted parties, amongst others the Swedish National Board of Health and Welfare, the National Police Board, the Chancellor of Justice. The majority of the consulted organizations voted against any kind of criminalization, only 3/8 wanted a criminalization of the buyers alone (Stridbeck 2004: 15). Religious parties were divided and even the social centers’ opinion differed (Gould 2001: 442). No political party supported a liberal view, however (ibid. 447).

2.3. The Law criminalizing the purchase of sex

Kvinnofrid Law itself forms the frame work under which the situation of the women in prostitution shall be analyzed and therefore shall be enlightened properly.

As a result of women’s cooperation on the issue of violence against women across party-lines – excluding the conservatives – several bills were proposed by the government. While two of the three “main requirements set out by the Prostitution Committee” (Stridbeck 2004: 16) did not find acceptance¹¹, the criminalization of the buyers of sex came into effect through the Sex Purchase Law of 1999, officially termed the *Kvinnofrid* (‘Protection of Women’) Law. Introduced under Social Democrats, it was later also embraced under the Liberal Alliance Government of 2006 (Dodillet & Östergren 2011: 2). The Law holds liable a person who attempts to, purchases or receives through payment from someone else a “temporary sexual service” (Pye Jacobsson).

¹¹ The attempt to criminalize the sellers as well as the plan of “extensive social measures” (Stridbeck 2004: 16) were not put into effect.

When is the Law applicable

Originally, the Swedish Sex Purchase was made out of five conditions: for compensation, sexual relationship, casual, attempts to or when sex is obtained, falls under no other criminal legislation (Stridbeck 2004: 16). Compensation can be monetary but also drugs or alcohol and even “meals or gifts [...] agreed upon in advance” (Dodillet 2011: 4); even promised compensation is prosecutable. Sexual relations stand foremost for sexual intercourse “but other sexual activities are sufficient for liability” (Stridbeck 2004: 16f.), which creates a blurry line – stripping and porn shows without sexual activity, on the other hand, remain decriminalized. The term casual brought forth the problem of having customers that regularly have sex with the same woman. Another problem was created by the term ‘obtains sex’. This definition excluded from liability such sexual purchases that were obtained for someone else. The Sex Purchase Law is further subject to the Swedish Penal Code and hence criminal cases that fall under different legislation¹² remain under the jurisdiction of the Penal Code (ibid.). Due to these uncertainties of application the Law went through two periods of amendments. In 2005, the possibility of a third party arranging and paying for a sexual service was recognized as a loophole in the Law and added to the prosecutability¹³; the Law became part of the Swedish Penal Code in section 11 of chapter 6, as a new sexual crime. In 2011, the maximum penalty of six months imprisonment was raised up to a year¹⁴ and the term ‘temporary sexual relationship’ was clarified further. A temporary sexual service means each time of payment and sexual service stands for the touching of the other person’s genitals in exchange for something (Sárosi & Jacobsson 2009).

Difficulties of implementation

Other difficulties to enforce the Law arise due to the requirement of evidence for the sexual crime. This means finding proof that an agreement of sexual services was made and finding proof that sexual services took place. “If the accused pleads not guilty, strong evidence, *without reasonable doubt* [emphasis of author], must be brought forth” (Stridbeck 2004: 18). If strong evidence cannot be provided, the likelihood of dropping the criminal charge is given. The working group states that even when the police “intervened when the sexual relations took place it is difficult to win in court when both parties deny that payment has been made” (ibid.). Women may abstain from testifying in court¹⁵ as the john provides her source of income. Even if she was violated by the john in a way that went against their temporary

¹² Having sexual relations with people under 18 is regulated in Chapter 6, § 10 and falls under seduction of youth (DS 1999: 36).

¹³ Also was added a paragraph related to having sex with children.

¹⁴ The scale of the penalty before the amendment was equal to that of pilfering.

¹⁵ The prostitute is allowed to refuse to give evidence under the Swedish Criminal Procedure Law (Chapter 36 §6, Rättegångsbalken, loc.cit. Stridbeck 2004: 18).

sexual contract, she may refrain from testifying because of shame making herself known in public in the Swedish anti-prostitution society and of fear of losing future customers.

The purpose of Kvinnofrid Law

For the enforcement of the Law the government provided 7 million crowns (800.000 €) to the National Police Board (Goodyear 2009: 17). The Law was established to shift the focus away from decades of female stigmatization and focus onto the male, the purchaser. Interesting to note is that considerations about trafficking of human beings were not an argument to establish the Law (Leong 2010: 119). Rather the Commission's statement was that

[t]here is no doubt that prostitution is seriously detrimental, both to the individual and to the society. [...] It is therefore an important issue for society to combat prostitution. Even though there are arguments against criminalizing the purchase of sexual services, the government considers that the arguments for are so weighty that it is reasonable to introduce a prohibition against the purchase of casual sexual relationships. In this way society takes a direct stand in this question. (Prop. 1997/98 (55): 104, loc.cit. Stridbeck 2004: 15f.)

The Law was intended to "act as a deterrent" (Regeringskansliet 2009) and keep men from purchasing sex. In addition, the Law was expected to reduce numbers of street prostitution and withhold new sellers. Organized prostitution was sought to be prevented from spreading (ibid.). The official stance of Sweden is that all prostitution is violence and should therefore not be regulated but must be abolished. All prostitutes are victims and cannot voluntarily decide to enter prostitution. It is recognized by the government that women need specialized exit help in order to build a new life without prostitution. Although direct responsibility for these offered services remains with the local governments, the state promises to "provid[e] women with access to shelters, counseling, education, and job training" (Ekberg 2004: 1192).

Action plan against prostitution and sex trafficking (APAPAST)

On July 10th in 2008 the Government introduced an action plan against prostitution and trafficking for sexual purposes that focuses on five areas: "greater protection and support for people at risk, more emphasis on preventive work, higher standards and greater efficiency in the justice system, increased national and international cooperation, and a higher level of knowledge and awareness" (Regeringskansliet 2008). The Government spent 215 Million SEK (about 24 Million Euro) for the implementation of the APAPAST between 2007 and 2010; the plan consists of 36 measures (ibid.), the evaluation of the Kvinnofrid Law is also part of them.

The Law has been promoted by the Swedish Government and an internationalization of the Law is aimed at. In the APAPAST, it is clearly stated that the battle against violence against women and children makes international cooperation necessary and hence concrete steps to

intensify the like shall be undertaken. As prostitution is considered to be intrinsically harmful to both individuals and the society, the fight against prostitution should be a worldwide fight. It is considered “shameful and unacceptable that, in a gender equal society [like Sweden], men should obtain casual sexual relations with women in return for payment” (Regeringskansliet 2010a: 4).

Evaluations of the Law

In the following section, several evaluations from different groups of society shall be illuminated. Starting with official government evaluations, their aim at presenting the Law in a positive manner shall be made evident; evaluations of different experts that even draw from findings through government evaluations shall present the critical findings of the Law's enactment.

Government evaluations

Since the establishment of Kvinnofrid Law the government has been eager to evaluate its effectiveness. Therefore, several measures have been taken. On the one hand, a government evaluation was produced; on the other hand, the National Board of Health and Welfare (NBHW) was commissioned to produce regular evaluations of the law's effectiveness.

In 2008, the government appointed a special committee to conduct their plan of combating prostitution along with human trafficking, known as the Committee of Inquiry to Evaluate the Ban against the Purchase of Sexual Services. The Committee conducted an evaluation of the benefits of the new Prostitution Law between 1999 and 2008. The positive results are summarized in the Skarhed Report (Regeringskansliet 2010a & b), presented by the head of the Committee, Chancellor of Justice Anna Skarhed, and are widely reported by the press. It is controversial among scientists whether this report describes the actual improvement or a statistic tainted by the purpose of the government: to prove that the establishment of the law was a good decision, whatever the facts say. Statistics produced by Dodillet (2011) and information gathered by Östergren (2003) stand in contrast to numbers produced and information collected by the government, the government adviser Ekberg (2004) or independent researcher Waltman (2011). So for example, whereas advocates of the Law emphasize that street prostitution has declined, critics point to the government initiated report of the National Board of Health and Welfare that claims that street prostitution is slowly coming back (Bucken-Knapp 2010). The success of the Law is a firm belief of the government and only amendments to the Law are being introduced.

According to the Report there was a 50% decrease in [street] prostitution and a 75% decrease in men purchasing sex in Sweden (Farley 2003: xv). Also, compared to other

Nordic countries, street prostitution was found three times lower in Sweden in 2008, although numbers were about the same before the Law. The Law is said to be “an important instrument in preventing and combating human trafficking and in protecting those people who are, or who risk becoming involved in prostitution and other forms of sexual exploitation” (Regeringskansliet 2010a: 6). The report further states that there is increased public support for the Law, as a survey shows about 80% of the Swedish inhabitants are now in favor of it (Ekberg 2004: 1204f.). The education and awareness program for police and society about the wickedness of prostitution brought a 300% increase in police arrests of customers (Ekberg 2004: 1196). In addition, the report states that field workers do not consider that there has been an overall increase in prostitution since the introduction of the ban (Regeringskansliet 2010a: 8).

In addition to the Skarhed-Report, the government commissioned the NBHW to regularly conduct evaluations of the Kvinnofrid Law. The NBHW is “a government agency under the Ministry of Health and Social Affairs” (Dodillet & Östergren 2011: 7). Three evaluations have been conducted so far and have been published in the years 2000, 2004 and 2008. The first evaluation compared the situation of the year before the introduction of Kvinnofrid with the year after (1998-1999); an English summary is available for the first report („Prohibition of the purchase of sexual services”). The second evaluation looked at the developments until 2003 and is available in full length in English („Prostitution in Sweden 2003”) (Socialstyrelsen 2004). The third report is available in full length as well and looks at a decade under the new Law (“Prostitution in Sweden 2007”) (Socialstyrelsen 2008). Whereas the first two evaluations hardly sought the opinion of any woman in prostitution¹⁶, the last research interviewed 12 female sellers of sex as well as 2 buyers. However, the group of men that are selling sex, victims of trafficking, immigrants who recently started engaging in sex work could not be reached at all, and only a tiny amount of people who left prostitution (Socialstyrelsen 2008: 12).

Critical voices and other evaluations

As mentioned, the findings of government evaluations are quite controversial. Before the Law opposition remained very quiet to the public ear, although the fear was voiced that criminalization of purchasers of sex would be a message to Europe against liberalization. Also, the effectiveness of the Law was clothed with doubt, stating that the Law would rather be symbolic and merely drive prostitution underground. After conducting separate evaluations, the official positive reports of the government were also put into question after the establishment of the Law – by experts such as the police (Kulick 2003: 204), Petra

¹⁶ The first evaluation was based on quantitative data, whereas the second evaluation collected information from many expert interviews; however, only one former prostitute was interviewed.

Östergren, a Ph.D. candidate in social anthropology, and sex activists such as Pye Jakobsson. However, some women that had been in prostitution supported the Law. But the criticism did not reach the parliamentary stage in the early days of the Law. Only in 2010, liberal MP Camilla Lindberg stated in an interview with a regional newspaper that the Law

has failed to reduce prostitution, as well as having had little impact on the psychological well-being of women involved in sex work. She suggests that the ban be scrapped and replaced by a number of measures, including brothels with doormen, doctor-issued certificates of health for sex workers, and economic measures to facilitate the integration of sex workers into Swedish society, such as access to unemployment insurance and the ability to accrue pension funds (Bucken-Knapp 2010b).

Still, this view hardly portrays a unified liberal party view, as “one of the most prominent Liberal Party figures, Cecilia Malmström, the current European Commissioner for Home Affairs” (ibid.) highly esteemed and praised the Sex Purchase Law as a “crucial instrument for targeting trafficking in human beings for sexual purposes” (ibid.).

But other official organs found critical results as well. According to the National Police Board Press Release in March 2010, serious crime, including prostitution and trafficking has increased “in strength, power and complexity in the last decade” (NPBPR, loc. cit. Dodillet & Östergren 2011: 12). Due to higher prices the sex market in Sweden could even be considered a “tool to improve market conditions due to the higher prices for sex that the ban creates” (Dodillet & Östergren 2011: 12), according to the National Council for Crime Prevention. Even though phone conversations of traffickers were recorded, saying that Sweden had become an unprofitable market since the law (Nefarious 2013), official numbers of the UN database show that 24 cases of trafficking have been reported since 2003 (UNODC 2014). Furthermore, legalization could also be promoted from the government side to be able to tax the prostitutes’ earnings, which could bring an economic bliss to the state; this last argument was refuted, however, by the interviewed social worker (Interview with Johan Christiansson). What is furthermore criticized is that the primary means to establish the legislation was supposed to be social measures, yet concrete wording in laws concerning the handling of people who sell sex is missing. Social services are implemented as help centers in the three major cities Stockholm, Malmö and Gothenburg but a unified approach and an official guideline find a negative report (Dodillet & Östergren 2011: 6).

Many reports state that the Law does not scare away clients and the reduction of street prostitution by half cannot even automatically be traced back to the Law¹⁷. Some state that this decline has been a longer trend since the 1970’s; individual researchers have even claimed that it is an international trend (ibid. 9). The police themselves admit that there are

¹⁷ There is consensus about the fact that street prostitution has been reduced by half. However, numbers on the street are fluctuating and hence it was suggested that the reduction could also be traced back to police surveillance and therefore the implementation of the Law, rather than the Law itself (Dodillet / Östergren 2011: 9).

no accurate figures since the “method of measuring is ‘rough’” (ibid. 8). Having vague numbers about street prostitution on the one hand, there is a lack of data about indoor prostitution altogether; the increase of online prostitution is a fact and the question arose whether the women have merely moved indoors from the streets.

Due to the aforementioned application difficulties, criminal charges are hard to prove. Of 91 charges made in 1999, 37 were dropped in the same year; to 51% because of lack of evidence (Stridbeck 2004: 18). Between 2003 and 2009 only 22 men were convicted (Jordan 2012: 8). Convicting traffickers has become more difficult as well, since former witnesses were often clients who do not take the risk of testifying and being themselves prosecuted. Further criticism of the Law involves a postulated increase of violence through the Law, an increased danger of STDs, a lack of respectful treatment of sex workers, ignorance of sex worker’s opinion in the whole process of establishing the Law, a generalization of a violent experience, a worsened relationship for women with the custody system. As much of its criticism falls into the subject of analysis for this study, the actual situation of the women under the new Law shall be illuminated later.

2.4. Regulations concerning sexual violence

Since the case of prostitution also falls under a wider category of sexual violence, several laws that are enacted shall be briefly explored, as they also determine the women’s situation to some extent. The ‘Swedish’ or ‘Nordic model’ comprises several regulations regarding sexual violence, attempts at sexual violence and harassments against women and children as well as concrete prostitution laws. It includes the Trafficking law of 2002¹⁸, laws concerning the under legal aged¹⁹, rape, sexual coercion and molestation law, a law concerning foreigners²⁰, a ban on public pornographic performances, as well as bans of any

¹⁸ Since an amendment in 2004, the Trafficking Law demands a penalty of 2 to 10 years of imprisonment (Penalcode 2010 Chapter 4 § 1a) for the “process of recruitment, transportation, transfer, harboring or reception of a person” (Dodillet / Östergren 2011: 5) for purposes of sexual exploitation, organ removal or forced labor. Evidence of coercion is not required for victims under the age of 18. The addition of ‘proving control of the trafficker over victim’ turned out as a hindrance to convictions and was removed in 2010 (ibid.).

¹⁹ The Seduction of Youth law prohibits the attempt and receipt of casual sexual relations with a child under eighteen years. The defendant is guilty when he/she had reasonable grounds for determining the victim’s age. If the perpetrator is of similar age and development as the child, “public prosecution shall not occur unless it is called for in the public interest” (Law 1994: 1499, loc. cit. Penalcode 1999 Chapter 6 § 13). In the The Care of Young Persons Act (LVU 1990:52, loc. cit. Sveriges Domstolar 2010) the state is provided with the right to care for a youth under the age of 18, (when they are not supported sufficiently), who “lives a destructive life involving [...] substance abuse, criminal activity or some other socially destructive behavior” (ibid.); socially destructive behavior includes living from prostitution.

²⁰ According to the Aliens Act (2005: 716) a foreigner can be refused entry to Sweden “if it can be assumed that during the stay in Sweden or in some other Nordic country he or she will not support himself or herself by

prostitution-related activities such as living off the earnings of prostitution and brothel-keeping.

Known as the Pandering Law, pimping or procuring is when a person “promotes or improperly financially exploits a person’s engagement in casual sexual relations in return for payment” (Dodillet & Östergren 2011:4). The fine can be up to four years of imprisonment or eight years when it is a serious crime. A serious crime is measured by the size of the activity and must involve “significant financial gain or [...] ruthless exploitation of another person (Penalcode Ch. 12 § 12, loc. cit. Dodillet & Östergren 2011:4). Using apartments for prostitution-related activities is prohibited by several provisions in the law and offenses can lead to confiscation or other sanctions. This law also requires a landlord “to terminate the tenancy if premises are used for prostitution and tenant-owners are required to move out of an apartment used for prostitution” (Dodillet & Östergren 2011: 4), since the tenant otherwise is accused of promoting prostitution.

As a result, women that continue to work in prostitution are deprived of legal living opportunities for their work as well as from working or living together – since a shared habitation implies the possibility of sharing income (ibid.).

The taxation law affects the women as well in a paradox way: on the one hand, prostitution earnings are taxable, but on the other hand the women cannot register ‘sex work’ or ‘prostitution’ as a regular business “(and because of the Pandering law they cannot be employees)” (ibid.). The women are compelled to lie and register under a different business or choose not to pay taxes at all; hence they have to sell sex illegally and deprive themselves of the social welfare benefits (Jordan 2012). Staying legal means that women have access to social insurance but they face the problem of lying to the state and accounting for their expenditures. Staying illegal deprives the women of social insurance benefits and expenditure deductions. In addition, it exposes them to the risk of being sought out by their city’s government and being taxed by arbitrary measures retrospectively for their estimated earnings (Östergren 2003).

Looking at the political history of the meaning of prostitution and sex work in the Swedish society, paints a picture of vigorous polarization. Incited by different movements, prejudices, personal beliefs or the like, certain eras became characterized by an ideologization of those beliefs in the political realm. What is most stunning is how periods of ideologization seemed to be prevalent throughout the society and almost erratically led into the opposite extreme. So, for example, a period of calling women in prostitution mentally ill was followed by one that merely held them to be ‘socially awkward’. In the same way, the commission almost able

honest means or will engage in activities that require a work permit, without having such a permit (Chapter 8 § 2). Throughout the Aliens Act, the wording ‘sex work’ or ‘prostitution’ is not used but is not associated with ‘honest means’.

to legally trivialize rape was followed by the first intense debate about prostitution as a crime against women. Following this erratic thinking, the chances that something like the Kvinnofrid Law could be established in sexually libertarian²¹ Sweden appears not as odd anymore. Whatever the conviction of the specific 'era', the way it is lived out has been radical – the police hunting after women to conduct obligatory medical services, or the sterilization of women due to their 'mental disease'. Considering these radical forms of reflection of a political society's beliefs almost disencumbers the current Law of its radicalness. For in a paradox way the very radicalness promoted by the Law stumbles in its enforcement: definition problems led to implementation problems and differing evaluations led to criticism from within the country; however, in two ways the Law has remained radical: its success is proclaimed as infallible by the Swedish government and the opinion of the subject of debate has remained unheard throughout time. Even though different actors play into the ideologized policies throughout the years; in an ironic way, after the Law has been established, the voice of women in sex work and prostitution is heard for almost the first time – by sex workers who speak up, by trafficking victims who approve, by researchers who publish. It remains to be seen where the following years lead.

3. Controversial debates

Sweden's gender policy in regards to women in prostitution is into the deepest parts of its origin a radical-feminist undertaking²². Whereas this battle is a united political venture²³, it is not supported by all forms of feminisms. There are two main camps, and three minor ones, that separate the opinions about the establishment of the Law fundamentally: radical feminists, who argue against the possibility of voluntary prostitution and see women as victims, and liberal feminists²⁴, who regard sex workers as capable to make their own decisions about their sexuality. Representatives of the *violence-against-women camp* in Sweden are Eva Lundgren (sociologist), Margareta Winberg (Social Democratic politician

²¹ Libertarian thinking upholds liberty above all else and redeems actions of internal or external compulsions.

²² Radical feminism builds upon a theory of patriarchy that rules the world and fights to overthrow it because they see the domination of men as an equivalent to oppression of women.

²³ According to Dodillet the "long Swedish tradition of 'communitarism'" (Östergren / Kulick 2009) in politics could be responsible for the passing of Kvinnofrid Law. "This means the individual should serve the aims of the State" (ibid.).

²⁴ Liberal feminism fights for a change in legal and traditional settings that have kept women in bondage economically, academically and socially. It accuses the society of its (subconscious) belief in women's intellectual and physical subordination to men.

and ROKS affiliation), Gunilla Ekberg (government advisor), Maria Sveland (author and journalist), Ireen von Wachenfeldt (Ex-Chairwoman of ROKS), among others.

Representatives of the liberal camp are Camilla Lindberg (Liberal politician), the liberal blogger community *Jezebel* and Petra Östergren (writer, commentator and MA Social Anthropology). Minor camps are Marxist feminism, socialist feminism and existentialist feminism.

Important to note is that the classification into camps focuses on the aspects representatives hold in regards to prostitution or sex work; they may not officially bear the reputation or fight for the beliefs of the liberal or radical feminists but embrace these 'ideologies' in regards to prostitution and sex work. Borders between the concepts are not considered to be fixed because theoretic clusters are not immovable. Nevertheless, the following categorization provides an approximation of the different feminist approaches towards prostitution regulation.

Taking a look at the different forms of feminism that hold different opinions about the issue of prostitution is crucial to understand the way the society is shaped by forms of interaction, social movements such as women's shelters, writings, the media, sex work campaigns and the like. These views have to be categorized to bring a systematic order and enable the researcher to evaluate the situation without political prejudice. Also, the systematization into different feminisms includes reactions from many sides and thus does not unevenly eschew an opinion. Granted, the inclusion of all ranging opinions probably remains an ideal to be pursued. However, an uneven representation that brings a bias in favor of one group over another has been avoided. So although there is an underrepresentation of *ideological opinions* according to a limitation of the evaluated material, for example of homosexual or of religious groups, there is not a bias for one at the expense of others. This chapter aims at displaying the variety of approaches in the Swedish society to Swedish prostitution policy and prostitution policy in general in order to reveal the complexity and inherently determined controversies caused by the topic.

3.1. Radical feminism and forced prostitution

Radical-feminists, whether they see themselves as such or not, believe that the root of women's oppression is found in the patriarchal society we live in. The element that upholds this society is always an expression of dominance of one over the exploited other.

Eliminating patriarchy is seen as the liberating goal for the society. Regulating prostitution is not regarded as helpful; changing the attitudes of the society must be pursued, so that prostitution can eventually be abolished. These representatives describe prostitution as an

exploitative act of women's vulnerability – a vulnerability that is comprised of origin, low social status, sexual abuse history or deception and physical force. Prostitution is harm for the body and harm for the soul. Radical feminists compare the violence experienced in prostitution the following way: “[p]rostitution could be said to be a more egregious form of violence against women because battering, rape and sexual exploitation are intrinsic to the act of prostitution” (Aghatise 2004: 1153). Radical feminists promote almost throughout the criminalization of buyers of sex as a crucial step towards abolishing all prostitution. According to Lundgren, 40% of Swedish women suffer abuse by men (Sanandaji 2005). A woman who worked as a prostitute said the following, “What rape is to others, is normal to us” (Alvarez et al. 2003: 60). In a study among nine countries 89% of 785 people in prostitution said they wanted to escape (ibid. 56). As coherent with the rape myth, not only among the population (Baron et al. 2000) but also before the court, prostitutes know that the likelihood of obtaining justice is low. Although the rapes women suffer in prostitution are more violent than in the general population, they are less likely to be reported, radical feminists claim (Anderson 2003: 79). Radical feminists find data that show that a woman working as a prostitute is on average raped once a week (Hunter 1993, loc. cit. Farley 2004: 1096).

In addition to the physical and psychological injuries the women suffer through the act of prostitution, the executive and judicative heap additional pain unto them: by legalization of prostitution the exploitation of women is legalized; without the criminalization of men, women cannot successfully report violence committed against them in prostitution, is the argument of this camp. Representatives of radical-feminism declare the loophole is male chauvinistic law-making. Not only the view of a protective state was disenchanted, also the view of the safe haven of legal brothel work. Apart from being “concentrated centers of STD’s [sexually transmitted diseases, author’s note]” (Aghatise 2004: 1144), studies from Australia and Germany show that prostitution is no safer when legalized (Aghatise 2004; Alvarez et al. 2003). 46% of 558 interviewed prostitutes across nine countries held this opinion, as well as 59% of women who prostituted themselves in Germany, where brothel prostitution is legal (Alvarez et al. 2003: 49).

For radical feminists, buying sex is a violent act against women, as well as pornography or stripping, and *all* violence against women must be fought against. Among buyers of sex and pornography “[v]iolence, degradation, and humiliation are eroticized, radical feminists argue. Because women and children *smile* [author’s emphasis] in pornography, perpetrators are convinced that women and children enjoy abuse and exploitation” (Hughes 2003: 124), they argue on the grounds of interview material with some men. Pornography is said to be a “starter drug” for men, and women are used as pornographic material even against their will. Men may justify the use of pornography and might even consider purchasing sex with a

prostitute themselves, at least at an older stage in their life, radical feminists argue; the average customers are “[m]en who have or have had many sexual partners” (Ekberg 2004: 1194). Frequent users are most likely to be married and in their 40’s. In a sample of 159 willing men in Chicago, 80% of all married men in the sample were purchasers of prostitution and 84% of all single men (Goswami 2004: 1).

On average, between “65 and 95% of those in prostitution were sexually assaulted as children” (Farley 2003: 56), radical feminists claim. Other studies seem to share these numbers (James & Mererding 1977; Silbert & Pines 1981; Bagley & Young 1987; Belton 1992). These women had an experience of having their sexuality stripped away from them – it became something in their minds that does not belong to them. Whatever was messed up in their early childhood years only finds a continuation now that they are in prostitution. A survey was conducted, offering women choices with help they might need. Compared to 89% who wanted to leave prostitution, only “61% needed healthcare, 56% needed individual counseling, 51% needed peer support, 51% needed legal assistance, 47% needed drug/alcohol treatment, 45% wanted self defense training, 44% needed child care, 34% wanted prostitution to be legalized and 23% wanted physical protection from a pimp” (Alvarez et al. 2003: 48f.).

Eventually, these violent experiences bring forth other inherently *harming coping mechanisms*, radical feminists claim and confirm with collected data: drug addiction, if not a manipulative force by the pimp, is the consequence rather than the trigger that brings women into prostitution (Alvarez et al. 2003: 62f.). They use substances like alcohol or drugs to cope with the extreme psychological distress inherent to prostitution – stress, hyper arousal, panic attacks, severe emotional and bodily dysregulation, depression, altered states of consciousness, shame, dissociative disorders, only to name a few. It is “internally damaging. You become in your own mind what these people do and say with you” (ibid. 58), one woman said about prostitution. Also, women are prone, if not forced by a pimp, to build new *whore identities*; if not as an automatic coping mechanism of the women, the goal of a pimp calling forth this new self in the woman is “to destroy the autonomy of the victim and induce as far as possible a state of willing submission” (Herman 2003: 4). The result of this can be altered states of consciousness and the development of dissociated ego states so that one is able to act against what one would normally not consent to. Seeking emotional comfort and bodily calm with tranquillizers, drugs or alcohol is not an unusual consequence of that (ibid.). For radical feminists, this is the experience of any woman who finds herself in prostitution. Women in prostitution, even a long time after quitting, are quite familiar with *post traumatic stress disorder* (PTSD), radical feminists argue. PTSD describes a severe condition after traumatic events that contain for example the reliving of the traumatic experiences, numbness of memories and high levels of anxiety. In a study, the diffusion of PTSD among

prostitutes from 5 countries showed the same “range as that of combat veterans” (Weathers et al. 1993, loc.cit. Alvarez et al. 2003: 37). Also, the dispersion of violence among the different forms of prostitution is only a *relative dispersion*, radical feminists claim: Although Alvarez et al. (2003) found more physical violence in street compared to brothel prostitution in South Africa, the “intrinsically traumatizing” (Alvarez et al. 2003: 60) effect was the same as was shown in the PTSD index. Other studies have found that a woman who is stripping can suffer the “same depersonalization as other women undergo in pornography and prostitution” (Hughes 2003: 127).

As another study shows, 59% of 119 women in 8 types of prostitution confessed that it was necessary to be high to endure turning tricks. 59% said they used drugs to numb out, 28% said they used alcohol to numb out. 44% said they used substances to cope with fear (ibid. 189). When substance abuse becomes a means to cope with the physical (52%) and emotional (76%) pain, it is not surprising anymore that 94% of these women said they would leave the job for a different one with similar earnings (ibid. 192), radical feminists argue;

3.2. Liberal feminism and sex work

Liberal feminists, on the other hand, have a strong view of the state as a facilitator of women’s autonomy. The root of women’s oppression is found in gendered legal constraints, they claim. Every person’s right is a right to freedom and the “just state” (Baehr 2013) should strengthen this right. Nevertheless there are differing views among liberal feminists what that freedom means. Not all of them are in favor of sex work on moral grounds but they regard it as a political right to every woman to make the choice to become a sex worker. The opposing terminology between radicals and liberals already makes clear: liberals see the detriment to the women in sex work in treating them as victims and depriving them of their rights through interference of the state. In an ironic way, the very way radical feminists are passionate about treating the women as victims, liberal feminists recognize as danger. Therefore, the term ‘forced prostitution’, which is common amongst radicals, is replaced by ‘sex work’ amongst liberals.

Whereas radical feminism regards as de-humanizing the conception of ‘women as merchandise’, liberals regard the victims-conception as de-humanizing. By treating sex workers as victims, they have been deprived of their own voice, they argue. When radical feminists argue that prostitution is a degrading exploitation of women, liberals counter with the argument that in the same way, “when one seeks out a professional such as a doctor, lawyer, plumber, or mechanic, one is not centrally concerned in the person doing the professional work—only his or her services” (Bromberg 1997). The actor on either side is interested in their own goals – the john is interested in sex and the sex worker is interested in

money (Weisberg 1996: 211, loc. cit. Bromberg 1997). Both ‘professionals’ have a common interest and should be treated as responsible people who have the right to make a choice. The state should keep his interference with people’s personal lives, and that includes people’s sexuality, as little as possible. It should not have the right to decide what kind of job is in the women’s interest or not (Baehr 2013), liberal feminists postulate. Their desire is to “reform the circumstances in which prostitutes work” (Anderson 2002: 757).

Liberal feminists argue that women also need to have access to options and be able to judge these options by themselves. Whereas radical feminists argue that due to a woman’s vulnerability²⁵, she is not capable of making a free will decision in the area of sex work, liberal feminists regard the women as free to enter a ‘sexual contract’. It should be the woman’s right to do with her body as she desires, even if this goes against main stream thinking or what is thought to be desirable for a woman. Liberals will point to the differing education levels and sex workers such as Pye Jakobsson or Isabella Lund to make void the argument of economic desperation or ignorance about the conditions of sex work. They clearly distinguish between sexual trafficking and voluntary sex work. They desire punishment for cases where trafficking is involved, however, postulate a different approach to fight trafficking: the battle is not won by creating a law that “forces prostitution underground” (Lund 2007). For battling that kind of slavery you “need to inform people about how to discover trafficking, you need creative and focused resources” (ibid.). Against people’s beliefs “[p]rostitution is voluntary sexual service carried between consenting adults. If there is no agreement it is not about prostitution, *then* [emphasis of author] it’s about enforced sex and sexual violence” (ibid.), they claim.

To deal with the whole commercial sex industry in order to abolish trafficking is considered to be “as draconian and wrong-headed as the idea that it is necessary to eliminate demand for carpets in order to address the problem of forced and child labour in the carpet industry” (O’Connell Davidson 2006). Liberals argue that although trafficking is a reality, the abolishment of all prostitution is neither desirable nor realistic. Since there are women that pursue the job of a sex worker – whether for economic or other reasons – abolition is discriminatory against their choices. A legal system that has the audacity to let the morality concerns of third parties decide about someone else’s freedom adds to the harm: social stigma is created by an oppressive system of gender equality, liberals argue. Emotional harm, if women encounter it at all, is the result of “social stigma [caused by discrimination through the society]” (Kramer 2003: 188). Women feel disrespected because their choices

²⁵ Women are vulnerable to traffickers on the one hand through illiteracy, a lack of knowledge of what prostitution means, deceit, manipulation and religious abuse (Aghatise 2004; Bell 2001). Women that make the choice to enter prostitution without being trafficked, come with the hope of a better future into the rich Western world but find themselves unable to find sustainable work due to migration laws. This vulnerability drives them into prostitution, is the radical feminists’ argument.

are not valued – through abolitionist legislation sex workers are pressed even further to the margins of society. Already having a low position in the society due to historical and moral animosities, a state-supported inferiority-status assigned to the women worsens their standing, liberal feminists claim. At its best, abolitionist legislation advocated by radicals, “deprives these women of a livelihood by [...] driving customers and bosses away and, at worst, compromises sex workers' safety by forcing them to bargain in the shadows and subjecting them to state-sponsored violence or rape by the police” (Chuang 2010: 1571).

Whereas both sides agree that coerced prostitution is violence, liberal feminists sharply differentiate between ‘coerced sex labor’ and ‘sex work’; the distinguishing mark for being trafficked is the use of force and deception. For radical feminists, violence is the result of experiences in all kinds of prostitution or careless treatment of the women by the state. For liberal feminists, violence comes as a result of abolitionist legislation. When a law that criminalizes johns is in place, the risk of being caught accelerates negotiations on the street. There is less time to evaluate customers, women feel pressured to have sex without condoms and in general the more violent clients remain, liberals argue. If women were prosecuted as well, their business would be driven even further underground, with no chance of reporting violence done to them. On the other hand, the state pursues the goal of prosecuting buyers and pressures women into witnessing before courts. The women may neither want to be exposed before a court as a sex worker nor lose their clients through witnessing against them, liberal feminists point out. Women may fall further into desperation and sex workers with drug problems have even been driven into suicide (Kulick 2003: 204). The very gender equality Sweden claims to fight for, liberals argue, is prohibited by the reality of the Kvinnofrid Law. It is deemed an oxymoron that ‘freeing’ women means ‘suppressing’ them. The Law and the method of its implementation reveal that sex work is considered a crime against public order, not against a person (Waltman 2011: 153). Hence the fight the Swedish government fights is not concerned with saving the women but with abolishing the idea of prostitution (Eriksson 2005), liberals argue. According to them, psychological problems arise because of the state’s activity against sex work; radicals argue that psychological problems arise because of the captivity of women *in* prostitution. Nevertheless, opinions vary among liberal feminists whether legalization or decriminalization is the better solution to the phenomenon. Some prefer regulation, whereas others hold that state involvement means potential abuse through “overregulation” (Chuang 2010: 1671). For those who are “uncomfortable with the sex-as-liberatory perspective, decriminalization may be appealing because it falls short of official state acceptance of prostitution” (ibid.) However, all liberals oppose the criminalization of johns and both of johns and sex workers. Whereas radical feminists argue strongly by providing empirical evidence of the *consequences of women in prostitution*, liberal feminists focus on claims sex workers make

about their rights. This can respectively be interpreted in two ways: whereas radical feminists could be regarded as populist and sensational by focusing on individual traumas women in prostitution have gone through and making statistics out of them, it is also only logical that they do so as their belief in trauma-inherence of prostitution compels them to point to these consequences and provide empirical examples for that. On the other hand, liberal feminists could be regarded as neglecting an 'obvious truth' by not being able to provide statistics of sex workers without severe mental or bodily harm due to a lack of 'healthy sex workers'. Yet sex activists who work as sex workers and argue on a liberal basis prove that this is not the case either.

3.3. Marxist feminism and prostitution

Marxist feminism takes fragments from Karl Marx's capitalist theory to build its own. According to Marx and Engels the society is divided into hierarchic classes due to unjust relations of production. Divisions of labor are the normal result of individuals living in relation with one another. Private property is created and labor becomes a product that is exchanged. Instead of social relations, money and therewith capitalist thinking has emerged as the ruler of the system. The class conflict separates the classes of the ruling and the ruled, and leads into a vicious circle of battling one another. It can be broken only by the abolishment of the class system and the end of capitalist reign. Marxist thoughts regarding prostitution are very concrete, although Marx himself never voiced a political preference. The dominant form of labor representing social inequality in a capitalist system is wage labor. The employee is exploited on behalf of the employer. Since prostitution falls into a wage labor category, it has been corrupted as well. But Marx states that "prostitution is only a specific expression of the general prostitution of the laborer" (Pateman 1988: 201, loc.cit. Bromberg 1997). Yet recent debates wrestle with the question whether prostitution can really be seen as 'labor'. The counter position claims that it is a form of violence against women (Ward 2007). Prostitution is not regarded as wrong on moral grounds but because it is "incompatible with the aspiration for sexual equality" (Pritchard 2010). Marx uses prostitution as a picture for the corruption of world policies. Although prostitutes may think they are free, they only represent and reinforce the degenerated working system of a capitalist society (Bromberg 1997). Whereas many Marxists see the abolition of prostitution as desirable but utopian and focus on unionizing the women and fighting for acceptable frame conditions, a marginal group pursues the abolishment of prostitution.

Although maybe not representative for all social workers in Sweden, Johan Christiansson, a social worker working for the Treatment Unit²⁶ in Stockholm, can be described as a mixture of a Marxist and socialist feminist. He holds the capitalist class system to bring forth the exploitation of women in prostitution, yet also in other labor. In his eyes the fact that men are buying women is not a moral issue but one that is irreconcilable with our modern society (Interview with Johan Christiansson), one might add, the gender-tainted one. While it is a myth that Sweden is a socialist country²⁷, a hint of Marxist thinking about prostitution can also be found in the Swedish government. By looking at the Swedes' sexual freedom policy, which was prevalent over decades, the argument that Swedes reject prostitution for moral reasons is made void, even though claimed as such (ibid.). Yet morality is not born over night. Much more, this change in *sex policy* is part of the Swedish fight for gender equality; this gender fight is irreconcilable with the idea of men violating women. Women might think they are free in prostitution but they are deceived, says the government. The concept of unionizing the women is applied by installing government shelters that support the women and aim at a psychological healing work as well as at offering alternatives of work labor. The government would be part of the marginal group of Marxist feminists that also seek to abolish it, as for them it represents a corrupted form of work.

3.4. Socialist feminism and prostitution

Leaning unto Marx, socialist thinking agrees that the society is under a system of class oppression. However, socialists identify the roots as psychological and social instead of economic. They care about the women beyond the political realm and regard people higher than capitalist gain. They hold that the class system robs people of their identity, objectifies them and assigns them a mechanistic function in the society. So also prostitutes are victims of this system which is underlined by class distinctions. Yet as many Marxists, socialist feminists only discourage prostitution but abstain from eradicating it (Bromberg 1997). Many social workers are expected to be socialist feminists, as was confirmed also through Talita (Questionnaire Talita 2014). They identify prostitution as a result of a wrong system of oppression that objectifies women but find the roots of the oppression in individual psychological and social disorders. Therefore social work offers help for buyers and sellers of

²⁶ The Treatment Unit is a government program that works with the male buyers of sex and offers psychological counseling to them.

²⁷ Since the mid-thirties of the 20th century Sweden has been ruled by a capitalist free market economy with democratic principles. A forum for unions and businesses was established which enabled class collaboration but has been overtaken by capitalist leaders and has put the organized work force under rigid rules. The goal of Sweden's economic policy was to create a welfare state (financed by public taxation), never a collectively owned one. Also most firms in Sweden are privately organized (Olsson 2009).

sex to cope with psychological and social problems related to their addiction or rehabilitation from leaving prostitution. Several remarks from the interview subject about his work with the men and the statement that he would also be fine working in Amsterdam as a social worker, let infer that although he discourages prostitution, his goal is not to eradicate it by all means (Interview with Johan Christiansson).

3.5. Existentialist feminism and sex work

Existentialist feminism believes that prostitution does not necessarily force the women into a male-dependency but can even portray empowerment for them. Existentialists postulate freedom and equality for both sexes. Even if not obtained, though, women can experience a freedom in prostitution that is “immediate, affirming, and temporally rewarding.” (Bromberg 1997) Simone de Beauvoir holds that all women can gain access to their inner warrior strength so that they actually subdue the man, and not vice versa. While the man may think he is in control of the woman, she actually is. The illusion is uncovered in the act of payment – which speaks more of a “spirit of entrepreneurship” (ibid.) in the woman than of her exploitation. Her escape of sexual inequality is an escape “by economic means” (ibid.). She has found a rewarding way of economic survival. Existentialist feminists in Sweden are sex workers and sex activists such as Isabella Lund and Pye Jakobsson. They claim to experience empowerment through voluntarily offering their bodies for sexual pleasure exchange.

3.6. Approach of the study

As different as the views of the feminisms are, as complicated is the topic of women in prostitution and sex work. Embracing a view passionately necessarily leads to a neglect of other views that are another puzzle stone of the whole picture. When radical feminists fight for the criminalization of johns, they disadvantage women who consent to do sex work. When liberal feminists proclaim the freedom of choice for all women, they disregard women whose choices are based on sexually abusive experiences. When Marxist feminists aim for unionized prostitution, the capitalist system still suppresses women. When socialist feminists offer psychological counseling, they still face men apparently addicted to buying sex, as several have claimed they cannot stop although they would like to (Interview with Johan Christiansson). When existentialist feminists proclaim sex work as empowerment, they cannot speak for the many women who have been violated and raped in prostitution. Only by open-mindedly embracing the possibility of differences of someone’s experience can a

holistic picture of the women's situation under Kvinnofrid Law be drawn. By being aware of populist and sensational argumentation or statistically drafted proofs in order to reinforce and confirm one's own convictions, the researcher can distance herself from faulty conclusions. The feminists agree with one another in one point: that "prostitution as it exists now is a harmful, degraded institution" (Anderson 2002: 757) but they disagree on the question why it is bad. Since this study aims at the inclusion of opposing views, the following definitions shall be used:

Prostitution, "genitals trade" and sex work

While 'prostitution' is the oldest expression for sexual services in exchange for money, drugs or other compensation, Sweden has introduced a new term, translated 'genitals trade' (Eriksson 2005). The more common term "sex work", was coined in 1973 by COYOTE, the American *Call of Your Old Tired Ethics* sex activist organization to bring respect to these women in their job choice and is currently used by many social workers. Although it is appraised in its intention of anti-discriminatory work for women, the author holds that it becomes a euphemism that downplays the violence that can be accompanied by prostitution. Aware that there are women in prostitution that prefer to be called sex workers, this study will attempt to refer to the women in prostitution the way they prefer to be referred to. If not clear from the argument, a differentiation allowing for both terms shall be made; the intention of the study is to respect the women's respective self description. If in the context not considered of importance to make a distinction, the term 'prostitution' will be used, due to the longer history of its circulation. Prostitution is the willing or coerced selling of one's sexual service to one or more other people. It exists in various forms, including strip club prostitution, sex shows, pornography, escort services, street prostitution, brothel prostitution, voyeurism or others. As the Swedish Law only includes punishment for such prostitution, where a sexual relationship by touching the other person's genitals is formed, this study excludes several forms of prostitution such as strip shows, voyeurism or pornographic photo material.

Whereas in many cases it is difficult to determine from the outside whether the selling of one's body was predated by an act of force or deception of some kind, which falls under the category of human trafficking, a definition for sex trafficking is distinguished from prostitution and considered as

recruitment, transport, shipment, accomodation or admission of people through threat or use of force [...] through abduction, fraud, deception, abuse of power or exploitation of particular vulnerability or through grant or receipt of payment [...] for the purpose of [sexual] exploitation (Artikel 4a Übereinkommen des Europarats zur Bekämpfung des Menschenhandels vom 4.Mai 2005, Artikel 3, Palermo Protokoll).

Speaking with International consultant Lauran Bethel²⁸, trafficking in its core “is the exploitation of vulnerability” (Nefarious 2013).

4. Research Design

The study is situated in the field of Policy Studies and therefore combines research strategies of policy analysis and program evaluation. According to Vining & Weimer (2005), “[p]olicy analysis is client oriented advice relevant to public decisions and informed by social values.” (ibid. 24) Program evaluation can be conducted at different stages of a program’s lifetime and assessed according to the desired outcome of knowledge – in this case, neither costs nor implementation process shall be analyzed, but the situation under the program. To speak in terms of the study, the “program” analyzed is the Kvinnofrid Law and its “impact” is the situation of the women in prostitution under the Law. Since there is no data about prostitution in Sweden before the Law, one is prevented to speak of an *impact* of the Law; merely assumptions can be made how the Law might have affected the situation thoroughly. Nevertheless, insight can be gained by accessing women who work under the Law and have certain opinions about how the Law affected them. Since it is an aim of the study to give a voice to those that are pressed to the margin because of their powerless social status, their voices shall be heard and made representative of their specific group – whether seeing themselves as sex workers or as forced into prostitution. In a next step the empiric findings shall be lifted to a meta-level of analysis by building a body of theories that is further developed of existing ones. This step shall bring the program under the wings of a middle-range theory that attempts to identify the mechanisms behind the complex problem of analysis.

The analysis is structured by a four stages model that has been adapted for the unique subject of analysis from the common policy cycle approach. The different stages of analysis are subdivided into the categories *problem definition*, *policy situation*, *policy alternatives*, and *policy evaluation*. The framework leans unto an adapted version of a program evaluation concept, as was deemed to be profitable for the study. The approach used is transformative according to Donna Mertens (2007). The theoretic framework is complex, depending on the number of factors that come into play with the different groups of women under the Kvinnofrid Law; they range from violence theories to segments of economic, sexual, post-colonialist and critical race theories. Grounded Theory is used as a methodological

²⁸ Lauran Bethel has been working with girls in the sex trade in Thailand for 14 years (Nefarious 2013).

evaluation guideline for the analysis of data, as findings from a policy evaluation are lifted unto a normative level of interpretation and thus a higher level theory that helps approach the complex topic is attempted to be formed. The study leads first through the chapter *Theoretic framework*, followed by *Methodology* and *Method*.

4.1. Theoretic framework

In the following the theoretic body, which is compiled of different versions of violence, economic and cultural theories, shall be illuminated. The theoretic body does not represent the totality of individual, established theories but rather draws on different aspects from different scholars or theories, as was seen fit for this study. The study maintains the freedom to only focus upon these selected fragments of theory; although plowing through the complete works of each political thinker was considered a too overwhelming undertaking, the selected presentation is largely due to conformity with the author's thinking and usefulness for the study. Main contributors to the theoretic body are Bourdieu (2005) and Meuser (2002) for the violence theories; Irigaray (1977) for sexual theory, Delgado & Stefancic (2006) for critical race theory, Spivak (1988) for post-colonialist theory and Say (Younkins 2006) for economic theory. The theoretic straps hold together under the idea of a constructivist paradigm. The way things are, decisions are made, people are ruled, circumstances are created is affected by a constructed view of the society – which results in constructed forms of violence, the perceived working of the economy and constructed forms of cultural thinking.

4.1.1. Violence theories

Although the study leaves open the measure of experienced violence in prostitution to individual testimonies, which can reach from zero to extremely violent experiences, a compilation of violence theories is necessary in order to assess realistic options to improve the situation for women in prostitution and sex work. Since the number of women who claim to have had violent experiences in prostitution is high, these realities have to be kept in mind when assessing the current policy in Sweden. Therefore the experienced physical and emotional violence may vary due to experienced structural violence (Structural determinism), such as for example sexual abuse as child or economic despair, and can be heaped upon by individual experiences of women through the way men act out their constructed masculinity (Doing masculinity). Whereas these two forms of violence differ dependent on the individual women's experience, the study holds the view that a subtle violence established by a

constructed view of male dominance over women is inherent to all forms of prostitution (Symbolic violence),

Symbolic violence and fragments from Bourdieu

The idea of male dominion over women has been impregnated upon the society through repeated assessment of how the world is perceived and is hardly questioned. Male dominion is regarded as natural and thus results in what Bourdieu calls symbolic violence: neither is it noticed by the victims, or it is noticed too late; nor is it noticed by the spectators, the population; sometimes it is even reinforced, by activists who fight in the name of the women, on both sides of the spectrum. Symbolic violence describes “jene sanfte, für ihre Opfer unmerkliche, unsichtbare Gewalt, die im wesentlichen über die rein symbolischen Wege der Kommunikation und des Erkennens, oder genauer des Verkennens, des Anerkennens, oder, äußerstenfalls, des Gefühls ausgeübt wird“ (Bourdieu 2005: 8, loc.cit. Jäger et al. 2012: 20). A habitus effect is formed, which describes a complex mixture of habits, beliefs, rituals, actions and thinking patterns that is difficult to be changed. Thinking patterns, beliefs and behavior were coined in early processes and are persistent. Being imprinted upon individuals since early childhood, individuals have learned to react to situations, problems and solution strategies in particular patterns that have been taught and are not reflected.

Doing Masculinity with Meuser

According to Meuser, violence is a form of social interaction. Masculinity is built upon men comparing with other men through competing with each other. In such rituals, their identity is strengthened and defined. By participating in masculinity rituals or becoming a team member a group identity is formed that also strengthens the individual identities. While men fight violent battles against each other, women are also prone to be victims of male violence. As the weaker sex, women are generally more likely than men to suffer physical but also emotional harm from these violent acts directed against them. Masculinity itself is expressed in exercising violence against women. Men are specialized in exercising power to injure – due to their physical strength and manhood in general – and women are in particular vulnerable to injuries (Meuser 2002). Connell establishes the term *hegemoniale Männlichkeit*. The hegemony of men is silently accepted by the subjects – women in false submission. To preserve male dominance, violent behavior against women is the norm (ibid. 57). However, masculinity is also expressed in violence against other men. Male violence directed at other men serves the assurance of one's own masculinity. Male violence expressed against men and women is sometimes a sign of “compensatory identity seeking” (ibid. 60) but is definitely an expression of hegemonic masculinity (ibid.). Kaufman's analysis states that men are insecure in their own biological and social masculinity and violence is a

means to deal with frustration related to that. As evidence to support his thesis, Kaufman quotes statements from rapists that generally speak of anger, powerlessness and feelings of inferiority (ibid. 59). Therefore violence against women can also be a result of a lack of respect from other men.

Structural determinism and violence

Apart from the likelihood of meeting physical and emotional violence in prostitution, an experience of structural violence is mostly inherent to prostitution. This can be caused by a low social status, low education, migration desperation, as well as family violence of the past that is caused by betrayal and early childhood exposure to sexual violence that broke women's will to bear abuse way back in time. "Prostitution keeps alive the experience and damage of child sexual abuse for the prostituted girl or woman" (Leidholdt 2003: 173). With this view the study incorporates the perception that to a certain extent outcomes and events can be structurally determined by elements. These elements describe certain patterns – for example patterns of economic despair, poverty or a sexual abuse history – that reinforce a tendency to fall into prostitution or to experience violence or despair in prostitution; however, this structural determinism is not absolute but only recognized in its tendency to occur.

4.1.2. Economic theory and influence from Jean-Baptiste Say

Say's economic interpretation of supply and demand is of relevance for the study because it describes the cycle of existence of prostitution – demand is not the ultimate problem but supply has to identify the respective demand. Say was a French political economist who believed that the foundation of economics is "reason and experience of the human person" (Younkins 2006), rather than abstract mathematics. In order for the economy to thrive, entrepreneurs are needed – who persevere in their mandate to advance the economy (ibid.). According to Say, every supply creates its own demand (Bpb 2013). Value depends on utility. Goods and services must meet a human desire to have value. Not money creates value but the production of goods and the supply of services. Money represents merely a "mechanism of exchange" (Younkins 2006), which assigns growth of economy to growth in production, not to consumption itself. However, the result of more production is more consumption. Yet supply must be provided in order to have demand. A demander is in need of money to be able to consume. This means that buyers of goods and services accumulate money through their income gained by their own production of goods and services. In order

to save money that can be spent on acquiring goods and services, the designated consumer must first produce a good or service that will reward him with money (ibid.).

4.1.3. Constructivist Sexual theory and fragments from Irigaray

Sexual theory as argued in the following depends largely on realities that are built within our minds – about who women are and what sexuality is like. In contrast to Judith Butler, who argues that “gender is performative” (Butler 1990; loc. cit. Carline 2011: 315), this study builds upon the work of Irigaray, who claims that sexual difference was biologically designed but is suppressed by a male view of womanhood. Irigaray refrains from redefining womanhood but hands the pen into the hands of women themselves. Irigaray is of relevance for the study because women’s difference to men’s sexuality must be kept in mind when analyzing the situation of women in prostitution and sex work; in addition, the permission for women to define womanhood for themselves is crucial for the analysis.

Women will always be sought as merchandise because surplus will always be sought. In capitalist *male* thinking, surplus is the goal of trading commodities. According to Irigaray and following Marxist thinking, women are commodities on the market. *Acquiring* a woman creates a surplus, which gives value to the commodity (Irigaray 1991: 177). This exchange value renders them valuable. Men exchange them as any other commodity is exchanged. Where sexual desire was the origin, the idea of sexual exchange perverted that desire (ibid.). As virgins, women bear *exchange value*, as mothers, they bear *use value*, marking their natural qualities. As prostitutes, they incorporate both. However, women are not considered subjects of their own. In Western societies there is only a male form of subjectivity. In relation to a man, they are seen as the other, as man’s support. Irigaray argues that women should have a social existence apart from the role of the mother and be able to attain subjectivity, separately from men. However, society as a whole needs to embrace women into culture as well as men into nature. True sexual difference would include this right to subjectivity for men as well as women. Even Freud, she argues, pictured little girls as little men. Women are not treated as a different sex but are a “variation of men” (Donovan (n.d.)).

4.1.4. Post-colonialism and fragments from Spivak

Post-colonialism is used as a figurative concept for this study and is important because it introduces a familiar paradigm – that of suppressing a decolonized people in regards to their land, their language, culture, economy and even their own thinking – and transfers it to the subtle colonial mechanism of prostitution and sex work. By painting the imperial reality that

can be recognized as wrongful subordination today, a bridge is built to the wrong of subordinating women in prostitution and sex work, as is done nowadays. While it was considered *normal* during the imperialist age to see subjects as inferior, such a view is rejected nowadays. Spivak's concept of strategic essentialism shall be pursued by trying to find common features of women in sex work and prostitution.

Post-colonialist theory was introduced in the middle of the 20th century after a period of decolonization. However, if the term is applied only temporally to the immediate time after colonialism, it gives a wrong perception of post-colonialist thinking: it is,

rather, an engagement with, and contestation of, colonialism's discourses, power structures, and social hierarchies [...] A theory of post-colonialism must, then, respond to more than the merely chronological construction of post-independence, and to more than just the discursive experience of imperialism (Gilbert & Tompkins 1996).

In fact it can include the time before decolonization as well as the time up to the present – because thinking *post-colonially* means a renunciation of the contemptuousness of imperial reign over people of a 'lower descent' *within one's mind*. Post-colonialism not only refers to the political and economic liberation of former colonies but to their intellectual and emotional one; it refers to an attempted change of a *constructed* mindset rather than to a historical period.

As a matter of fact, colonialism did not cease after decolonization but found new avenues to express itself: after centuries of having the colonizer impose their world views, their rule and value systems upon an esteemed culture of *lower descent*, neo-colonialist thinking still prevails in Western (religious, cultural and economic) assumptions about these cultures. Being freed from the direct economic control through a colonizer, economic consequences are still under Western influence. What has remained from a culture that has been damaged and attempted to be replaced by Western ideology? Conflicting identities and insecurities about cultural belonging are the result of centuries of brute invasion. Knowledge of the colonized world is still produced and determined by Western thinking and distributed by Western scholars. The post-colonial identity of a decolonized people is being formed by what the colonizers hold true about them; colonizers infer it from their own cultural standpoint.

The Tunisian decolonization activist, Albert Memmi, wrote, 'In order for the colonizer to be the complete master, it is not enough for him to be so in actual fact, he must also believe in its legitimacy. In order for that legitimacy to be complete, it is not enough for the colonized to be a slave, he must also accept his role (Bird & Waziyatawin 2013).

Post-colonialism criticizes the Western worldview and provides a slot for the decolonized people to speak for themselves – to form their own philosophy and produce their own cultural discourses.

The first step toward decolonization, then, is to question the legitimacy of colonization. Once we recognize the truth of this injustice, we can think about ways to resist and challenge colonial institutions and ideologies. Thus, decolonization is not passive, but rather it requires something called praxis. [...] praxis [defined] as 'reflection and action upon the world in order to transform it (ibid.).

Therefore, while there is no consensus about its definition among scholars (von Bismarck 2012), in this study decolonization shall be defined as the ongoing intellectual process of liberating formerly colonized people from the claws of power and suppression of the West – by developing thoughts and reflecting upon what has happened; this is done by the means of language, rather than force. “Working toward decolonization, then, requires us to consciously and critically assess how our minds have been affected by the cultural bomb of colonization.” (ibid.) The desire is to break the bondage of a pejorative *Us-Them* approach between colonialist and colonized. Dominant Western discourses shall be challenged and relicts of Western thinking forced upon natives exposed.

As much as for Indian natives, whose purpose is to “rewrite the development of the consciousness [of their own nation]” (Spivak 1988: 285), it is true for women’s efforts to change the consciousness of womanhood. Being suppressed for centuries, this is especially true for colonized women. “[T]he ideological construction of gender keeps the male dominant.” (Spivak 1988: 287) and the “subaltern²⁹ as female is even more deeply in shadow.” (ibid.) In order to give a voice to the ones that are moved into the shadow, the concept of strategic essentialism is introduced: it embraces the reality of a diversity of social, cultural and ethnic identities within a group but strategically minimizes the differences for political purposes of advancing the bigger group identity (Stone 2004: 1). For this study the colonized woman is represented by women in prostitution.

4.1.5. A variation of Critical Race Theory (CRT)

CRT maintains the view that racism³⁰ is the norm in society, that it is an everyday *activity*. With this reality, CRT holds that finding a remedy for racism is a difficult task. Color-blindness exists everywhere. This view is figuratively applied to the possible color-blindness of racial discrimination of women, and in this particular case, women in prostitution. Discriminatory behavior may be an everyday occurrence even in scientific or public policy approaches, yet not identified as such. CRT shall help to bring awareness to underlying discrimination to women in sex work and prostitution.

²⁹ Spivak defined as subaltern subordinate or non-elite social groups (Spivak 1988).

³⁰ Racism is the belief that someone’s origin accounts for different intellectual, social abilities or one’s character and believes that another race is superior. It includes discriminatory behavior due to these beliefs.

Drawing their views from different theories, CRT incorporates from critical legal studies “the idea of legal indeterminacy—the idea that not every legal case has one correct outcome” (Delgado & Stefancic 2006: 2). According to feminist influences, solutions are often directed by an unseen system of domination expressed in gender relationships with power. In the civil rights movement this power system would be considered a historic wrong that must be abolished. This includes an emphasis upon the practical consequences of theoretic deliberations (ibid. 2). One such consequence describes the power of self-interest in CRT: The self-interest of white people in power positions can be the reason why help is offered to black people at all (ibid. 3). It is important to notice that self-interest has the power to conceal racism. Introducing another term of CRT, “differential racialization” (ibid.) describes an expression of self-interest in the discourse. At different times in history or popular politics, different minority groups have been met with favor or have been discriminated against – “in response to shifting needs such as the labor market” (ibid.). Nevertheless, it is not a necessity that self-interest covers a discriminatory attitude. Since self-interest is almost always involved in any kind of interaction between people, whether it is in the political or private sphere, it would be erroneous to assume a racial attitude behind every form of self-interest, where race, or a ‘form of race’ *could* play a role. However, racism cannot always be traced back to *real* self-interest but also to a socially constructed one: “[b]ecause racism advances the interests of both white elites (materially) and working-class people (psychically), large segments of society have little incentive to eradicate it” (ibid.). Whereas the notion that racism is to a white person’s benefit is faulty, the notion itself is already racially constructed. CRT holds that race is a constructed idea of the society, which is subjective, movable and being manipulated (ibid.). CRT is applied in this study in regards to women in prostitution as a possible discriminated ‘race’.

Violence begins with the subtle mechanism of unreflected behavior and thinking patterns that have been impregnated from early childhood on and thus are most likely prevalent among different stakeholders and *spectators* of prostitution and sex work. Hegemonic masculinity expressed through male dominance and violent acts directed against women to strengthen one’s own masculinity may add to the violent experiences women undergo in prostitution and sex work; trying to understand the patterns of male behavior should also be considered when desiring to bring an improvement to prostitution and sex work policy. Structural determinants such as low social status or sexual abuse history are held to be reinforcing the likelihood of staying or falling prey to prostitution or sex work. Supply and demand are complementary factors that keep the sex market thriving; the view of women as commercial products is common. Women should have a right to their own subjectivity and thus to defining their roles in a world that predefined their sexuality in an unfeminine way. Predefinitions and treatment

of women are characterized by different mechanisms of Post-colonialism that are similar to the approaches of the Western world to politically decolonized peoples. Racial attitudes against different groups are an everyday occurrence and sometimes hidden because of the actor's self-interest. These theories shall be used in order to develop a normative review of prostitution policy by contemplating over the theoretical *doctrines* introduced in this section.

4.2. Methodology

In the following, the research strategy of Transformative Policy Studies, consisting of a dual approach of Policy analysis and Program evaluation, shall be illuminated. The overarching purpose of this approach is to be able to use findings as a conceptual framework, rather than identifying 'the perfect solution' for a policy system. While program evaluation sets more general guidelines for the approach, the policy cycle approach sets concrete structural guidelines for the analysis.

4.2.1. Program evaluation

The transformative paradigm focuses on minority groups and desires to incorporate social justice into its evaluation. It was chosen in order to give a voice to those that have not been given a voice. The transformative paradigm came into being after historically oppressed groups on the margin of the society started negotiating with scholars to advance human rights. It is aware that power is mostly given to the powerful; even in research, the danger of strengthening the voice of the strong exists – by omitting perspectives, questions, the voice of people groups. However, the realities of decision makers are often very different to those that are affected

by these decisions (Martens 2007: 214). In research, what is real will depend on what is considered true evidence (Ontological assumption). Considering this evidence means building relationships as a researcher with the objects-to-be-examined; the question of maintaining distance or building closer relations emerges and influences the knowledge attainable as well as the objectivity of the researcher (Epistemological assumption). Methodological decisions are made in order to best achieve the goal of furthering social justice (Methodological assumption); therefore also ethical questions arising within research mainly focus on keeping cultural respect, advancing human rights, social justice and addressing social injustice (Axiological assumption) (Martens 2007: 215).). As illuminated later in detail, since direct access to the objects of analysis was prohibited, the epistemological assumption was sacrificed in its literal operationalization. Yet the study still

attempted to involve the voice of the community that is examined and thus aimed at fulfilling the epistemological assumption; since knowledge could be attained by literature research, sex workers blogs and information gathered from a women's shelter working with trafficking victims and women who left prostitution, it is considered that the study has met the epistemological criteria.

Although usually a mixed methods approach, this study includes a qualitative analysis of the examined material. Due to limitations of field and literature research this decision had to be made. However, some of the material analyzed involved quantitative findings, such as statistics from Brå (National Crime statistics) and Kuosmanen's surveys about the perception of Kvinnofrid Law among the population.

4.2.2. Policy cycle approach

Policy analysis according to a policy cycle approach was chosen for this study in order to evaluate the value of a policy. This policy analysis is therefore outcome-oriented. A policy cycle approach helps to look at different stages of the introduced policy and therefore allows for several angles. These angles shall build the foundation for a meta-level analysis in the last step. In the following, the aforementioned four- stages approach shall be described in more detail; the model consists of a mixture of policy process and meta-policy approach. The policy process model is fitting for the study as it does not describe a causal model; it would be near-sighted to assume causality between the Law and the women's situation in every aspect. In addition, the process model allows moving through a variety of themes related to the policy problem. Its aim is to identify the policy problem and to analyze the role of stakeholders within the process of policy formulation, implementation and outcome. Policy process approaches refrain from explaining the stage transitions (ibid. 9), which has been stated as a disadvantage of the model (ibid.). However, the negative influence upon the study is very limited since the aim of the study is not to identify the causality for these transitions. The stages approach was first introduced by Lasswell in the 1950's to improve "the quality of governance by improving the quality of information provided to the government" (Fouad (n.d.): 3). Further developed, it is usually used as a six or seven stages approach but in this study merely embraces two stages from the process model. The third and forth stage were established on the foundation of a meta-level approach, which focuses on the structural outcome of a policy in regards to its context and system. This approach attempts to lift empiric findings to the possibility of developing a middle-range theory.

Looking again at the problem of prostitution in Sweden itself may be seen as dispensable by others; however, this study holds that inadequate solutions are often the result of inadequate definitions of problems (Dery 1984: 104). The more complex a problem

is, the greater the risk to conceptualize it faultily: by ignoring aspects, stakeholders and circumstances. Due to the long-lasting nature of how programs are constructed, redirection from programs is the exception. As a rule, established programs persist³¹ (Biller 1976, loc. cit. Dery 1984: 103), and with that also faulty programs. It is not the study's goal to find another quick-fix *solution* but rather to allow thinking processes beyond the ideological realm that may in the long term allow for a more adequate judgement of the problem and lead to an adequate approach to handle it.

The first condition of an intervention program is a problem – a problem conceptualized in a way that will render that program a solution. Experience and theory warrant skepticism: solutions are often the worst thing that can happen to 'complex' problems. Perceived problems activate the search for solutions, but perceived solutions depress that search (Cyert & March 1963, loc.cit. Dery 1984: 103).

The study moves through the states *problem definition*, *policy situation*, *policy alternatives* and *policy evaluation*.

4.3. Method

In the following section the method of the study shall be explained. The first step is to present the accumulated data and describe the way of collecting material; the second step focuses on the processing of the collected data and its analysis; in a third step limitations of data shall be evaluated.

4.3.1. Data description

In order to be transparent about the research process and to guarantee comprehensiveness, it is necessary to present the collected data. It shall be introduced in the three sections *field trip and interview*, *questionnaire* and *literature and media material*.

Field trip and interview

The method of this analysis is comprised of a combination of literature and field research. The original plan was to conduct non-standardized interviews with the subject of interest – women in prostitution working or having worked under Kvinnofrid Law. Therefore the researcher undertook a field trip to Stockholm in January 2014. Allowing for women that have stopped working as well as for women that are still working under the Law to be heard could

³¹ Obstacles to policy termination – for example, intellectual reluctance, institutional permanence, dynamic conservatism, antitermination coalitions, legal obstacles, and high start-up costs (de Leon 1978, loc.cit. Dery 1984: 103) are also obstacles to policy redirection.

have provided for a variety of types of women that must be taken into consideration in an analysis. This broad sampling could have included women that see themselves as victims of prostitution, women that have been trafficked into prostitution and women that describe themselves as sex workers. In line with the transformative paradigm it was of particular importance to the researcher to involve the community group that is analyzed into the process. The women's opinions, convictions, their behavior as well as psychological inference should have contributed to a comprehensive analysis of the situation. However, access proved to be difficult and the promising connection that could help the researcher gain access to interview women in prostitution was prohibited.³² Therefore the involvement of the community group through personal contact and interview failed; yet the involvement was gained indirectly by contact with experts who work with women in prostitution and by reading and listening to accessible online material of self-proclaiming sex workers. In addition, studies involving interviews have been conducted by other researchers and are part of the examined material.

The second idea in how to use this trip to the best of its possibilities was to conduct expert interviews with subjects coming into question in a broad view. Such interviewees could have involved the police, social workers or volunteers in social work. Contacting government bodies was considered unnecessary since the views of the government are made available in the official reports and no additional information was expected to be of help for the analysis. After researching quite a bit, the homepage of the Nordic Baltic Network (<http://nordicbaltic-assistwomen.net/spip.php?article34>), which provides an overview of the Assistance Programme for women victims of trafficking in Sweden, helped to bring further connections. Subdivided into different women's shelters, their aims and contact info, the organizations were contacted per email. Whereas one of the three shelters had an expired email address, one did not respond but one proved successful with updated contact information: being referred to a current social worker, this connection ended up in a 110 minutes narrative interview with a social worker who works with the men who buy sex. Originally working for the government organization The Prostitution Unit (Prostitutionsenheten), the social work with the buyers of men became a separate unit in a separate building – due to discrepancies as well as a necessary spatial separation of sellers and buyers (Interview with Johan Christiansson); it is called The Treatment Unit. Questions that remained unanswered from the outline were asked during the interview. The prepared outline is attached, although it was neither followed in the process of the interview nor served

³² It shall only be mentioned briefly that the reason why access proved to be difficult may correlate with the trauma that accompanies many of these women in shelters and the protection of the shelter's custodians from unnecessary 'trauma revival' for the women by being asked questions from an unfamiliar foreigner; in addition, many of the women in shelters are victims of trafficking or had horrific experiences in prostitution and wanted to get out of it, which does not easily allow for an interview about the undergone experiences.

barely as a “rough frame” (Baur et al. 2010: 255). A narrative conduct of the interview meant that the researcher gave inputs occasionally but left the structuring of the interview to the interviewee. In order for this to be possible it was a premise that the researcher was well informed about the subject and gently led the interviewee’s narration into the desired direction (ibid. 247).

The interviewee is a married man of about 45 years and has been working for fifteen years as a social worker after studying Social Sciences at University. After working with drug addicts he started working with sex buyers and has been in the field for five years. The interview was conducted in English and was started by explicitly asking the interviewee to share about his job and the current situation of the Kvinnofrid Law; he was informed about the procedure of doing a narrative type of interview. The atmosphere during the interview was casual and the interviewee seemed excited to talk about his job and relaxed. The interview was recorded on tape as well as in writing; the speaking rate was easy to follow in writing and still allowed for observation time in between what was being shared.

Although originally regarded as an expert interview, the content allowed for more than a ‘knowledge’-focused evaluation. Body language and reaction pace were noted as a significant determinant for an evaluation beyond the verbal realm. Since I had categorized a lot of material prior to the trip and had plunged through and written the context chapter of this study, I was able to ask specific questions, take specific notice of how questions were answered and was able to put them in a larger context of being a social worker under Swedish conditions. This being said, the researcher is well aware of the limitations of knowledge of one social worker, who works under the permission of the Swedish government; which brings a possible error source in answers due to social desirability. However, two things put this danger into perspective: firstly, since I was already well-informed by having read many qualitative studies including the voices of women in prostitution and sex work, the criticism of the Swedish government, had skimmed through government reports and had listened to different voices in internet-videos, I was able to assign certain meanings to what was being presented as fact or as personal belief. Secondly, the interview provided me with personal insight into this social worker’s life, which was allowed by the narrative interview structure. In a narrative interview a person has a chance to position themselves in a desired way; however, this does not go unnoticed by the sensitive researcher. Therefore the narrative conduct of the interview was considered to be a great advantage, since it made interpretation beyond the ‘knowledge’-part of the interview possible. The researcher assumes that non-standardized interviews bring authentic information because the interviewee easily forgets that he is subject of analysis (ibid. 245); the casual atmosphere during the interview further helped to create a confidential basis that allowed for personal comments. The length of the interview added to this advantage, since it

allowed for excursions of the interviewee, hence a longer observation period and better interpretation as well as a chance to identify possible contradictions in the social worker's reflections. The researcher attempted to do their best at encouraging the respective reflections of the interviewee by nodding, confirming, repeating or asking in order not to bias what was being said.

Questionnaire

During the field trip, a connection with the non-governmental organization Talita was made in an unexpected way. The two women that founded the organization can be considered good experts in the area of women who were trafficked into prostitution and women who desired to leave prostitution and are speaking on behalf of this part of the community group. Anna is a licensed pharmacist and Josephine is a lawyer with experience in working for ECPAT, an organization working against child trafficking. They both completed a three-year course in trauma therapy, run by the ISARPAC foundation in Denmark (Talita 2013a). Talita works with women who desire to leave prostitution and offers "help and support in different ways, such as trauma therapy, teaching (psychoeducation), planning for the future" (Questionnaire Talita 2014). An attempt at a skype interview with the founders was denied due to time restrictions; however, when hinted at the possibility of filling out a questionnaire if not too time consuming, the questionnaire was organized in such a way that it would be fruitful for the study and take as little time as possible for the informants; the informants received the questionnaire via a contact person and mailed it back to me. The first part of the questionnaire consists of questions about governmental exit-, education programs and job alternatives, the estimated number of sex trafficking victims, Talita's background, known liberal feminists, the women's relationships with the police and court, and successful exit and victims' rights before the court. The second part consisted of six yes-no questions concerning the women's safety, the Law as incentive to leave prostitution and Talita's as well as the women's opinions about the criminalization of johns.

The answers to the questionnaire were taken as expert answers of a non-governmental organization with Christian values. The answers were analyzed according to the categories opinions, estimated facts and knowledge. While opinions represent a small percentage of social work, they stand for a greater percentage of non-governmental social work, and for an even greater majority of Christian social work. Estimated facts were put in reference to the social workers' section of experience – which means trafficking victims and women who desire to leave prostitution and numbers correlating with that experience. Knowledge refers to realities that are documented by their objective existence. The data gained flows into the study as it fits with the respective category of analysis and necessary evidence. As mentioned in the policy cycle approach section, the analysis of the women's situation is

expected to be different among the women. This connection could provide great insight about the situation of women who have been trafficked or have otherwise desired to leave prostitution.

Literature and media material

The literature analyzed consists of a great variety of fields and perspectives and includes secondary as well as primary literature. It was gathered by continual online search, looking up references, new thoughts and therewith new search material. The study was mainly led by a literature research but opened up to other avenues in the process. The material can be assigned the categories *process-generated material*³³ and *scientific studies material*.

Process-generated material

Process-generated material includes a critical analysis of material about Sweden's prostitution and trafficking policy produced or commissioned by stakeholders such as the government, non-governmental organizations, sex workers, liberal and radical feminists, bloggers, journalists, other activists. Even though mostly not personally concerned by the legislation, bloggers and journalists are deemed to hold a personal opinion about the subject just like feminists and activists that naturally influences their fact presentation. Thus articles and blogs flow into the critical analysis part as well, since those describe not a scientific research-based analysis. Process-generated data is considered of great value for the study because it reflects in many cases the perspective of a specific stakeholder. Yet this material must be more critically examined than secondary literature that was produced for scientific evaluation only. Only informative reports from non-governmental organizations (UNODC 2014; Talita Homepage), informative material about the government from the government website, other country specific data such as reports on human rights practices in Ecuador (2006) and Greece (2009) or Swedish criminal statistics (Brå 2012), and fact-producing newspaper articles [marked with f.p.] are counted valid without a motive-evaluation of the publisher. Due to the method of comparison with scientific literature and under the awareness of the stakeholders' different perspectives a classification and thus interpretation of the process-generated material is made easier.

Process-generated material includes government reports such as the available English Summary of the Skarhed-Report (Regeringskansliet 2010b), evaluations commissioned by the government such as extracts of the NBHW-evaluations (Socialstyrelsen 2004; 2007),

³³ Process-generated data is data that is not produced in a scientific undertaking but as a by-product of real-world events, such as newspaper articles, (parliamentary) protocols, reports, legislative texts etc. (Baur et al. 2010: 284).

evaluations of the government advisor Gunilla Ekberg (2004) and National Rapporteur on Trafficking and Prostitution Kajsa Wahlberg (2011), sections from government releases such as the sexual violence paragraph in the Swedish Penal Code, the Aliens Act, a video analysis and online material of proclaimed Swedish sex workers (Pye Jakobsson and Isabella Lund), the critical documentary of a Swedish journalist on radical feminism (Könskriget 2005), a lecture of a political sex rights advocate (Eriksson 2005), research of a liberal feminist about Sweden (Östergren 2003; 2013), research of a union of sex workers and public health researchers about sex work law in Canada (Santini 2013), research of a Swedish non-governmental organization against prostitution and trafficking Freethem (Ahlin (n.d.)). The material includes some online newspaper articles on Sweden and the sexual revolution (Schmidt 1992 / New York Times [f.p.]), the link of legalized prostitution and human trafficking (Rudder 2010 / Huffington Post [f.p.]; Reid 2012 / Mail Online [f.p.]), consequences of the Swedish prostitution reform (Smith 2013 / The Independent [f.p.]; Craig 2008 / The Telegraph [f.p.]; Skarin 2011 / Expressen.se (Swedish online paper) [f.p.]), Swedish men in prostitution ("New Study" / Agence France Press 2012 [f.p.]), Swedish judges convicted of soliciting a prostitute ("Swedish judges" / PravdaRu 2005 [f.p.]); the material consists of politically ideologized articles such as a socialist view on prostitution (Pritchard 2010 / International Socialism), a right-wing perspective on prostitution of a Swedish think-tank (Sanandaji 2005 / Captus Magazine), a liberal feminist view (O'Connell Davidson / Eurozine 2006); also, it includes blog articles from a radical feminist and socialist perspective (Murphy 2013) and a liberal feminist perspective (Lyon 2011; Sex Workers Rights Sweden 2009; Nine 2013); in addition, it includes material that is not directly related to prostitution and sex work in Sweden but turned out to be of relevance for the study for a more thorough analysis on a meta-level perspective. This material is either related to Sweden, to prostitution and sex trafficking in general or to scientific research about certain life styles. It includes online articles about Swedish gender neutrality (Bailey 2013 / Townhall Magazine [f.p.]; Rothschild 2012 / Jezebel [f.p.]), on the question whether Sweden is socialist (Olsson 2009 / socialistworld.net), Swedes and religion (Celsing 2006 / Swedish tourist homepage [f.p.]; Zuckerman 2006 / Cambridge University Press; Jänterä-Jareborg 2010 / National Report of Sweden), the science of positive thinking (Clear 2013 / Huffington Post [f.p.]), monogamous living (Bielski 2013 / theglobeandmail.com [f.p.]; Seck 2013 / BusinessInsider [f.p.]), a journalist's information from sex trafficked women (Knobel-Ulrich 2012 / Emma), trafficked girls controlled by voodoo-rituals (Bell 2011 / BBCNews [f.p.]) and a book about an investigative journalist's journey into the sex business worldwide (Walker 2011).

Scientific studies material

Scientific studies material is material produced in a scientific or scientific-like undertaking. This material is of importance as it has already analyzed primary sources such as available government reports and the like. These studies shall be used in comparison and lead into a synthesis of judgment. The material involves evaluations of government reports through studies from researchers – inside and outside of Sweden – who as a conclusion of their research hold different political opinions about Kvinnofrid Law. These studies include a comparison between prostitution law in Sweden and the Netherlands (Stridbeck 2004 / working group Ministry of Justice Norway; Carrigg 2008 / The Monitor), drug-related prostitution in Sweden and the Netherlands (Sarkany 2012 / Journal of Mathematics and System Science), the criminalization of buying sex in Sweden (Waltman 2011 / Michigan Journal of International Law; Leong 2010 / European and Asia Pacific Perspectives on Trafficking; Kulick 2003 / Anthropological theory; Jordan 2012 / Center for Human Rights and Humanitarian Law; Gould 2001 / Journal of Social Policy; Dodillet & Östergren 2011 / Conference Paper The Hague; Bucken-Knapp 2010a / Nordic Prostitution Reform; Boethius 2001 / Feministische Rechtszeitschrift), reflections on Swedish measures against men's violence (Leander 2006 / Social Policy and Society), conceptions of women and sexuality in Sweden (Svanström 2005 / Nordic Journal of Women's Studies), the attitudes of the society towards prostitution law in Sweden (Kuosmanen 2011 / European Journal of Social Work), a discourse on prostitution, trafficking and buying sex in Sweden and Finland (Niemi 2010 / Violence against Women), prostitution reform and anti-trafficking law (Chuang 2010 / University of Pennsylvania Law Review). It includes non-Sweden-specific studies about prostitution and sex work-related phenomena such as home-based sex working (Hubbard & Prior 2013 / Critical Social Policy), why men buy sex (Monto 2004 / Violence against Women), violence in indoor and outdoor prostitution (Raphael & Shapiro 2004 / Violence against Women; Hughes 2003 / Journal of Trauma Practice), violent experiences of women in prostitution (Roe-Sepowitz 2012 / Violence against Women; Kramer 2003 / Journal of Trauma Practice; Herman 2003 / (ibid.); Farley 2003 / (ibid.); Baron et al. 2000 / Journal of Applied Social Psychology), prostitution and trafficking (Leidholdt 2003 / Journal of Trauma Practice; Alvarez et al. 2003 / (ibid.)), the likelihood of street prostitution (Cimino 2012 / Violence against Women), legalization (Cho et al. 2012 / German Institute for Economic Research; Raymond 2004 / Violence against Women), criminalization (Sanders 2009 / Critical Social Policy), decriminalization (Giusta & Munro 2008 / Ashgate [independent press on academic research]), gender-sensitive thinking (Serughetti 2013 / Men and Masculinities), prostitution and sexual autonomy (Anderson 2002 / Ethics) and a documentary about human trafficking (Nefarious 2013).

The secondary literature was chosen by means of online research about the subject. Most of the secondary literature was available via the SSL VPN service of the University of Vienna and found in online libraries such as JSTOR (Journal Storage) and SAGE. Primary literature such as governmental reports and the NBHW evaluations were also available online. Due to the evaluation of the expert interview, its interpretation and the questionnaire in addition to the literature analysis, the study describes a mixture of qualitative data analysis.

The data was prepared mainly in digital form with help of the program Citavi, to some extent data was also collected in hand-written form; the interview was digitalized and written by hand. Most parts of process-generated data as well as scientific studies material was digitalized with help of Citavi.

4.3.2. Data analysis

Analysis, and therewith interpretation of data, means that the researcher condenses data by using criteria of relevance and inferring certain aspects of reality from the data. He generalizes information contained in the data and takes the data to an abstract level (ibid. 337). In the following section the analysis of the different data shall be explained. The description is separated in a general part about the methodology of analysis and followed by the method of analysis in its four-stages approach.

Methodology of analysis

Grounded Theory was introduced by Barney Glaser and Anselm Strauss in the 1960's and can be described as 'theory in empiricism'. Their criticism of rampant research was that instead of building new theories by inference from empiric data only old theories were being *beautified*. They suggested that middle-range theories should be introduced; theories that should be inferred from immediate empiric research (ibid. 348). Theories are being developed by looking at a specific subject and then abstracted to a meta-level; intersubjectivity in the sense that different researchers have to devise the same theories when analyzing the same texts is *not* assumed. However, research is attempted to be made comprehensible (ibid. 349f.). Applying Grounded Theory for Political Science- studies is not new but has been done so in feminist research as well as in the analysis of observation data (ibid. 351).

This study works with Grounded Theory as a methodological framework. It was chosen because its claim of a necessity of developing a certain generalizability is in line with the belief of the researcher. Research that remains satisfied with analyzing complex structures in detail, which cannot be used at least in a conceptual way for other studies, shall be avoided.

Secondly, the application of Grounded Theory as a methodology allows great freedom of interpretation and conduct to the researcher.

Method of analysis

The method of the study explains step by step what was done in order to interpret the findings that have been presented in the section above. Therefore the analysis of the policy cycle approach shall be illuminated and in a second step the individual analysis of the presented material shall be described.

Policy cycle analysis

The *policy process model* was adapted in its form and consciously omits certain stages of the process analysis. The analysis moves through the stages problem definition, policy situation, policy alternatives and policy evaluation, yet only the first two stages represent parts of a policy process approach. Stages such as policy formulation and implementation have been partly covered in the Context Chapter of this study and are not part of the analysis; including them would bring the focus away from the aim of giving a voice to the unheard in the process – the women. During the formulation and implementation process, the voices of women in prostitution and sex work did not have any influence but others spoke in representation of them and of the country. The last two stages illuminate policy alternatives and policy evaluation from a *meta-level approach* that is focused on the structural outcome in its context and system. The four stages shed light onto what exactly the political problem is, how it is handled in the case of a specific country, which alternatives exist, and what normative meta-level analyses can be inferred from the fact-like analysis, which is compiled of empiric data.

The women that are considered as the *target group* of Kvinnofrid Law's provisions in our study are women who have been trafficked or otherwise deceived into prostitution, women who have chosen self-determinedly to enter and want to leave, women who have chosen to enter and want to stay and women who have been led by minor self-determination into prostitution due to drug or alcohol addiction, sexual abuse history or other social desperation such as homelessness. Women who are prone to fall into prostitution are those that exhibit either of the aforementioned structural determinisms that heighten the chance of falling into prostitution. Since voluntariness is often hard to define, the women's situations shall be analyzed by their different 'working environments' and testified in- or voluntariness as is necessary for the study. Differentiated as the main categories are *street workers*, *indoor workers* (which includes self-regulated indoor work or illegal apartment-based working),

forced working environment (which relates to trafficking as defined by the researcher), and *elusive working environment* (suggesting the dependence on mind-altering substance abuse or sexual abuse history). Where opinion-related categorization is of prior importance, the categories are separated into *sex workers* and *women in prostitution*.

In the following the *four stages of analysis* shall be illuminated. In a first step of the analysis, the question shall be illuminated, why the particular situation of women in prostitution and sex work describes a problem valid to be analyzed. Secondly, the perspectives of all stakeholders shall be included in the attempt to define the problem of women in prostitution in Sweden. As a third step, the extent of the problem (in Sweden) shall be assessed and lastly the target group determined (Freeman et al. 2004). The target group itself consists of the population that is at risk to fall into prostitution, in need because they are in prostitution and in demand because they agree that they are in need and would like to be part of the program (the Swedish solution of the Kvinnofrid Law). In the second section, the circumstances that women are put under through the state's program shall be analyzed. The sections analyzed include their legal situation, working conditions, violence and health risks, exit hope and perception of the public under Kvinnofrid Law. The legal situation refers to the legal rights of prostitutes and sex workers in the state and their relationship with the state's authorities; the working conditions differentiate between street and online or indoor work and working regulations affecting the work; violence embraces intrinsic violence but mainly such that was caused by the Law and health focuses on increased health risks through the Law; exit hope concentrates on offers made available by the government and examples of non-governmental exit help, exemplified through an organization called Talita; perception depicts the changes in the population's view of prostitution, sex work and a law of criminalization of johns and lastly includes the perceived self-perception of prostitutes and sex workers. In the third section the current policy and its implementation shall be examined in the sight of worldwide existing alternatives. This analysis seeks to broaden the horizon of possible policies in response to the policy problem defined in stage one. A critical but rough overview shall look at advantages as well as disadvantages of other legislation: the analysis is undertaken in the sections prohibition, legalization, rudimental legalization and decriminalization. While the third stage looks at the large picture of policy alternatives, representing the policy in a system-wide view, the fourth stage lifts the other three stages to a theoretic meta-level. In the fourth stage the introduced theories are analyzed in abstract relation to the empiric facts established in the other three stages. In the light of the theoretic framework of the study and in line with the theoretic application of Grounded Theory, as defined in the section 'Method' under 'Data analysis', the meta approach is interpreted with influence from violence, sexual,

post-colonial, critical race to economic theories. The aim of developing a middle-range theory is to serve as a conceptual inspiration for other studies.

Analysis of material

The evaluation flows into the study in two different ways: content that could be identified as ‘adding knowledge’ – because it is in line with other evaluated material or builds a plausible argument that is nowhere else refuted – is interwoven into the analysis as it fits with the respective theme. Content that could be identified as critical as it was found to be contradictory with other material is presented in its respective controversy. Hence a bias in one direction shall be avoided. Analyzing the material was started by a thorough reading of the scientific studies literature – information gained by secondary sources. Important text passages of the scientific studies literature were coded by content-specific keywords with help of the program Citavi, which allows for a division in categories by adding key words and a quintessence to quotations. During this process of analysis categories that appeared as recurrent themes in relation to the research question were formed. When a new theme was introduced and showed itself important through repeated occurrence in literature or media, a new code was developed. On the other hand, adequate information from the studies was assigned to categories that were prepared beforehand through the theses of the study. If new aspects related to an existing category were found through means of text interpretation, new data of the same type was added and coded. ‘Type’ refers to the specific theme, such as for example ‘sex worker’s opinion’, which could in a next step be coded in ‘bad working conditions’ and ‘emotional consequences of sex work’. New data was added until a “theoretical sampling” (ibid. 208) took place: when adding new samples ceased to bring new information to a category. The way to developing a meta-level theory led through an interchangeable work of analyzing and adding new data. New themes emerged and led to other scientific studies and process-generated material.

Process-generated material was read and evaluated according to the available categories or by bringing up new categories. As the respective categories were fitting with the four-stages policy cycle approach, the analyzed material was organized accordingly. Text work was done by means of coding and writing memos. Text passages were collected in codes that were abstracted in further processes of interpretation. Making memos supplemented this process by taking regular (mental and written) notes that reflect the stages of research. A theory was gained by inferring from the memos and by means of “constant comparison” (ibid. 350). This method refers codes in every step of abstraction back to the original material and thus provides vicinity to reality. Whereas open coding, which prohibited any form of coding by using prevalent theories, used to be the primary method in Grounded Theory, theoretical

coding became accepted later on (ibid.) and is applied in this study. Theoretical coding allows the researcher to code in cooperation with text work and theoretic research that is already available.

4.3.3. Limitations of data

The researcher is aware that all evaluations take place in socio-political contexts. Hence complete objectivity cannot be given; the study will be influenced by personal experiences, occurrences that influenced the researchers and the scope of the examined literature. So-called missing values can be the result of a question that was not answered in interview or questionnaire; also it can be the result of a blind spot in literature. Researchers can themselves be guided by personal preferences and their data is subject to their own choices of analysis. This is the disadvantage of secondary data – data that was processed already by other researchers. However, by providing a variety of polarizing data material a biased analysis was attempted to be avoided. In addition, also primary data was being used. As already mentioned as a feature of studies in the field of Grounded Theory, intersubjectivity is not even aimed at by these studies; the purpose is to allow for the individual creativity of the researcher and illuminate the subject of analysis in their personally coined view. Although the interview situation was judged by the researcher to provide great authenticity, one social worker's view cannot reflect the totality of social workers' opinions in Sweden. Also, the social worker could have an interest in presenting his nation in a certain way by claiming success due to a necessity to *defend* his country's government. Also, the interviewee was informed of the identity of the researcher as a Master student of Political Sciences. The validity of the study is limited by the scope of literature analyzed and the analysis of only one interview and one questionnaire. Considering the limitations of scope, the study is deemed to be reliable in the means of collecting and coding data. However, as in line with the denied intersubjectivity, it is not suggested to be reliable in terms of its interpretation – since different researchers could come to different conclusions by forming different theories. As illustrated in the Methodology section, further limitations are made by the assumptions of the approach itself – so is for example only what is to be considered true evidence included in the analysis; close relationships with the subject of analysis were not possible to be built, which guarantees for the scientific distance but may also limit the comprehension of the researcher.

5. Situation of Women under Kvinnofrid Law

On the following pages the analysis of the study shall be presented in its transformative four-stages approach, leading through the sections *problem definition*, *policy situation*, *policy alternatives* and *policy evaluation* in the light of theories.

5.1. Problem definition

The problem that is in defense for its rightfulness to be studied is the situation of women in prostitution or sex work; laying off pre-made definitions, one has to ask why this situation is a political problem at all. However, when taking a look at the different political solution strategies to handle the problem – legalizing, criminalizing one or more parties, decriminalizing – the initial question is answered. A political response is necessary to solve public issues in the society and since alternative responses are available the situation is worth to be examined. Sweden adds a specific legislative framework, the *program of analysis*, to the core problem and even reverses the definition of the ‘core problem’ by its legislation: according to Sweden, the problem is the demand side of prostitution, and therefore the men. However, this study does not take on the Swedish view, which shall be illustrated in a very trivial example: although there would be a demand for tear-proof nylons, they are not produced – because it would destroy a whole market, and there would be no more need to buy new nylons. Before the era of Tamagotchis, no one had a need for a virtual pet. Yet where a market opens up, purchase will follow. If prostitution were not offered, the demand could not be lived out. Yet as will be argued later, the cycle is sustained by both ends – demand also leads to the invention of markets.

The Swede’s prostitution policy has caused a lot of international travail and several countries have been incited to establish similar legislation already; trafficking is by now politically unified by democracies worldwide considered as a destructive force against women. The question evolves whether trafficking and prostitution can be separated and different political strategies are possible, and if, which ones. Sweden claims it cannot be separated. Self-proclaimed sex workers, on the other hand, have raised their voices against the Swedish solution and require a distinction between trafficking and prostitution and hence legislation concerning it.

5.1.1. Main stakeholders of program

Considering the main stakeholders that are either affecting or affected by the legislation in Sweden brings together different views. Since this study focuses on the situation of the women, the situation for the purchasers shall only be mentioned as is necessary for comprehensive understanding of the study.

Government

The Swedish government officially promotes Kvinnofrid Law and its effectiveness; although it was admitted, for example, in the summary of the Skarhed-Report, that purchasers of sex are more afraid of the shame they face within their family when being caught than by the fine itself (Regeringskansliet 2010a: 38), mostly the government attempts to cover information that would portray the Law in a negative way from the public. A Report of February 2011 that was not made available in English (Final Report, Prostitution and Trafficking) states on page 20 that the police in “Västra Götaland county (which includes Gothenburg [...]) saw, during the 2008-2010 period covered by the report, ‘en dramatisk ökning av rumänska kvinnor som såldes för sexuella ändamål i Sverige’ (a dramatic increase in Romanian women sold for sexual purposes in Sweden)” (Lyon 2011). In addition, the report reveals that numbers of trafficking, trafficking for sexual purposes, sexual purchases, purchases of sexual acts by children have all increased horrendously since 2008; in the worst case of sexual purchases the numbers have gone up from 187 purchases in 2008 to 1251 in 2010 (ibid.). However, these numbers have to be understood in the light of the National Action Plan Against Prostitution and Sex Trafficking (APAPAST) of 2008, installed by the government, which meant a major increase in police efforts to combat sex purchases and trafficking, and therefore higher numbers of conviction (Dodillet & Östergren 2011: 17). These numbers, therefore, simply *revealed* what was going on before in the shadows and do not necessarily speak of an increase. In 2011 and 2012, the number of convictions for sexual purchases has dropped again to 523 and 551 (Brå 2012). The numbers therefore are not stable and do not reveal that a real decrease has happened.

Traffickers

It remains unknown if the Law indeed had a substantial effect upon traffickers. As mentioned in the section about criticism against the Law, the National Police Board stated that serious crime, including trafficking, has increased dramatically in the last years (NPBPR, loc.cit. Dodillet & Östergren 2011: 12). This, however, again, must be seen in relation to the increased national police effort since the APAPAST in 2008. On the other hand, phone conversations of traffickers were recorded that suggest that Sweden is no longer considered profitable for sex trafficking (Nefarious 2013). Pimps and brothel owners are forced to operate from several locations in order not to be detected and must escort women to the sex buyers as protection for the clients. Victim testimonies seem to confirm that traffickers prefer safe markets – legal markets such as Germany or Denmark (Ekberg 2004: 1201). However, in 2001, two years after the law, there was no specific evidence that the number of women trafficked to Sweden has decreased (National Criminal Investigation Department 2003, loc. cit. Ekberg 2004: 1200). Calculated, the average conviction rate of traffickers is “2.75

convictions a year over eight years” (Jordan 2012: 8). Nevertheless it is claimed from the government side, that numbers have neither increased nor been reduced (Ekberg 2004: 1209). Yet as low numbers of convictions reveal, charging traffickers proves to be difficult for the police. As a negative consequence of the Law, clients no longer give hints about traffickers, since they would face prosecution themselves (Eriksson 2005). Several studies claim that the Law to criminalize the purchase of sex has failed in its intentions to combat trafficking (Chuang 2012; Dodillet & Östergren 2011; Kulick 2003).

Court

The judicial system of Sweden describes an interesting case in this matter of political justice – the highest governmental judicial expertise spoke against the Law because “it is judicially questionable and might diminish the public respect for laws” (Östergren 1999); among judges that are called to be “authorities responsible for crime prevention and investigations” (Regeringskansliet 2004b), two cases of solicitation of prostitutes are known to the researcher. While the judge fined in 2002 was able to keep his job (Svanström 2005: 248), the judge charged in 2005 was fired (“Swedish judge” 2005). Due to the consent of the woman, prostitution is considered a crime against public order, not against her as a person. As a result punishment is lower and damage done to the woman is not recognized (Waltman 2011: 153). “Many law enforcement officers and prosecutors have subsequently awarded the Sex Purchase Law little priority when assigning resources to enforce it, explicitly blaming the penalty level as determining their priorities” (ibid.).

Police

The police – as well as society – underwent an education and awareness program about the atrocities of prostitution, which brought an initial increase in police arrests of 300% (Ekberg 2004: 1196). Whereas between 2003 and 2009 only 22 men were convicted of sexual trafficking (Dodillet & Östergren 2011: 13), 1650 men were charged for sexual purchases. Although no one was imprisoned, all of them had to pay fines, face social shame and some lost their job (Craig 2008). When arrested, men have the choice to confess, pay a fine based on income and avoid a trial or “go to court and risk publicity” (Smith 2013). Women are offered help if they want to leave prostitution or else are let go. In general, the police seem to practice the Law with the utmost protection from public exposure, which reveals much of the sympathy the police has for the men: they arrest the man, fine him and let him go. Recently, cooperation has started between social workers from the KAST groups and the police (Interview with Johan Christiansson). After being fined, men in Stockholm, Malmö and Gothenburg receive a small brochure from KAST (Buyers of sexual services), containing information about the use of condoms, contact to sex and dermatology clinics, websites and

the offer to visit KAST for free, receive anonymous counseling by phone or email if they want to stop buying sex (Do you buy sex Brochure).

Social workers and organizations

Government-financed shelters such as the Prostitution Unit in Stockholm or other non-governmental organizations like Talita stand fully behind Kvinnofrid Law (Questionnaire Talita 2014). Other Swedish organizations in favor of the Law are Freethem, RealStars, Sveriges Kvinno och tjejjourers riksförbund and 90 women's groups in Sweden (Ahlin (n.d.)). However, social workers may submit to the Law while personally having a different opinion about the criminalization of johns, as could be identified in the researcher's interview subject. Clearly a sympathizer of men who buy sex, his argument that prostitution is wrong seemed to be coined by indoctrination through the government's program more than by his own moral standards. He said that he is not interested in the Law but wants to offer help as a social worker (Interview with Johan Christiansson). Stating the possibility for him to work in the Netherlands let it seem even more questionable, whether he deems criminalization of johns to be the right way to deal with the problem of men buying sex (ibid.).

Female and male sex workers

Self-proclaimed sex workers, such as Pye Jacobsson, Isabella Lund, Rosinha Sambo³⁴ and sex workers rights' organizations are strong opponents of the Law. They started to get organized in forums such as Rose Alliance and make their opinions heard through blogs, websites and books (Dodillet & Östergren 2011: 19). Since this study focuses on the situation of women, the men in prostitution or sex work as stakeholders of analysis are not included in this study; nevertheless, stunning data shall be briefly mentioned that might correlate with the establishment of Kvinnofrid Law: "[a]ccording to the study, 2.1 percent of Swedish males aged 16 to 25 said they had prostituted themselves in 2012, compared to 0.8 percent of women" ("New Study" 2012). If these numbers are true, this means that more than the double amount of young men than women was selling sex in Sweden. One assumption is that men, who have different sexuality characteristics than women, may easier separate a sex act in exchange for something from their heart (ibid.). In addition, men who are willing to sell their bodies for money, might have regarded the Law as a chance to provide sexual services to men who formerly bought sex from women but have been left feeling guilty through the education program and pressure from the society about buying females. In addition, a homosexual way of living further explains why someone enters into sex work: desiring to have sex with the same sex can be easier achieved by purposely making oneself known to other men who live a homosexual life style.

³⁴ Rosinha Sambo is the leader of the aspired foundation of a sex workers' union in Sweden, called Prostituted Women's Rights (PKR) (Östergren 1999).

Trafficking victims

Finding a voice from trafficking victims or women who are not self-proclaiming sex workers proved to be hard. This can be related to the trauma the women have gone through, the fear of being avenged by their traffickers or the shame of going public with their story.

Nevertheless, these women have representatives who are psychologists, counselors, social workers that have heard their stories and make loud their voice to the public by strongly opposing legalization of prostitution (Knobel-Ulrich 2012; Questionnaire Talita 2014). The government's report stated that the women who "have extricated themselves from prostitution take a positive view of criminalization, while those who are still exploited in prostitution are critical of the ban" (Regeringskansliet 2010b: 38). These views appear to be confirmed by the "contacts that the inquiry has had with women with experience of prostitution" (ibid.). Talita estimates that 90% of the women are in favor of the Law and would reject a criminalization of sellers of sex (Questionnaire Talita 2014).

5.1.2. Extent of prostitution in Sweden

Regarding the extent of women in prostitution and sex work in Sweden, one notices that the numbers have never been very high when compared with its surrounding neighbors (Gould 2001: 439). "This was attributed to the country's superior welfare system, greater gender equality and effective social work" (ibid.). Although the Nordic numbers are not exact, they suffice for comparative reasons (Waltman 2011: 146). Norway, with 4.9 million about half of the population of Sweden, had 2654 women in prostitution in 2007 when it was still legal, which in proportion to its population is two times the amount of prostitution in Sweden; 1157 of those were in street prostitution (ibid.). Denmark, with 5.6 million inhabitants, has about ten times more prostitution than Sweden. Sweden, with a population of 9.4 million had a number of 2500 people in prostitution in 1997 (Waltman 2011: 146; Gould 2001: 439), of whom approximately 650 worked on the streets in the three largest cities (Boethius 2001: 9). By 2002, the total number is said to have dropped to 1500, by 2004 street prostitution went below the 500 mark (Carrigg 2008: 11) and by 2007 down to 300 (Dodillet & Östergren 2011: 8). Whereas a country comparison shows that Sweden would be low on the market even if numbers varied a bit, an inner-country comparison cannot be called viable. Due to the rough Swedish measuring methods, it is not made apparent in the reports whether these 650 women were counted as "an exact headcount on the street on any given day, or if it is an annual estimate on how many women sell sex during a year" (ibid.); so for example in Stockholm, whereas the NBHW speaks of 180-200 street prostitutes a year, the police mentions 50-60. The report states that numbers could be so heterogeneous due to the differing working hours of the two groups on the streets (Socialstyrelsen 2004: 22, loc.cit. Stridbeck 2004: 9). Despite these inconsistencies, there is consensus about the reduction of

street prostitution by half (Dodillet & Östergren 2011: 8; Farley 2003: xv). However, it is controversial, whether former street prostitutes have moved into the online sphere; some researchers reported that the sex advertisements on the internet increased (Kulick 2003: 204). Other studies report that the number of Swedish women advertised on the internet “remains steady at around 80-100 women” (Carrigg 2008: 11) and cannot be linked to the Law (ibid.). 10 to 13% of men were said to have purchased sex before the Law (Boethius 2001: 9). In 2008, according to men who confessed in national surveys that they have purchased sex, total numbers have dropped to 7.6%. However, even the Government Report mentions that the deterrent effect upon purchasers is controversial. Former and current women in prostitution pointed out that some men have become cautious of buying sex, others report no change due to the mild penalties men face (Regeringskansliet 2010b: 38). Whereas the former group might have found a different venue by purchasing sex abroad, the latter group shows that the Law does not scare away clients, as field-research by the Swedish National Radio in 2009 and the testimony of the interviewed social worker confirm (Dodillet & Östergren 2011: 15; Interview with Johan Christiansson). The radio station set up a fake sex advertisement on the internet, which resulted in a flood of emails and phone calls – within a week more than “one thousand unique replies, equally distributed over the country” (Dodillet & Östergren 2011: 15) had arrived. The men compared the illegality of buying sex with the issue of speeding: they still do it and risk being caught because they might as well escape the consequences (ibid.).

5.1.3. Target group of program

Before the inauguration of Kvinnofrid Law about 0.29% of the country’s population found themselves in prostitution with an immigrant percentage of 35%, which is at the bottom of Western Europe’s prostitution rates (Sarkany 2012: 29). In the following analysis the target group is divided into the groups street workers, indoor workers, forced workers and elusive working environment.

Street workers

Since the Law, changes in the ethnic compilation of street prostitution were noticeable: whereas largely a market of Swedish women before the Law, many women now come from Africa, the Baltic states and have prostituted themselves already in other countries (Smith 2013). Although there is consensus in different reports about the reduction of street prostitution by half, the question remains whether this reduction is a consequence of police surveillance rather than the Law itself (Dodillet & Östergren 2011: 9). According to data collected by income, at the beginning of 2000, prostitution-related income rose sharply, dropped slightly but then remained at the level of numbers before the Law (Sarkany 2012:

30) – which speaks either of the ‘partial comeback’ of street prostitution (Kulick 2003: 204) or of prostitution finding other venues in indoor work.

Indoor workers

One of these venues could be internet prostitution. Although no one has adequate numbers, it is almost uncontroversial to say that former Swedish street workers have moved online. “Elizabeth Bernstein, who conducted research with Swedish sex workers, reports that women told her that prostitution has moved underground and ‘streetwalkers have switched to different forms of client networking, resorting primarily to cell phones or the Internet’” (Bernstein 2007: 153, loc. cit. Jordan 2004: 7). The interviewed social worker confirmed the panning to online work, however, refused to call it ‘underground’ (Interview with Johan Christiansson). Stories like that of Annalie and Anja seem to confirm that – “OK, so I am not going to be prosecuted but the punter will, so who is going to openly stop?” (Craig 2008), one woman asks. A police informant calls the internet the greatest procuring platform and greatest source of information about prostitution (Socialstyrelsen 2007: 27). Advertisements on the internet, blogs, community sites and phone ads have increased since the decline of street prostitution (Sarkany 2012). However, women are not only found in street or online prostitution – sexual services are also sold by casinos, certain taxi drivers, in night clubs, restaurants, at conferences, hotels and harder to penetrate as an outsider on ferries between Sweden and Finland and in apartment-based brothels (Socialstyrelsen 2007: 27; Sarkany 2012). When street prostitution becomes a target to be eradicated, other sectors of sex work will be naturally strengthened (Chuang 2010: 1724).

Numbers found in research are divergent, however. Whereas Sarkany (2012: 30) states that 40% of all forms of prostitution is still street prostitution, compared to 60% who work indoors – 50% in clubs and 10% via the internet –, Stridbeck (2004) finds that 74% work indoors.

Forced workers

Determining the number of women that have been trafficked to work in prostitution is a difficult undertaking, which is foremost due to Sweden’s official definition of trafficking. According to the government, trafficking includes all kinds of prostitution that involves a third party – and therefore brothel prostitution, club prostitution, prostitution that is arranged by an assistant or a phone service all fall into the category of ‘trafficking’, even when there is no use of force or deception. When the Skarhed-Report mentioned that the number of trafficking victims ranges between 400 and 600 in 2004, it therefore includes people that have agreed to work with the help of third parties. Exact numbers that could testify to a change in numbers of trafficking victims between 1999 and 2010 were not available for the Skarhed-Report as no new numbers have been published since 2007 (Jordan 2012: 8). However, the compliance of women is a delicate issue to be determined, since manipulation, deceit or

simply a woman's vulnerable condition caused by economic needs may be used without an actual element of force. Yet the Report states that it does not "have completely reliable knowledge about the occurrence of human trafficking for sexual purposes in Sweden" (Regeringskansliet 2010a: 35, loc.cit. Jordan 2012: 8). The lack of proof for an actual deterrence of traffickers from Sweden through Kvinnofrid law is criticized sharply by Malmö University (Dodillet & Östergren 2011: 14).

Elusive working environment

It is an unfortunate reality that many women enter prostitution "because of prior brutalization or sexual abuse or because of homelessness, substance addiction, or financial emergency" (Anderson 2002: 776). Women that find themselves in an elusive working environment can be drug addicts – whether as a result of entering prostitution, which is actually more often the case than prostitution entered as result of a drug addiction

, as a study of nine countries reveals (Alvarez et al. 2003: 63) – or women with a history of sexual abuse that never experienced their sexuality as something belonging to them.

Although claimed that the number of drug-related prostitution is not as high as in other countries, the drug market in Sweden has hardly been reduced over the last few decades. It is the largest component of Sweden's illegal market and the "decreasing [...] tendency in relation to the country's GDP" (Sarkany 2012: 30) of drug-based income is due to the enormous increase of the GDP and the decrease of prices for hard drugs between 1993 and 2006 (ibid.)³⁵. According to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), however, numbers have decreased over the last 10 years and remained at about 25,000-28,000 drug users total (ibid. 32). Since the late 1960's Sweden has owned a prohibitive drug policy and tightened it over the years. "[P]olicy measures focus upon consumers, since without them, there would be no market; abstention is the goal of treatment; [...] Harm reduction and decriminalization are considered to be dangerous liberal ideas" (Gould 2001: 450). Since the end of the 1970's, drug abuse had steadily increased and reached 25,000 people in 1998, which in relation to the population meant a higher rate than in the Netherlands (Sarkany 2012: 30). Prostitution-related income, on the other hand, made only 0.3% of Sweden's GDP, even *before* the Law (ibid.)³⁶.

There are no official numbers available of women who have a sexual abuse history and entered into prostitution in Sweden, yet there are studies (Farley 2003; Pines & Silbert 1981; Roe-Sepowitz 2012; Monto 2004), testimonies of former prostitutes (Nefarious 2013) and

³⁵ Between "1993 and 2006 the price of the majority of drugs decreased, some of the most typical drugs such as heroin by 40%, amphetamines by 30%, and cocaine by 20%. At the same time, however, the price of marijuana increased by 14%. [...] Sweden has the lowest percentage of youths trying marijuana." (Sarkany 2012: 31f.)

³⁶ By the middle of 2000 this number had decreased to 0,2% (Sarkany 2012: 30).

social workers (Questionnaire Talita 2014) who confirm that the rate of women who enter prostitution because of an (early) experience that robbed them of the free choice to be sexual with a man or a woman is *generally* high. Talita met about 100 women who have a sexual abuse history within the four years of its existence (ibid.).

Whereas the Swedish government has focused on the demand side as the main cause for prostitution and sex work, opinions between the different stake holders vary. The Law is promoted by the government, more or less indifferent towards traffickers, abated by the courts, exercised by the police, praised by social shelters, hated by sex workers and appreciated by trafficking victims. The extent of prostitution and sex work in Sweden used to be low in comparison to its Nordic neighbors and has been affected little by the Law, as several studies reveal. Street work had initially decreased by half after the Law but numbers rose again. Obtaining reliable numbers of indoor workers is difficult but internet and phone advertisements are said to have increased. It is controversial whether former street workers have moved online or new workers joined the market. Forced workers in Sweden are defined as those who work with third parties but a deterrence of trafficking through the Law could not be attested. Women in an elusive working environment fall under the prohibitive drug policy or are considered to bear a high number due to their sexual abuse history.

5.2. Policy situation

In the introductory analysis the problem has been defined, the main facts about the stakeholders of Kvinnofrid Law and how the Law supposedly affects them have been established, the extent of prostitution in Sweden was illuminated and the target group portrayed. In the following we will take a closer look at the target group - the women who sell sex; the circumstances that shall be evaluated range from *legal situation, working conditions, violence and health risks, exit option to perception*.

5.2.1. Legal situation

All of these women are brought under a certain regulatory framework, which first and foremost defines their circumstances. Therefore the women's legal situation, as described by their rights and their relationship with the custody system shall be illuminated as a first step. All women who engage in prostitution or sex work legally are supposed to pay taxes. However, they cannot register 'sex work' or 'prostitution' as a business (Dodillet & Östergren 2011: 6). They are left with the dilemma of either lying and registering a business under a false name, or not paying taxes and being unable to take part in the social welfare benefits

and labor protections that are available to regular employees. If they work as self-employees or employees of someone else, the government refuses to register them (Jordan 2012: 4f.). This is in line with what the government published in its official Skarhed-Report of 2010: every measure and consequence that contributes to prohibit facilitating prostitution is highly welcome, as indeed the purpose of the Law is to combat prostitution (Nine 2013; Eriksson 2005). Although the government concluded that it is wrong to prosecute victims of men's sexual drive (Boethius 2001: 7), the women are not seen as victims actually but as facilitators of something that is to be rejected by all means. The women's role in the government's *project abolition* is also reflected in the way they are treated by different political authorities: with the beginning of July 2008, a set of new rules was established to help facilitate the "confiscation of the proceeds of criminal activity, which will make it easier for police to confiscate property or other unlawful gains" (Regeringskansliet 2008). In effect this means that the police are allowed to confiscate condoms as evidence, which increases the likelihood of HIV. Men don't want to leave evidence and are more likely to refuse using condoms. Sex without condoms means higher payment and women accept it (Socialstyrelsen 2004: 32). The police's hunts for sex purchasers resulted in collecting evidence by filming the money exchange as well as the sex, which left women feeling violated in their integrity (Eriksson 2005). They feel hunted by the police (Dodillet & Östergren 2011: 22; Kulick 2003) and can be forced to court. Before the court, women neither enjoy the rights of a victim nor the rights of the accused. Never has a woman received a damage award for the propagated violent offense committed against her (Waltman 2011: 156). In fact, the courts' decisions let assume that prostitution is rather considered a crime against the public order than against a person, since the woman's consent to sex is deemed crucial. Hence law enforcement is cumbersome with the result of men paying fines and none going to jail. Nevertheless, some men have lost their jobs and have been publicly humiliated – yet not consistently (Svanström 2005: 248). Somehow the belief that men are endowed with access to women's sexuality whenever they want to could not be eradicated by the Law (Svanström 2005: 3) – which is not surprising, when revealed how the Law reinforces pejorative thinking of human beings engaged in sex work.

The approach of women's consent has been revised, however, by the government and was officially brought in agreement with the Palermo Protocol. It was clarified that the purchase of sexual services is rather "a crime against a person than a crime against the public order, even if its background has elements of both" (Waltman 2011: 153). However, hidden discrimination against sex workers becomes evident when looking at a deviant case such as that of *Jasmine*. In 2013, a mother faced the removal of her children from her home when the government learned that she was involved in sex work. The state placed the children into the custody of their father, a man with a history of violence. Although the mother appealed for

help due to the man's aggressive behavior, the social services didn't take her seriously until they faced the consequence – the murder of *Jasmine* by the children's father (Nine 2013). This case shows how the view of having a wrong in society – the wrong being prostitution – can lead to completely irresponsible behavior on behalf of the state who fights for its goal against all odds.

But not only sex workers lose custody rights, also porn actresses lost the right to raise their children (Sárosi 2009). One can debate about the moral influence upon the children of a woman engaged in sex work, yet depriving the children of their mother is at least *double as morally cruel* as any bad influence could be. The question is how a woman who regularly has sex with different men is different to a woman who has sex and earns her living by it. To be consistent, all women who engage in polygamic behavior would have to be deprived of the right to raise their children. In addition, it is scientifically proven that negativity hems intellect and skill building for the later life (Clear 2013) – to be consistent women's children should be *confiscated* as well if mothers are found to spread negativity around them. The absurdity of the statements is obvious.

However, Talita states that women feel safer since the Law. They were scared by the police in the beginning but once they understood that the police are on their side, "some of them start to cooperate and trust" (Questionnaire Talita 2014). Talita had no information about women's experiences with the court (ibid.).

5.2.2. Working conditions

After evaluating the relationship with the legal body of the state, the Law's effects upon the women's working conditions shall be illuminated. This is relevant since it was made clear in the collected evidence that there are women who see themselves as sex workers and claim voluntariness to do their job.

Several provisions are installed to ensure that exercising the profession of a sex worker is hard to pursue; the provisions include "the Penal Code Chapter 6 § 12.2, the Land Code (1970:994) Chapter 12. § 42.1.9 and the Condominium Act (1991:614) Chapter 7. § 18.8 (2003:31)" (Dodillet & Östergren 2011: 4).

The overall implications of these laws is that no one can operate a brothel, rent an apartment, room or hotel room, assist with finding clients, act as a security guard or allow advertising for sex workers. This in turn implies that sex workers cannot work together, recommend customers to each other, advertise, work from property they rent or own or even cohabit with a partner (since that partner is likely to share part of any income derived from sex work) (ibid.).

The state punishes apartment-based working in prostitution and renting apartments to someone who engages in sex work. Landlords are obliged to report and disown tenants if they are suspected to earn their money as a sex worker or else are suspected of pimping

(ibid.). Since women can no longer live and work together because they can be accused of pimping each other (Sárosi 2009), the danger of being exposed to violent men when alone on the premises increases. Women were forced off the streets, however returned, to a smaller amount (Kulick 2003: 204). Some have fallen prey to pimp dependence because the Law increases the need of establishing contacts through third parties. As a result women have more customers but are also exposed to supervision and mistreatment such as beating and verbal abuse by the pimps (Östergren 1999).

Yet the partial reduction of street prostitution can also be evaluated positively, since street prostitution is known to be more dangerous than other forms of prostitution (Cimino 2012: 1237) and also the one that brings the lowest income (Sarkany 2012: 30). Therefore moving indoors could be considered as an *upgrade* into a higher form with less violence and more earnings. However, those who still work on the streets have less time to evaluate clients, since men are afraid to get caught and negotiations have to take place quickly (Dodillet & Östergren 2011: 22). Clients now have greater power to determine a price because as some johns moved to indoor prostitution or buy sex abroad there are fewer clients on the streets and competition amongst women is greater (Östergren 2003b). However, one might object here that it is actually the women who have the greater bargaining power, as some of them used the Law to blackmail or rob men and threaten with police exposure if men were not willing to pay enough (GT-Expressen, 99–01–21, loc. cit. Kulick 2003: 205). Nevertheless, it was found that men are not scared away from soliciting a prostitute in general. Sexual services are forced into the crepuscule and this means less protection for women (Dodillet & Östergren 2011: 22).

The majority of street workers now are immigrant women (Regeringskansliet 2010a: 20) and it is assumed that their solicitors have a foreign origin as well (Jordan 2012: 6). Women that have no Swedish citizenship are deported when their identity as a sex worker is detected. Hence it is questioned in literature whether the Law acts as an anti-immigrant tool (ibid.). Even though some women have moved off the streets, it is very likely that the actual increase in the online market (Kulick 2003: 204) is related to the market alignment of former street workers who now sell sex online. Nevertheless, the government rejects such a confirmation and claims that Kvinnofrid Law has not brought a shift from street to internet prostitution (Regeringskansliet 2010a: 7). Their conclusion is based on the fact that the overall increase in internet prostitution in Scandinavia was in proportion to a lower increase in Sweden (ibid.). However, numbers of prostitution in Sweden are lower in general than in Denmark or Norway and the likelihood that Sweden's number increased even if numbers of other countries remain higher is still given. In addition, one has to ask how prostitution could increase at all in Sweden, if it is so effectively combated.

The government admits that there are reports of women who have switched from street work to online work. Yet it states that it does not know which former street workers changed their contact strategy and have chosen an alternative way of selling sex (Regeringskansliet 2010a: 21). Apparent changes in prostitution cannot be backtracked to women changing the method, the government states (ibid. 35). However, they suggest that the Law “led many street prostitutes to abandon those activities for one reason or another” (ibid. 21). As one researcher draws out of the official Skarhed-Report, “out of 78 people selling sex over the internet in one region, ‘61 were believed to be new people who had not been active in the market the previous year’” (Regeringskansliet 2010a: 21, loc.cit. Jordan 2012: 7). Yet it is more likely that these 61 new internet sellers had previously sold sex on the streets, even under a different name, than that they all entered the market anew. Although a trend to move indoors was noticeable before the Law, one of these reasons more women moved indoors could be that they wanted to escape the harassment through the police raids on the streets (Jordan 2012: 8).

5.2.3. Violence and health risks

The next section to be analyzed shall look at an exposure of danger for the women through the Law. It is mentioned in the government advisor’s report, Gunilla Ekberg, that Kvinnofrid Law should address the “root cause of prostitution and trafficking” (Ekberg 2004: 1210), which is men who have the audacity to assume a right over a woman’s body to find an outlet for their sexual drive. Therefore violence done to women in such circumstances is a social ill to be combated. Despite criticism of radical feminist claims of traumatizing effects of prostitution, a Korean study in 2009 actually confirmed the link of Post Traumatic Stress Disorder and prostitution, even when controlling for sexual childhood abuse (Waltman 2011: 142). Also, studies confirm that women in prostitution are exposed to major violence such as threats with knives, rape, beatings, being locked up, among others forms of violence (Stridbeck 2004: 12). Unfortunately, however, there are no numbers available of reported injuries in hospitals from violence caused by prostitution (ibid.). Another study conducted in the Chicago area, including interview-generated data from 220 women involved in prostitution within the preceding five years, shows that in 26 different forms of prostitution, the same forms of violence occurred, merely in different frequency. Whereas some acts of violence, such as being burned, remained low throughout the different venues, other acts such as verbal abuse, being slapped or punched were high (Raphael & Shapiro 2004: 132f.). Most violence was committed by johns, intimate partners, pimps and also the police (ibid. 135f.). Despite this intrinsic harm that can be caused by prostitution, it is a reality that there are women who claim to do sex work voluntarily. However, despite different claims of

researchers, the police cannot report a decrease or increase of violence since the Law. Some informants mention an increased risk that the more dangerous clients remain but few think the violence has actually increased (ibid.). Nevertheless it is assumed that violence for street workers has increased. Being regarded as a more dangerous form of prostitution already, hasty negotiation situations leave many women even more vulnerable and unable to appropriately check their potential clients. The clients that remain on the streets are expected to be the ones with a criminal record and therefore do not care about being caught (Eriksson 2005). In addition, several sex workers “express fear of increased violence as well as an actual increase” (Dodillet & Östergren 2011: 22). Yet other women who have left prostitution contradicted this opinion and said that “it is a myth that clients have become more dangerous [...], however, they confirm that violence has always existed in prostitution and that men also ‘buy the right’ to use violence against prostitutes” (Regeringskansliet 2010a: 33). Also police officers, who have worked with street workers in particular, state that these women experience the presence of the police as an “added security” (Regeringskansliet 2010a: 33; Questionnaire Talita 2014). The government concludes that the exposure to physical abuse has not become higher (ibid.). Nevertheless, the NBHW stated in its report of 2004 that although not worsened, there is also no improvement in a reduction of violence (Socialstyrelsen 2004: 34).

Although violence can or cannot be considered as intrinsic to prostitution, its intrinsic violence has not increased through the Law. However, the Law has increased the violence for women directly through police hunting actions for sex delinquents and deportations of undocumented migrants; since these migrants risk being deported if involved in sex work, they are “less likely to report cases of abuse or possible trafficking of sex workers to the police” (Jordan 2012: 10), and johns are aware of the greater vulnerability of migrant workers. Also, indirect violence for women has increased through the Law by exposing them to greater health risks – due to confiscation of condoms men are less likely to agree to sex with condoms and women are less likely to carry them around (ibid. 12). In addition, the distribution of condoms could be considered as encouraging prostitution by laymen, although it is “perfectly legal under the Social Services and Communicable Diseases Acts respectively” (Dodillet & Östergren 2011: 4). Although stating that sex workers are now prevented from receiving helpful services, therapies and treatments, which would cause a poorer health (UN Special Rapporteur 2010: 10: 12-13, loc. cit. Jordan 2012: 13), this argument was refuted. Social services are clearly still being sought, exit options by receiving treatment accepted and even buyers of sex started to come in greater amounts to receive psychological counseling (Interview with Johan Christiansson; Questionnaire Talita 2014; Regeringskansliet 2010a: 33).

More difficult is the situation for women who are in an elusive working environment due to their drug or alcohol addiction. Whereas the situation for trafficking victims or women with a sexual abuse history who want to escape prostitution has improved due to exit options offered to them by non-governmental organizations, women who use prostitution to support their drug use face an additional stress and health risk. Since drug use in Sweden is treated as a “crime fighting issue and not a health issue” (Sarkany 2012: 32), drug users who take intravenous injections are “less likely to participate in HIV prevention programs due to their fear of being identified and the criminal repercussions it may have” (ibid.); the help to exit prostitution for drug users therefore seems very limited. HIV infected persons can still be imprisoned in Sweden without trial because they are not trusted to inform their partners about being HIV positive (Kulick 2003: 201). There are also cases reported where as a consequence of the Law HIV preventive measures have been stopped and the government was accused of “insufficient needle and methadone programs” (Sarkany 2012: 32) for drug users in jail. Yet this difficult situation has not necessarily worsened through the Kvinnofrid Law, since the drug law and its consequences exist independently from it. Nevertheless, there are voices from women in prostitution interviewed by the mass media that state that women with drug problems who were unable to put up advertisements on the internet have become desperate close to suicide since the Law (Kulick 2003: 204).

5.2.4. Exit option

Identified as crucial for this study was the question whether the likelihood of women leaving prostitution has increased after the Law. It is crucial to know since the only escape of documented violence in prostitution is to leave the work and receive treatment. However, without economic alternatives and help programs that offer counseling and other treatment, such an option is not given. According to government advisor Gunilla Ekberg and National Rapporteur on Trafficking in Human Beings Kajsa Wahlberg, women have “a right to social-service support and exit assistance programs” (Ekberg & Wahlberg 2011). The Prostitution groups of the three major cities report that women are still seeking their counseling services and the Prostitution Unit in Stockholm has even seen an increase of buyers of sex coming to receive help since 2000. Many women seek help through medical care and treatment to exit prostitution, the Prostitution Center in Malmö reports (Regeringskansliet 2010a: 33). However, Talita states that there are neither governmental exit-, education programs nor job alternatives presented by the state. Only non-governmental organizations such as for instance Talita provide help and support (Questionnaire Talita 2014). Non-governmental organizations such as Talita offer rehabilitation programs that involve “teaching, trauma therapy and planning” (Talita 2013c). In Talita, women are also responsible for maintenance of house and garden and have additional time to work or study (ibid.). Women who are in

need can be placed by the police or the social services into one of the Talita villas and have 24/7 phone access or even night staff available, in addition to day staff. Undocumented women that have been trafficked or otherwise exploited in prostitution are welcome as well as women who do not have the means to pay for the stay. Although the organization has a Christian background, Talita is open to all women and beliefs do not need to be shared. Bible teaching is made available as a voluntary option in addition to other education programs such as 'How to handle emotions', 'Facing shame', 'Child development', 'Dissociation', 'Memories and the brain' and 'Boundaries' (Talita 2013b). Trauma therapy or counseling is offered by therapists that have been trained in a three years course specifically devoted to women with experiences of sexual abuse. To create feelings of belonging, excursions, shared lunches and creative sessions such as making pottery or jewelry with an occupational therapist (ibid.) are offered. Positive touch is esteemed to have great healing power and thus sessions with a physical therapist, focusing on the release of oxytocin³⁷ through "tactile stimulation" (ibid.) are part of the curriculum.

It can be concluded that women who want to leave prostitution are actually helped by the programs established in order to fight trafficking and sexual abuse of women. However, these shelters are only indirectly related to the existence of Kvinnofrid Law. Even if social services for women in prostitution have been strengthened through the Law, they could be available as well without the criminalization law. It is assumed in literature, that the Law could give women an "incentive to leave prostitution" (Dodillet 2011: 21), which describes a positive effect of the Law. Some social workers confirm that some women have in fact taken hold of the chance to leave prostitution through the Law (ibid.). Yet Talita has not met one woman who left because of the Law or would not have left without the Law. According to Talita the likelihood of women seeking exit help has not increased because of the Law (Questionnaire Talita 2014).

The lack of exit options for those who want to get away from the streets has been criticized by researchers. Instead of the criminalization of sexual services, work with street and homeless kids is encouraged in order to "identify strategies for preventing other children from becoming homeless or turning to prostitution to survive" (Jordan 2012: 13). Also, the likely cycle of entry, exit and reentry is a documented reality of prostitution (Cimino 2012: 1235) and a successful exit remains to be examined. Talita has seen 18 out of 27 successful exit cases between the years 2009-2013, which represents 67% (Questionnaire Talita 2014).

³⁷ Oxytocin is the "body's calming hormone" and "reduces the level of stress hormone, deepens breathing, slows the heartbeat, lowers blood pressure and aids sleep and concentration" (Talita 2013b).

5.2.5. Perception of the public

Sweden's population started out with an approval of Kvinnofrid Law in 1999 of 71% altogether – 78 % of female voters and 64% of male voters said that the criminalization of johns is a good thing (Dodillet & Östergren 2011: 18). Yet a huge majority also appealed for a criminalization of the sellers of sex (Kuosmanen 2011: 260). Whereas 78% of the women wanted both parties to be criminalized in 1999, the number dropped to 66% in 2008. Also 49% of the men voted in favor of a criminalization of both parties in 2008 (ibid.). As Kuosmanen (2011) states, the wish to criminalize both parties could reflect an issue of Sweden's gender equality, and therefore to include all contributing stakeholders as responsible people that are to be punished (ibid. 260).

An interesting question is whether the high numbers in favor of criminalization were as high before the Law was established. Mansson's survey (as cited in Kuosmanen 2011) conducted three years prior to the Sex Purchase Law revealed that only 19% of the men and 41 % of the women thought that the sale of sex should be punished. It seems evident that the Law increased the public view of the wrong of prostitution (ibid. 253f.). Yet there is no indication that the victim propaganda has coined the view of the Swedish population. Rather, women in prostitution or sex work are repudiated especially by other women on moral grounds (Jordan 2012: 9). The Law contributed mainly to reinforce already negative views but did not change positive or neutral opinions (Kuosmanen 2011: 260). If the strategy of the government was to make women aware of the violence women in prostitution suffer, the result is that women now are *permitted* to officially abhor prostitution with all involved actors. By these women, prostitution is regarded as "bad behavior and should be punished" (Jordan 2012: 9). As a result it is only logical that sex workers report that they feel deprived of respect and equality in the society (Dodillet & Östergren 2011: 21).

Support for the criminalization of johns "has remained relative constant [among women] at around 80%, whilst among men support has dipped somewhat from 79 to 60% between 1999 and 2008" (Kuosmanen 2011: 253). This reveals the apathy of the effect of the Law: whereas the number of people who believe in the Law as an effective weapon against prostitution and trafficking is low, the majority of Swedes support the Law. On the other hand, every sixth men and every tenth woman considers state-licensed brothels to be an acceptable possibility (ibid. 260). These seemingly contradictory opinions can be explained by a statement made by the interview subject: "[s]ociety controls people more than the other way round [...] [and] is a powerful instrument" (Interview with Johan Christiansson). The behavior of the Swedish population is related to what is regarded as acceptable in the legal system and the law acts as a catalyst for opinion shifts in the society.

Recently a slight opinion shift seemed to integrate a greater understanding of sex work. In parliament, a single vote out of 282 voices that wanted to raise the penalty from six months

to a year rejected the idea. Fredrick Federley, an MP of the Centre Party, said he was sought to be hindered by party members from voting negative (Skarin 2011). Yet after he was interviewed by an evening newspaper and a survey conducted amongst the Swedes, “[o]ut of 57,336 answers, 63.2 percent agreed [that the ban should be abolished] and answered yes, 24.3 percent answered no and the remaining 12.5 percent said no, but the ban should be made more extensive” (Dodillet & Östergren 2011: 19). These votes seem to be in line with the view of society – consisting of media as well as esteemed public people and the law – as a catalyst for opinions.

Comments on blogs and articles that depict different aspects of prostitution seem to assess the thought of decriminalization positively (ibid.). The youth wings’ of political parties have debated heavily and single politicians such as Cecilia Malmström have openly confessed their objection to the Law. Dodillet & Östergren (2011) further note that

politically influential NGO’s like RFSL and the Swedish Association for Sexuality Education (RFSU) question the understanding of sex workers as female, victims and oppressed, and advocate that the Sex Purchase Act should be abolished. A non-judgemental and harm-reduction approach is increasingly prevalent in the work and writings by social workers and social authorities (ibid. 19).

However, whether stigma is created by the way the society relates to women in prostitution and sex work, remains questionable. A report states that in the Netherlands “[o]nly 5 per cent of the women registered for taxation, because no one wants to be known as a *whore* (author’s emphasis) – however legal it may be’. The stigma remains, as does the exploitation” (Murphy 2013).

For the women themselves, the self-perception differs. “While some find the work easy and unobjectionable, even sometimes pleasant, many women find the work degrading or disgusting, their customers vile, and their sense of self-worth to be very low” (Anderson 2002: 776). Talita met self-proclaiming sex workers and stated that these women found themselves in the situation for reasons that made them proclaim to do sex work by choice “in order to survive” (Questionnaire Talita 2014). Their self-perception is built on their identity as a ‘woman in prostitution’ or a ‘woman in sex work’ rather than on the legal or social circumstances.

Pondering the previous analysis lets the question emerge whether the punishment of customers is indeed an effective tool to meet Sweden’s goal – to make prostitution and trafficking extinct – as well as to meet the women’s needs effectively – who either desire to escape prostitution, who seem to have no voluntary choice due to their addictive or abusive experiences or those who claim to be voluntarily in sex work. In the following, alternative methods that are enforced elsewhere shall be illuminated briefly in their respective effectiveness.

5.3. Policy alternatives

The Nordic or Swedish model is not the only alternative how the political problem is administrated. In the following, the focus shall not be on alternatives that were discussed within Sweden in the process of the Law establishment, but on alternatives that are in effect worldwide – the prostitution policy of nation states worldwide presents different variations of legislative responses possible to tackle the problem of prostitution. Only by including alternatives can the criminalization model in the following be evaluated. Policy alternatives range from *prohibition*, *legalization*, *rudimental legislation* to *decriminalization*.

5.3.1. Prohibition

Prohibition shall be defined by those legal regulations that neither allow soliciting on streets, nor brothels or pimps. Prostitutes are criminalized as well as men who buy sex. Prohibition of all forms of prostitution is the method applied by the United States with the exception of the state Nevada, and many john schools are offered that are programmed to help men overcome their addiction to buy sex (Monto 2004: 161). In large parts of Africa prostitution is illegal, although it is widely spread and a large contributor to the rise of HIV infections. Prostitution is furthermore completely illegal *on paper* in many Asian countries, such as Thailand, Cambodia and Vietnam. However, what occurs in reality in many of these poor nations is that prostitution – especially child prostitution – and trafficking are tolerated by corrupted police systems (Walker 2011), encouraged by parents and reinforced by an unhealthy family honor system of Eastern religious systems: parents have such a high value that children comply to their parents' sending them off into prostitution (Nefarious 2013). Compared to coercive sex trafficking, the force of honor becomes an almost illogical pattern that is condensed in the sexually bargainable children and women in East Asia. In Asia, poverty was identified as a less stronger force than mere family honor, and can be exemplified in the following event: when Don Brewster, director of Agape International Missions and a counselor, offered education and coverage of costs for three underage children to their mothers, the mothers did not give their okay to free their children from the perils of prostitution (ibid.). In Europe, complete prohibition is a rarity but as a matter of reality where prohibited, coinciding with the top worldwide trafficking providers or exporters such as Romania, Moldova, Belarus, Ukraine, Albania, Lithuania, Republic of Macedonia. Ex-Yugoslavian nation states have prostitution criminalized with a prison term of mostly between five and ten years and Croatia is called to be a tier 1 country – a country that actively works against sex trafficking. Southern America owns a certain form of regulation almost in every country and neither do the territories of Australia know a model of complete prohibition.

Esteeming that prohibition is the solution, however, becomes also questionable when looking at the United States for an example. “[A] century of laws criminalizing sex buyers and sellers has failed to have any impact – except for giving people criminal records that make it almost impossible to find another job” (Jordan 2012: 13). The laws reinforce the severity of prostitution life, since the women are criminals themselves and cannot expect any legal protection against exploiters, whether they are traffickers, pimps or johns (Anderson 2002: 749). Also, the effectiveness of john schools is controversial – several studies reveal that behavioral change in men is unlikely to occur and if it occurs, not as a result of the program (Sanders 2009: 84f.; Serughetti 2013: 45). In addition, many of these programs leave men after a shaming-blaming lecture with unresolved emotional and relational issues that can be causes of their admitted sex addictions (Sanders 2009: 87). Furthermore, these john schools are directed at men caught in the act of purchasing a sexual service and are *offered* to participate in the paid programs in exchange for escaping imprisonment or paying a fine (Serughetti 2013: 41). The social pressure accompanied by receiving this treatment is obvious and participation cannot be counted as a freewill decision.

5.3.2. Legalization

Complete legalization comprises the legal right of women to prostitute themselves on streets, in brothels and elsewhere with only little restrictions, as well as pimps who become sexual entrepreneurs; prostitution of the underage is prohibited by the law. Prostitution is completely legalized in the Netherlands, Germany, Austria, Hungary, Greece, Turkey, parts of Australia and many countries on the north-west coast of Southern America. Prostitution is legalized in Switzerland but street prostitution is prohibited. Yet “validating prostitution as work dignifies the sex industry and the male consumers, not the women in it” (Raymond 2004: 1157). An NGO estimates that 13,000-14,000 trafficking victims are traded in Greece at any given time, although a law prohibits all forms of trafficking (US Department of State 2009). Turkey and Germany are amongst the top trafficking destinations worldwide, according to a report by the UNODC (“UN highlights” 2007). In Ecuador, child prostitution is a huge problem and was estimated by the International Labor Organization to involve 5,200 underage people in 2002 (US Department of State 2006). In New South Wales, a territory of Australia, the brothel market had tripled after prostitution had been legalized four years prior (ibid. 1163). In Amsterdam, legalization only opened the market for traffickers and therefore increased the harm for the women. As the number of sex businesses grew, the availability of Dutch women was not there, and the demands of customers were for “cheaper, younger, more exciting” (Leidholdt 2003: 179) foreign girls: legalization “brought with it an explosion in the trafficking of women” (ibid. 180). The Netherlands are also known to be a home for pedophiles, which was confirmed by Interpol and the Dutch and British police. The pedophile lobby is very

active there and postulated several legal *rights of children's sexual self determination*; it even documented success in some of their ventures (Raymond 2004: 1165). A further confirmation of the danger of brothel prostitution is the fact that Amsterdam itself recognized the danger and began to shut down legal brothels; in 2008, Job Cohen, mayor of Amsterdam, told the New York Times that this *social project* was a failure (Reid 2012; Nefarious 2013).

The underlying problem when prostitution is legalized is that trafficking is literally invited by it. There is “a positive correlation between commercial sex work, human trafficking and organized crime” (Rudder 2010). A blogger quotes human rights lawyer Diane Post from a debate in the *New Internationalist Magazine*, who claims that “[l]egalized prostitution cannot exist alongside the true equality of women. The idea that one group of women should be available for men's sexual access is founded on structural inequality by gender, class and race” (Murphy 2013). A study that compared the effect of expansion of trafficking through legalization with the effect of reduction of trafficking due to favoring legal residency women found that the former prevails rather than the latter (Cho et al. 2012: 75). Countries where prostitution is legalized “experience a larger degree of reported human trafficking inflows” (ibid. 76).

5.3.3. Rudimental legalization

Rudimental legalization includes different versions of legalization. Mainly this category distinguishes between the prohibition of pimping, brothels and smaller activities related to prostitution. Prostitution itself, however, is legal. Cases of rudimental legislation are found in Italy, Denmark, Latvia, Portugal, Belgium, Luxembourg, Argentina, Brazil, Chile, parts of Australia and a few nations in Asia, amongst others. In Great Britain the exchange of sexual services is permissible but ‘kerb-crawling’³⁸, public soliciting, brothel-keeping, pimping and pandering are prohibited. Kerb-crawler rehabilitation programs in the UK can be compared to john schools in the United States.

In Canada, sex work or prostitution was legal but several laws limited the women's sex businesses. In 2007, sex workers challenged three laws with the charge that these laws violated their liberty and security in sex work (Santini 2013: 3). The first law prohibited women from owning or renting an apartment for their sexual business for more than one time. Another law criminalized living off the earnings of prostitution, which made it impossible to be supported by agencies that received a contribution from the women's earnings but also provided a service for sex workers such as booking clients or offering protection. In addition, the person living with a sex worker might be suspected to be in an exploitative relationship. A

³⁸ Kerb-crawlers are men who are on the hunt for a prostitute and ‘crawl along the kurbs’ of the street, looking out for girls willing to perform with them sexually for the exchange of money.

law on communications prohibited the negotiation of prices, services etc. in a public place, including a private car. Street workers were the main prosecution targets of this law (ibid. 1). The laws were declared unconstitutional by the Supreme Court of Canada and the government was given twelve months to rewrite the laws (“Canada Supreme Court strikes” 2013). Justice Mc Lachlin expressed concern about the laws, “They go a critical step further, by imposing dangerous conditions on prostitution; they prevent people engaged in a risky - but legal - activity from taking steps to protect themselves from the risks” (ibid.). Yet “[a]nti-prostitution laws will continue to be enforced in the meantime” (ibid.).

The dilemma of providing safety for women in sex work regarding their working conditions collides with the desire to protect women from being lured or abducted into prostitution. Prohibiting only parts of prostitution further intensifies the problem of wanting to prohibit the purchase of trafficked women only – because men simply do not know in the majority of cases whether the woman has been trafficked or not (Sanders 2009: 94). Threats by pimps and in extreme cases even the Stockholm syndrome, making women compliant to their sex *manager’s* appeals, would hinder women from revealing the truth even if asked by their clients. Yet punishing the purchase of trafficked as *well as* procured sex sellers, as enforced as law in Finland, alleviates the proof necessary for prosecution – since procuring does not have to include an element of deceit or force (Niemi 2010: 170). The case Bedford vs. Canada described above reveals the difficulties that are interwoven with allowing women to prostitute themselves with limitations.

5.3.4. Decriminalization

Decriminalization describes cases where prostitution related activities are not regulated but decriminalized. This means that for example brothels are not depending on licenses but are regulated by usual employment and health standards; soliciting is not put under legislation and there are no requirements for luring clients in bars or restaurants (Giusta & Munro 2008: 2). The decriminalization model is practiced in New Zealand and adopted with the purpose of facilitating prostitution for those who want to engage in it without promoting it. However, it has been argued, that the regulation model such as in the Netherlands or Germany provides women with greater security by tolerance zones and leaves women in better economic circumstances (ibid.). Yet one might object here that women abstain from registration due to tax reasons and that the “most vulnerable women (for example, those with irregular migration status or drug addictions) have been pushed into illegal sectors where there is no protection” (ibid. 3). Whereas through regulation the difficulty of finding appropriate toleration zones and the ignorance of exit options emerges, through decriminalization the state saves horrendous costs from administrative and enforcement tasks (ibid.).

These different policy models concerning prostitution or sex work display the complexity of the issue. Each option has a focused idea of what prostitution or sex work is like and has a particular group of stake holders in mind. Whereas complete prohibition views prostitution as morally and socially unacceptable and focuses upon the society as a whole, complete legislation views sex work as a legitimate means of gains and supports johns, pimps and sex workers. Whereas rudimental legislation regards certain forms or activities of prostitution as destructive to society and enhancing violence for the sellers and focuses upon those who choose prostitution for economic reasons, the decriminalization model abstains from morally promoting prostitution but sees the necessity of regulation and focuses upon those who want to engage in sex work for other reasons. On the other hand, the Swedish criminalization model regards prostitution as violence against women and focuses upon the exploited victims, whether through trafficking or male client or pimp violence. Neither model covers every aspect of prostitution; it would be faulty to claim that one model could address a unitary truth.

The assumption that we can take up a model from one jurisdiction and predict the consequences of transplanting it into another, which has tended to animate much of the contemporary discussion on comparative prostitution policy, is problematic – at least to the extent that it tends to ignore or trivialise the peculiarity of the cultural environment of comparator countries (Giusta & Munro 2008: 5).

5.4. Policy evaluation

In the following, a normative review that puts the findings into a theoretic framework of explanation shall be undertaken. The situation of women in prostitution and sex work under the Swedish Kvinnofrid Law, when transferred to a higher level of analysis, shall be looked at through the lenses of the established violence, sexual, economic, post-colonialist and critical race theories: how can the women's legal situation, their working conditions, violence and health risks, exit options and self-perception and perception of the society be evaluated while regarding different policy alternatives worldwide? What inference can be gained from the Swedish case that is true for prostitution in a global perspective? This section attempts to find a conceptual approach that explains the existence of prostitution and sex work as it is and as it could be approached. The selected theoretic fragments are expanded by inference from the empiric data.

5.4.1. Violence interpretation

According to Bourdieu's symbolic violence a habitus effect is formed among spectators of prostitution, purchasers of sex and supporters as well as abolitionists; for spectators, which consists of the majority of the population that is uninvolved in the lives or facets of

prostitution and sex work, the habitus effect is an ignorance of anything that does not directly involve one's own life. Purchasers of sex are the very mechanism that furthers the violence by denial and execution of the violence. For supporters, prostitution is *okay* because of the demand and the freedom of choice of the women performing it; symbolic violence is expressed by minimizing the violence that inhabits prostituting oneself as a woman – structurally, physically and emotionally speaking. The objectification of women in prostitution is standardized so that any harm that could flow from it becomes a foreign concept. For radicals, the habitus effect is reflected by describing prostitution as violence of men who are violent rapists. Their constructed view of men is a violent accusation of men and a violent possessiveness over women's identity defined by others. Unnoticed goes the subtle form of violence that inhabits all these approaches – violence by ignorance, violence by execution and denial, violence by trivialization and violence by accusation and possessiveness. The persistence of the habitus effect shows the difficulty to reconcile the different viewpoints with one another or to move someone from one spectrum of belief to another. The stronger the beliefs and the more vigorous the actions, the more deeply the habitus effect is rooted and the more difficult to change one's opinions, actions and thinking patterns. Whereas it is easier to flip from ignorance to denial, trivialization or accusation, it is more difficult to move between accusation and approval. If women are regarded as lustful enjoyers of sex with foreign men, who are self-willed to exercise these desires and who "genuinely like men" (Baron et al. 2000: 2), they are unlikely to be seen as objects that do not enjoy being masturbated into (Alvarez et al. 2003: 60) in the next moment.

Yet according to Meuser (2002), exactly this violence that inhabits male dominion over women in prostitution and sex work has to be noted. Men define their manhood partly by exercising power over someone else – which can be expressed in prostitution as a desperate form of seeking recognition of one's manhood. Manhood rituals and *team strengthening* (ibid.) can be expressed in corporate sexual violence when men are visiting brothels together. The effect is strengthened by the argument of *male needs* and sustained by men competing in these acts with other men; it is also sustained by the view of these women as having made a choice while having real alternatives. Yet despite such indirect violence, by being prevented from making a choice while having alternatives, direct violence occurs in prostitution as well. Every time, when a woman's restrictions on sexual services are broken, it is held to be a violent experience for her. The violence caused by pimps or brothel owners through removal from their homes, battering, rape, coercively addicting them to drugs, constant verbal intimidation and betrayal is a reality for many women as well as violence caused by men who purchase sex: apart from severe forms of rape, beatings and especially demeaning or forced performance of sexual acts, men's refusal to use condoms, each sex act, whether in street or indoor prostitution can be "a violation of women's dignity and bodily

integrity [...] [and] add[...] to the accumulation of trauma in prostitution” (Hughes 2003: 127). Since a distinction of women who have been forced into prostitution and those that have chosen the path of sex work themselves is difficult to make, these violations have to be considered when seeking a political solution. Even though not every man acts out his dominant manhood when purchasing sex with a prostitute, the evidence gathered reveals that *enough* women have been physically hurt and put in emotional pain through engaging in prostitution. A woman abused in prostitution described the sex act in itself as “bought and sold rape” (Giobbe 1999, loc. cit. Leidholdt 2003: 173). Yet the men’s side has to be regarded as well. Where personal problems are sought to be compensated by exercising violence, blame-shaming programs for men will do as little help as ignoring those problems. When men recognize that they have a violence problem, help should be offered instead of punishment. Whereas punishment pushes into isolation, a healthy handling by equipped counselors and the possibility of exchange with co-perpetrators can build confidence and acceptance and in the long term help men overcome abusive behavior. Only acceptance paves the way to influence, and therefore makes change available.

The violence, however, may as well be structurally consolidated. Trauma in prostitution can partly be caused by engaging in prostitution but also intensified by prior experiences of sexual abuse. Vulnerabilities such as a low social or migration status make women prone to engaging in prostitution-related activities and open them up to further violence. The high number of migration workers involved in sex work after the introduction of Kvinnofrid Law reveals that this involvement is structurally reinforced. It is more difficult to get out of prostitution if structural determinants keep you in it. Nevertheless, the response of structurally determined women in prostitution and sex work differs: those that have gone through sexual abuse prior to prostitution or have altogether been trafficked into prostitution value the criminalization law almost homogenously (Questionnaire Talita 2014); in contrast, among those that may be determined by a low social or migration status there are women who desire to keep working, even if structurally compelled. This subtle violence when enhancing a positive view of sex work has to be considered, yet alternatives for the women need to be found in order to remove structural determinants – and those may not be easily broken because changing low education, unavailable education programs or lack of job alternatives describes tenacious processes involving willingness, planning and skills from an official side.

5.4.2. Economic interpretation

According to Say’s economic theory of supply and demand, the sex market flourishes not only because of the demand but because of the supply foremost. The supply, however, has to meet a human desire, and thus is successfully upheld. Pimps, brothel owners and

traffickers are the entrepreneurs that are persistent and creative in finding new markets, baits and women to sustain the sex market. Without these entrepreneurs the market deteriorates. The value of women in prostitution is based upon their *utility* and consumption is the logical result of the provided *good*. Consumers are purchasers of sex and their consumption depends on the ability to spend money. Huge sex trafficking markets such as in Thailand are 'owned' by sex customers from the rich Western world. However, money is only a means but sexual desire is the main regent. Desire is not produced by money, it is produced by the offer on the market. Although traffickers and pimps may be driven by a distorted craving for power due to the above mentioned feelings of male inadequacy, the market is sustained by customers who are driven by sexual desire. Yet it can be argued that this desire is a power-distorted mechanism and thus a desire for power would replace sexual desire as the engine. Power, in this study, is defined with Max Weber as the possibility of enforcing one's own will even against resistance. A desire for something is what keeps the market alive – a market designed to meet this desire. However, sexual desire cannot be eradicated completely from the equation, since a desire for power can be met in other facilities – only to mention the realm of politics, whether corrupt or respectable, and the realm of knowledge. But high positions and knowledge, when recalling the story of the two Swedish judges, do not make the *pleasures* of seeking a prostitute extinct. Therefore a desire for receiving sexual services must somehow rule the course.

Considering the shame involved with exposure lets the question arise whether this sexual desire is indeed a normal desire that needs to be met. Apart from the obvious shame and pain involved when family members are confronted with their partner's sexual secret lives, also single men seeking help and counseling because they recognize that they have a problem (Interview with Johan Christiansson) shows that this sexual desire is not the norm. When men describe plaguing thoughts of guilt after buying sex yet without the self control to stop their behavior, one is inclined to compare these situations with feelings of guilt coming upon a person when stealing something or talking behind one's back. Mentioning these two situations, at least in general expected to release a guilt mechanism, presents the very dilemma of punishing sex buyers: whereas shop lifting is obviously criminally liable, backbiting is not. The question is whether ideas to follow these practices are propagated and nourished. Hearing stories of success from shop lifters or listening to positive evaluations of slandering people and encouragement to do so may indeed increase the desire to practice those things. Whether they need to be punished remains another topic. Important factors that should help make this decision are protection from harm caused by such practices and the damage caused by the perpetrators. Whereas the harm done to others by slander is only in a few cases emotionally relevant due to negative reputation based on rumors or in extreme cases social exclusion, the damage done by stealing something is either a material or both a

personal and material loss, which makes a legal prohibition and punishment by disregard reasonable.

The question is whether women in prostitution and sex work are robbed in such a way that legal action to punish the *robbers* has to be undertaken. To evaluate this, the sexuality of women must be regarded as a first step.

5.4.3. Sexual interpretation

As a “variation of men” (Donovan (n.d.)), women are constructed to function sexually in the same way as men do. While it is well known that a man can literally enjoy sex with anyone, a woman enters into sexual relations not only with her body but with her heart. Whereas for men having sex with many mates means more offspring, women are created as relational beings and “don’t want sex for long without an emotional connection, a sense of caring” (Rhoads et al. 2010). Evolutionary anthropologist John Townsend believes that while many women go through a period of trying casual sex, they “almost always end up rejecting it. For women, intercourse produces feelings of ‘vulnerability’ and of being used when they cannot get the desired emotional investment from their partners. In Townsend’s studies, that occurs even among the most sexually liberated women. Despite their freethinking attitudes, their emotions make it impossible for them to enjoy casual sex” (ibid.). In addition, while men are sexually stimulated easily, a woman’s stimulation requires most of all, a feeling of security. Constructing women as a female version of men, places them in the box of being *okay* with being treated as a sexual commodity on the market. If women functioned like men, they would be *okay*, and due to the male constructionist view of women, society thinks they are. But Irigaray refrains from assigning a new identity to the women herself. She encourages them to define femininity for themselves (Donovan (n.d.)). Developing this argument further in view of the study, it assigns the right to women in prostitution to define themselves. If they desire to be treated as victims, they should be treated as victims; if they desire to be treated as sex workers, they should be guaranteed to be treated accordingly. The view that someone may hold about another cannot be imposed upon another because of one’s own values, morality concerns or one’s capitalistic, exploitative thinking.

Therefore, even though one’s personal view may be that no woman can enjoy being treated as a sexual commodity and must thus be regarded as a victim that cannot speak for herself, a dilemma is created by acting upon this view: when desiring to view women for what they really are, one may encounter women that claim to *be* what they see themselves to be. Women define themselves by what they are *doing*, rather than by *who they are*. Having entered sex business voluntarily, that is, without exposure to deceit and force, there are women that want to be treated as sex workers, not as victims. Where does this view so seemingly incomprehensible with women’s different sexuality stem from?

Buddha said that we become what we have thought. Taking this a step further, expresses the bigger picture of the influence of our thoughts: when long enough under the exposure of someone, you will become what this particular someone thought of you, and thus, made of you. How someone thinks of you is the way they will treat you. This assigns the greatest power of influence upon one's primary attachment figures, which are in the majority of cases, one's parents. If you have been treated like a commodity for years, you will think of yourself as a commodity. It is "from that resemblance, from that imitation of what represents paternal authority, that commodities draw their value – for men" (Irigaray 1991: 178). But the ultimate question is – if this is the way some women see themselves, should it not be their right to be respected the way they would like to be respected? Even if completely paradox to the way a woman has been made, was it not probably someone's influence that rendered them ready to embrace the concept of a sex worker as their own? And if they embraced this concept, is it not their *own* responsibility to let go of it if they want to?

5.4.4. Post-colonial interpretation

The colonized woman, in figurative terms, is the woman in prostitution and in sex work today. Subordinated under the hand of johns, pimps, traffickers, male desires and the state's and population's views, three ideological constructions in the society are at work: male demand is regarded as a legitimate *need* and women are seen as subordinate by sex purchasers; this describes patriarch thinking patterns that put women in the role of slaves, dominated by men. Secondly, male demand is regarded as a fact and women as able to make a free job choice by sex work activists, supporters and sex workers; thirdly, women are regarded as victims unable to make such a job choice and violence is considered to inhabit all prostitution-related activities by anti-prostitution activists. Whereas the first view describes a form of neo-colonialism as a result of culturally constructed male superiority, the second view describes a form of constructivist sexual theory that reinforces women's identity as sex workers and therefore strengthens the neo-colonial reign of patriarchy; the latter view establishes an idealistic form of essentialism and therewith a sort of neo-colonial reign;

Essentialism is the belief that things have essential properties, properties that are necessary to those things being what they are. Recontextualised [sic!] within feminism, essentialism becomes the view that there are properties essential to women, in that any woman must necessarily have those properties to be a woman at all (Stone 2004: 4).

A woman cannot be a woman if she has decided to become a prostitute, is the essentialist approach. She needs to be redeemed of this situation that has nothing to do with her own choices in life. She has to be considered a victim, whatever the objections. Applied by feminists, essentialism did not omit to be criticized for the fact that "universal claims about women's social position or identity are invariably false" (Stone 2004: 1). By enforcing

one's own views unto all of these women, and making decisions on behalf of them by considering them inferior to be able to do so, a neo-colonial pattern is established, even though it might be guided by good intentions.

Due to the reality of a subordinate view of women, the response in the essentialist direction has a necessary function in society. Due to the reality that an essentialist approach cannot include all women, the sexual constructivist approach bears value. Each of these approaches is considered incomplete by themselves, as they merely give a glimpse of the reality of a complex subject. However, it has to be attempted to combine them in a fruitful way. Although diminished in its relevance by her later (Danius et al. 1993: 35), Spivak introduced the term 'strategic essentialism' to describe the social function of the suppressed ones to speak up for themselves, as is post-colonialist studies' aim. Strategic essentialism has happened in parts within the movement of women in prostitution. It has happened amongst the sex workers who postulate their *de-victimization*; among women in forced prostitution, sometimes having shelters as representatives speaking for them, who postulate awareness to the damage done to women in prostitution. Having discovered different positions, it remains questionable if a unified position of these two groups will be possible. The second question, however, is, whether a unified approach would even be helpful at all. It is a difficult undertaking for sure how to venture out in strengthening the group's essential characteristics before the world – if there are such that they can all agree upon. However, in doing so, they could be given a voice against the colonial reign imposed upon them, whatever form this colonial reign takes on.

5.4.5. Critical Race Interpretation

In the case of deciding for a legal solution in how to treat the situation of women in prostitution, neither legalizing nor criminalizing sellers and buyers might be the perfect *outcome*, and solutions in between do not reflect a remedy either. The approach is that of respect towards the subject and the best alternative is being sought after, even if that means manifold solutions woven together – because one alone is not complete. With this seemingly regardful approach of CRT, the subtle discrimination that is inherent even to CRT could be overlooked. When CRT identifies "distinctly human, higher-order traits" (ibid.) – instead of race –, mentioning "personality, intelligence, and moral behavior" (ibid.) as *higher traits*, a level of worthiness is added to such in contrast to a person of lower intelligence or less moral behavior. Whereas personality is a neutral term that incorporates all humankind versions of personality, intelligence and moral behavior have a negative antonym – which creates another form of racism. A human being should be respected because they are a human

being, not because of any genetic or learned characteristics they have, and not because of any behavior appearances. Women should be respected, whatever their job description is. Yet the question emerges, whether in all this debating and classifying women in prostitution and sex work a subtle discrimination takes place on both sides of the spectrum. Whether abolitionist or sex work proponent, the other side is always discriminated against. Worthy of analysis is the thought of discrimination even against one's own side – by assuming that one has the right to speak on behalf of someone else, and by assuming that speaking up for oneself equates speaking up for everyone. When social workers and shelters who have worked with women that have been traumatized in prostitution, they appear to have a rightful reason to take initiative against prostitution. When sex workers and sex activists who claim to work voluntarily and desire to keep doing so or who support the like speak up, their voice seems to be justified. The self-interest of social workers is to protect the abused and exploited, which can be regarded as valid. The self-interest of self-proclaiming sex workers is to be able to live their chosen profession, which sounds like a fair reason as well. Yet, it has to be asked if in cases of governmental policy, the self-interest driving the respective policy is unrelated to the self-interest of those concerned. When governments support a certain policy that concerns a people group, is it because they support them – even if only a fraction of them –, or is it because of their own policy interest? Those are lastly the ones that make decisions that affect the others – as in this case, the women in prostitution and sex work. Eriksson (2005) claims that the fight the Swedish government fights is not concerned with saving the women but with abolishing the idea of prostitution (ibid.).

Another subtle racism was identified in the vehemently postulated argument that the changes in Swedish prostitution policy in the last few decades may allude to a conversion towards morality. “[B]arring live sex shows and sharply restricting the profusion of pornography” (Schmidt 1992), arguing that the propagation of pornography exploits women and children instead of liberating them (ibid.), has been interpreted as a trend towards more conservative thinking. The interviewed social worker argued that the Swedish prostitution policy is a moral issue (Interview with Johan Christiansson). Even the argument was brought up, that the Christian democrats have been in government in the 1990's (Schmidt 1992) and now share seats – 19 out of 173 – in the four party Alliance and *therefore* Sweden has a more moral voice, with a pro-family and pro-religion agenda. Yet this judgement of Swedish prostitution policy as moral bears hidden racism against moral values as such: by calling it a moral undertaking, the *Swedish project* is put into a negative and to be rejected box because of its ‘old-fashioned thinking patterns’. Yet we have to ask two questions: is morality really what governs the policy established in Sweden and if so, can the policy be rejected because of its *moral purpose*?

To begin with, let us see if we find morality in the Swedish policy that argues against the distribution and production of pornography and against sexuality to become something displayed in the open – and in the next step, against the commercialization and liberalization of sexual behavior and therefore against prostitution and sex work. It is true that there are people who have concerns for moral in Sweden – as true as it is for every other nation. Yet do these moral concerns guide policy decisions? The argument that the political influence of Christianity may have moralized Sweden does not bear comparison with reality. Christian democrats are the only party represented in parliament that has “issues of faith and religion on their agenda” (2007: 2) and they receive about 5-6% of the votes (ibid.). Only 2% of official church members regularly come to worship services according to church statistics (Jänträ-Jareborg 2010: 2). In addition, Sweden is considered one of the most secular nations worldwide and academic research seems to confirm that atheism revolves around 85% in Sweden (Zuckerman 2006); only 5 out of 10 weddings take place in church (Celsing 2006). Secondly, Christianity is *more a relationship than a moral religion* and has widely been misunderstood. Moral thinking stems rather from a personal goodness ethic that desires to present oneself as worthy. *I need to be moral so I can be worthy of respect*. This worthiness is exactly what is refuted by moral concerns: women who engage in something called sex work ‘cannot be worthy’, so the moralistic approach. This seems to fit with some views that exist in the Swedish society.

Yet the fact that sex education for children has been in the curriculum for almost 80 years (Schmidt 1992) does not make Sweden very moralistic. Neither does the legal right to abortions awaken very conservative feelings; nor does allowing couples of whatever *gender identification* to marry call forth moralistic thoughts. The fight that Sweden fights is a gender fight fuelled by compulsive striving for gender neutrality. It is no longer a fight for equality – of labor and suffrage rights, of equal treatment and acceptance, it has become a fight for sameness, dissolving differences in the *glorified neutrum*.

Looking again at the analysis established in the preceding chapter reveals the complexity of the studied topic. The first three stages of the analysis have embraced empiric facts ranging from the existence and extent of prostitution and sex work in Sweden with its involved stakeholders to the specific legal, working, exit, violence, health and perception conditions under Kvinnofrid Law for the women and the pros and cons of worldwide alternatives in force. The theoretic body set the stage for an interpretation of the material on all levels – the explanation of the what (Stage 1), the description of the how (Stage 2), the comparison of the alternatives (Stage 3) and the theoretic conclusion on a normative level (Stage 4). The last stage explicitly focused onto a more theoretic, thus meta-level interpretation.

Whereas Bourdieu points us to the symbolic violence that inhabits all thinking patterns, actions and strategies concerning women in prostitution and sex work, Meuser reminds us of manhood's trials as a central factor coining the character of prostitution and sex work; structural violence reveals the tendency of pre-determinism of falling or remaining in prostitution and sex work due to other factors. Say adds to the picture the economic peril of demand and supply, which results in a vicious circle of identifying desires, provision through entrepreneurs and acquisition by consumers. With Irigaray the sexual difference of men and women, which results in different needs of both sexes is noticed, yet the freedom to define one's sexual difference according to one's own shaped perception allowed. Post-colonialism with Spivak makes aware of a certain form of colonialism that is found in liberal as well as abolitionist approaches either by enhancing patriarchy or imposing a definition of womanhood and questions whether finding a common position is possible or helpful at all. CRT takes notice of the subtle discrimination inherent to either position and questions the self-interest of the government in making policies and refutes the idea of a Swedish morality concern with its gender-neutral politics.

6. Conclusion

Eriksson (2005) claims that the fight the Swedish government fights is not concerned with saving the women but with abolishing the idea of prostitution (ibid.). When looking at the sexually liberated policies in Sweden from the 1950's onwards, involving sex education for children and marriage for couples of whatever *gender* identification, the claim that changes in prostitution law in the last few decades hint at a moralization in the Swedish government and society could be refuted; if, at all, prevalent moral views were reinforced within the society and received an official permission to be held. By contrast, Swedish prostitution policy is concerned about its gender-neutralization. Although biologically, physically and emotionally differently designed, according to the Swedes men and women are the same, and any differences are vehemently suppressed. Even liberal feminist *Jezebel* notes the irony of the Swedish gender-neutral policy,

in the effort to free Swedish children from so-called normative behavior, gender-neutral proponents are also subjecting them to a whole set of new rules and new norms [...]. One Swedish school got rid of its toy cars because boys 'gender-coded' them and ascribed the cars higher status than other toys. Another preschool removed 'free playtime' from its schedule because, as a pedagogue at the school put it, when children play freely 'stereotypical gender patterns are born and cemented' (Rothschild 2012).

This gender neutral fight embraces paradoxes such as turning boys into girls and removing any possible obstacle that could predefine the 'gender-neutral' nature of a child. Activists are

pushing for a unisex name system so that any boy could be called a Lisa, and the markets are adapting to the hype of *neutro-gendering*: a Swedish clothes store removed its girls and boys sections, the first gender-neutral children's book was published, the life style magazine *Nöjesguiden* used neither *he* nor *she* in a recent issue but only the gender-neutral term *hen* (ibid.) and the pre-school Egalia is devoted to gendering children as soon as possible. Gender neutrality, not morality is what governs Swedish prostitution policy – as well as any other policy in Sweden. Although bridges with radical feminists have been built by political officials within the government (Könskriget 2005), and despite pressure from radical feminists, the governing elite rules by gender neutralizing: eradicating anything that could hint at a difference in the composition of the two sexes. Since prostitution and sex work stand in the way of gender neutrality, as it defines the woman as an object that is purchasable, *it has to be fought*. It is the self-interest of the government that motivates their battle. Yet even if morality were what animated the Swedes to fight prostitution, is a classification as moral a valid reason to reject the policy? Morality is regarded as something medieval and outpaced nowadays, something that was ousted by a *more modern* and *enlightened* thinking. Monogamy is considered prude and close-minded and sexual liberalization and promiscuity are praised. However, even evolutionary studies started identifying the benefits of monogamy: two studies found that male “[p]arental care [that] evolves after monogamy is present and seems to be a consequence, rather than a cause, of the evolution of monogamy” (Seck 2013). Clinical psychologist Doctor Sue Johnson asserts that by bonding with one partner a healthy emotional security is created, which leads to emotional balance that gives room for healthy independence. In addition, she quotes research of a University Chicago sociologist, monogamous people are those with the happiest and healthiest sex lives (Bielski 2013). Sex is a good thing and no argument can stand against that: however, lovemaking is only good if it is expressed as it was meant to be – *to make love*. Additional benefits of that presents the procreation of mankind in a stable setting for a child: with mum and dad. Removing sex from the expression of love and commitment to another person not only increases the problem of unwanted pregnancies and STDs, it is no better than putting it into the box of an evil ill. One can argue against the necessity of the latter ingredient but by all means pornography, prostitution and sex work are not an expression of love. Nevertheless, prostitution has existed in all cultures; commercializing sex is nothing new; whether it is a positive development of society, is another question. Yet we cannot overlook reality by focusing on a normative perspective, on a wishful thinking of how a society should function. *We can dream but we need to live*. As a matter of fact, on this earth, we face a thriving sex market that is bound to persistence by the law of demand and supply: ever seeking new venues to meet human desires, the desire for sex is biologically determined and unlikely to become extinct. Greed for power and control keep

sexual entrepreneurs an almost natural force that guides and continually ignites the market to satisfy consumers, and lastly their own self-interests. Dissatisfaction in marriage, the use of pornography and sexual addictions contribute to the persistence of having an unending demand of customers. Women in prostitution and sex work are caught under the dominion of exploiters that bear names such as traffickers and pimps. Johns have the power to add to the trauma that many women are exposed to. Many women carry sexual abuse histories or histories of abandonment, homelessness or economic despair into their *job choice* alias survival technique. Some women maintain that their choice was made freely and they fight for and build unions to raise support in their choice to do sex work.

With Irigaray it was argued that women's sexuality differs from men's but can be de-feminized by constant negative input from primary attachment figures or other people deeply involved in women's upbringing or life course. Treating women as commodities from an early age on increases the likelihood of women seeing their value only in being a commodity. Selling themselves on the market may be completely normal for them because no one ever told them their value apart from their *obtainable sexual services*. We become what we think about ourselves, and what we think about ourselves is influenced by opinions of others before our personality has stabilized. Respecting these women as reasonable human beings to the degree of letting them make their own choices is the key element in allowing for responsibility of their own lives. By victimizing them and denying them accountability, a breach takes place that either causes rebellion or unhealthy dependencies. A woman that finds the perils of prostitution to be overwhelming should have a right and opportunity to receive help through therapy, counseling and financial help to exit the cycle of selling one's body for money. Yet a woman must *want* to receive such a treatment.

However, these foster centers are considered to be crucial, and with the example of the non-governmental organization Talita in Stockholm successful exit rehabilitation was proved at least possible in a small n statistic of 67% out of 27 cases, as shown in the section *exit option* of the analysis. Yet 67% success still leaves 33% who returned. Looking away from these numbers and from arguing whether exit can be successful or not, confronts us with a more simplistic fact that is reality in either case: these foster care homes, or women shelters, as they are usually called, are not bound to exist in a certain policy composition. Although they are crucial to provide a possibility for women to exit prostitution and sex work and helping with economic reintegration through education programs and personality strengthening, these homes can emerge in any policy situation apart from complete prohibition – which would criminalize the sellers of sex and therefore women as well as buyers, and obviously keep them from receiving help. A sad reality is that although offered by Talita and other non-governmental organizations in Sweden, neither educational nor exit-programs or job alternatives are presented by the state itself. If the women's wellbeing were

on the state's agenda, not their occupation but their social consolidation should matter first. One cannot fight someone in order to fight something. This indicates also the negative impact the law has upon the other side of the spectrum: empirically excluded in this study for the purpose of convergence, the necessity of validating men shall be pointed out. Sweden's radical feminists are experts in spreading a pejorative view of the male sex. By nature the stronger sex and made as protectors, they are also more capable to induce harm by acting out an aggressive masculinity – whether due to identity problems, striving for recognition, power or for other reasons – men are more likely to fight frustration in a violent way that secures their dominance and express it against someone who is weaker – which may in some cases be a vulnerable prostitute or sex worker.

Men strive for affirmation and respect and yet fight insecurities that can leave them emotionally isolated from others. Experiencing the deepest intimacy through sex and gaining confidence from being received willingly, men may turn away from denying and disrespectful girlfriends or wives and seek intimacy with a prostitute. Other men nourish their sex drive with a habit of watching pornography and find themselves stuck in a sex addiction – a cycle of abhorring what they do but still continuing to buy sex (Interview with Johan Christiansson). Shaming and blaming men, as done in models such as john schools in the United States, nourishes a culture of men-bashing and ignores deep emotional problems that may cause men to become johns. This is not said to justify them – but helping to understand them. Just as everybody else, men thrive on praise, and only acceptance paves the way to influence. This is valid for johns as well as for women. A culture of encouragement is what should be nourished, and healthier people will be the result. Healthy and stable families promise to produce happy children. What happened in the past cannot be changed but we can decide to live a different future by changing how we live and treat ourselves and others now. People who respect others are happier people. People who accept themselves can accept others. By accepting every woman's view point as valid – whether that of a trafficking victim, that of a sex worker or that of a woman wanting to exit – this study attempted to analyze their situation under Kvinnofrid Law and lift it to a de-contextualized meta-level of interpretation. Trying to figure out the best policy that validates everyone's wishes presented a complex task. Looking at the alternatives in place worldwide seems to confirm CRT's thinking: there is no perfect solution and policy found that favors sex workers, trafficking victims and women who would like to escape prostitution at the same time. Whereas legalization values sex workers, it also increases trafficking and gives virtually legal permission to rape women in prostitution and sex work. Prohibition in contrast, exists hardly in reality but only on paper. The fact that countries such as Thailand are among the number one countries of sexual exploitation in prostitution, and especially sexual child molestation, reveals the dilemma of legal regulations and its corrupted enforcement. The case of Sweden itself shows that even where corruption

plays a minor role, little can be added by criminalization that reduces the number of trafficking. Numbers of arrest remained high for purchasers of sex after the tightening of measures through the APAPAST in 2008; at the same time, this intensification brought with it the stagnating cycle of arresting, fine paying and releasing transgressors until their next conviction. Changing the mindset of the society has only happened on the surface by intensifying negative feelings against women who engage in prostitution and sex work and having indifferent people remain indifferent. The mindset of people is oriented at the social norm and the power of the social norm is determined by the law itself: if the law changed, people's opinions would follow likewise. Surveys conducted amongst the population prior and after the Law seem to confirm the argument.

Whereas the society may oscillate somewhere between the two extremes of complete acceptance of sex work and becoming unofficial liberal feminists, or complete rejection of prostitution and constituting radical feminists, other stakeholders such as politically coined feminists, sex workers or trafficking victims respectively reflect a stable approach to the policy question: radical feminists and trafficking victims are pro prosecution of men, liberal feminists and sex workers are pro legalization and regulation. However, all stakeholders coming from the outside to judge, define and determine policies share a common paradigm: each one of those affecting or observing the legislation remain under a certain degree of symbolic violence. Whether ignoring violence in prostitution and sex work, furthering it or developing it on another level – all to a certain extent –, spectators, sex work advocates, legislators and abolitionists have developed a habitus effect in their view of what prostitution or sex work is about. As a result, the identification with the other side remains a hardly attainable goal to be reached. The issue at stake may be one's own feared loss of credibility or ascribed lack of devotion when switching perspectives for the sake of allowing personally experienced *truths* of the other side. Yet maybe the thought of post-colonialist reign in each of these closed-minded approaches can shed light unto the necessity of allowing for both sides to be heard, and both approaches to be called legitimate: neither forcing opinions upon someone else, nor disregarding matters of fact is true support of womanhood. If womanhood is to be supported, each woman must be heard and her view counted as valid.

7. Bibliography

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Interview and questionnaire

- Interview with Mister Johan Christiansson (2014, January, 20th). Social worker "The Treatment Unit", Stockholm (Sabbatsbergsvägen 1), 110 minutes
- Questionnaire Talita (2014, March 17th). Questionnaire filled out by the two founders of non-governmental organization *Talita*, contact via secondary source, Facebook communication

Appendix

Narrative expert Interview guideline

- What is your experience working with the women?
 - How long in the field?
 - Are you working with the buyers / women?
 - Has your experience of working in this area changed you or your views personally? If so, how?

- CURRENT SITUATION OF WOMEN UNDER THE SEX PURCHASE LAW: How do you evaluate the law? For the women's working situation
 - harder to reach out to the women & provide services
 - is there access to "online / home based workers"?
 - register a business? (cannot register a business as prostitutes although they are not criminalized? Do they still have to register a business under a false category to be able to enjoy social welfare benefits or can they not register anymore at all since the Law?)
 - social insurance?
 - Health? Tests?
 - What are their current legal benefits?

- Let's talk about the women's relationship with the custody system.
 - How do you see the role of the police? What works well & what should be done differently?
 - trust them? report rape?
 - Police harassment (questioning, forcing them to court, confiscating condoms...)?
 - How do the women relate to the courts & vice versa? - (women can be made to testify in a trial but they neither enjoy the rights of the accused nor of the victims. What is their incentive to testify?)
 - Women's rights under the Law – which rights would they like to have?
 - Do you see a danger in treating the women as victims and not as responsible people themselves?

- Do you see an improvement through the Law for the women, not necessarily for the society as a whole in having "clean streets"?
 - Economic alternatives for women?
 - Which job alternatives exist?
 - Have you personally seen women lapse back because of a lack of alternatives?
 - Government help?
 - Does the Law help them to leave?

- Do you see more women want to leave since the Law?
- Increased violence?
 - indoor sex more dangerous?
 - More violent clients remain?
 - More dangerous for women to work under the Law?
- Emotional violence?
 - How has the Law affected their self worth?
 - Society?
- Indoor prostitution has increased but official numbers are hard to get. From your experience, has street prostitution moved online?

TRUE?

the law against pandering makes it difficult for the authorities to utilise harm reduction strategies. For instance distribution of condoms, although perfectly legal under the Social Services and Communicable Diseases Acts respectively, might be perceived by non-legal experts as encouraging prostitution,

Abstract

This paper seeks to theorize the complex issue of prostitution policy in order to find a holistic approach that reaches above polarization, ideologization and empiric facts. It attempts to include different angles with the focus upon women as sellers of sex and their sexuality as opposed to men's. The study looks at the pioneer project of Sweden, where sellers of sex are not guilty before court but purchasers of sex are criminalized since legislation was passed in 1999. The study revolves around the question how empiric findings of the situation of women under Kvinnofrid Law can be evaluated from a normative perspective. The theoretic compilation consists of fragments from economic, violence, sexual, post-colonial and critical race theories that were developed further by interpretation from empiric data. The study confirmed its seven theses that combine the theories and show their intertwined explanatory power. A certain degree of violence was found inherent to all outsider-approaches of prostitution policy that is resistant to change due to the embedded habitus effect and a neo-colonialist inclination among mankind to rule above one another. Furthermore, violence is strongly correlated with women's sexuality and predefined negative sexuality by primary attachment figures. Yet holding women accountable for their own decisions, when they had the freedom to take them, is crucial to protect against unhealthy dependencies and strengthen emotional stability. In order to help women exit and rehabilitate if they want to, institutionalizing women's shelters, education programs, trauma therapy and job alternatives is considered crucial; the provision of such services, however, is only to a limited extent confined by the respective national prostitution policy. The persisting cycle of demand and supply of prostitution is rooted in the different sexuality of men and women and is bound to exist if sex buyers' problems are not validated in an encouraging way that abstains from bashing them for buying sex and when help is offered. Among all known prostitution policies, each approach supports one group of women but offends and works against another, so that the desires of self-proclaiming sex workers stand opposed to those of trafficked and women who want to leave. However, although the Swedish government was partly influenced by radical feminists in its anti-prostitution policy, it was found less concerned with the well being of women in its decision for Kvinnofrid Law but determined by their own self-interest of fighting a battle for a gender-neutral Sweden.

Abstract

Dieses Forschungspapier versucht die komplexe Thematik „Prostitutionspolitik“ zu theoretisieren, mit der Absicht einen ganzheitlichen Zugang zu finden, der über Polarisierung, Ideologisierung und empirische Fakten hinausgeht. Verschiedene Perspektiven sind inkludiert worden, um einen Fokus auf die Frauen als Sex-Verkäuferinnen und die weibliche Sexualität im Vergleich zur männlichen zu geben. Die Studie untersucht das Pionier-Projekt in Schweden, wo Sex-VerkäuferInnen nicht strafbar handeln, aber Sexkäufer seit einem Gesetz im Jahr 1999 kriminalisiert sind. Die Studie analysiert wie empirische Fakten, die die Situation der Frauen unter dem Kvinnofrid Gesetz beschreiben, auf einer normativen Ebene evaluiert werden können. Theoretisch ist die Studie zusammengesetzt aus Fragmenten ökonomischer, Gewalt-, Sexual-, post-kolonialistischer und Critical Race Theorien, die anhand der Interpretation von empirischen Daten weiterentwickelt wurden. Die Studie bestätigt ihre sieben Thesen, die die Theorien kombinieren und deren verflochtene Erklärungskraft aufzeigen. Ein bestimmter Grad an Gewalt ist allen Outsider-Zugängen zur Prostitutionspolitik inhärent, der resistent ist gegenüber Veränderung aufgrund der eingebetteten Funktion des Habitus-Effektes und einer neo-kolonialistischen Neigung der Menschheit, über andere zu herrschen. Des Weiteren korreliert Gewalt stark mit der weiblichen Sexualität und vorbestimmten negativen Sexualitätserfahrungen durch primäre Bezugspersonen. Jedoch wird es als entscheidend erachtet Frauen für ihre Entscheidungen, wenn sie solche frei treffen konnten, verantwortlich zu halten um ungesunde Abhängigkeiten zu vermeiden und ihre emotionale Stabilität zu stärken. Um Frauen beim Ausstieg zu helfen und sie zu rehabilitieren, wenn sie das möchten, ist es entscheidend betreute Frauenhäuser, Ausbildungsprogramme, Traumatherapie und Jobalternativen zu institutionalisieren; die Bereitstellung dieser Rehabilitationshilfen ist allerdings nur beschränkt an die jeweilige nationale Prostitutionspolitik gebunden. Der fortwährende Zyklus von Angebot und Nachfrage der Prostitution hat seine Wurzeln in der unterschiedlichen weiblichen und männlichen Sexualität und ist an seinen Fortbestand gebunden, sollten die Probleme von Sexkäufern nicht für gültig erklärt werden in einer Weise, die vom *Men-Bashing* Abstand nimmt und Hilfestellungen für sie anbietet. Unter allen bekannten Prostitutionspolitiken unterstützt jeder Zugang eine Teilgruppe von Frauen, die eine andere Teilgruppe verletzt oder gegen sie arbeitet; die Wünsche von selbst-proklamierenden Sexarbeiterinnen stehen daher denen der gehandelten Frauen und denen, die aussteigen wollen, entgegen. Obwohl die schwedische Regierung zum Teil von radikalen Feministinnen in ihrer Anti-Prostitutionspolitik beeinflusst wurde, lässt sich ihre Entscheidung für das Kvinnofrid Gesetz weniger als Besorgnis um das Wohlergehen der Frauen deuten, denn als Selbstinteresse im Kampf um ein gender-neutrales Schweden.

CURRICULUM VITAE

Personal Dates

Name: Nadine Rabinger

Date of birth: June 21th 1989

Place of birth: Ried im Innkreis

Citizenship: Austrian

Email-contact: nadine.rabinger@gmail.com

Education

1995-1999: Primary school in Wels, Upper Austria

1999-2007: Grammar school with language focus, Dr. Schauer in Wels, focus: French and Latin;

2007-2011: Bachelor of Arts, Political Sciences, University of Vienna; theme Bachelorthesis: Israel and Palestine under conflict analysis (in German)

July 2012: Certification as Helen Doron Early English Teacher

2011-2014: Master studies in Political Sciences, University of Vienna; specialization: International Politics and State-, policy- and governance analysis

Scientific interest

General: Governance and policy analysis, International Relations, comparison of political regimes, justice for the afflicted

Specific: Israel, radical-islamist regimes, prostitution politics, NGO work in the realm of prostitution politics