

Conflicting Ideas of Justice

An Analysis of the Swedish Prostitution Policy Debate

Abstract

The Swedish prostitution policy that prohibits the purchase of sexual services has been the subject of considerable debate. Internationally, prostitution is predominantly criminalized due to religious reasons. This makes the Swedish policy, motivated by feminist arguments on women's rights, unique. Recently, a debate has arisen where domestic human rights organizations criticize the policy using arguments on sex workers' rights. This study primarily aims to analyze inherent ideas of justice in different human rights organizations' views of prostitution policy. An ideal type analysis uses Marxist and liberal theory of justice to study the opposing positions of RFSL and the Swedish Women's Lobby. The analysis shows that the Swedish Women's Lobby pursue arguments about societal consequences of prostitution and aim to end of sexual exploitation of women, which are in line with a Marxist theory of justice. RFSL's arguments are focused on consequences of policy for individual sex workers and individual autonomy, which correspond to a liberal theory of justice that privileges principles of individual liberty. Secondly, the study aims to assess the internal and external validity of the two opposing arguments. Both arguments struggle with empirical weaknesses that affect their external and internal validity.

Keywords: Prostitution, Policy, Sweden, Justice, Ideal Type Analysis

Word count: 19 982

Table of Contents

1	Introduction.....	1
1.1	Aim.....	1
1.2	Defining Prostitution and Prostitution Policy	3
1.3	Outline of the Study	3
1.4	Case Selection	4
1.4.1	Selection of Material	5
2	Situating the Study: Previous Research on Prostitution and Prostitution Policy	6
2.1	Empirical Studies on Prostitution and Prostitution Policy	6
2.2	Feminist Key Works on Prostitution	7
2.3	Idea Analyses of the Swedish Prostitution Policy.....	9
2.4	Relevance of the Study.....	10
3	Theory.....	11
3.1	Ontology and Epistemology: The Role of Ideas in Policy Processes	11
3.2	Theories of Justice.....	12
3.2.1	Liberal Theory of Justice	13
3.2.2	Marxist Theory of Justice.....	15
4	Methods	17
4.1	Idea Analysis and Ideal Types	17
4.2	Two Ideal Types.....	18
4.2.1	Liberal Ideal Type	18
4.2.2	Marxist Ideal Type	19
4.3	Methodological Considerations.....	19
5	Ideal Type Analysis.....	21
5.1	The Swedish Women’s Lobby	21
5.1.1	Worldview	21
5.1.2	Principled Beliefs	23
5.1.3	Causal Story	27

5.2	RFSL	29
5.2.1	Worldview	29
5.2.2	Principled Beliefs	31
5.2.3	Causal Story	34
6	Internal and External Validity Assessment.....	37
6.1	Method	37
6.2	Analysis	40
6.2.1	Effects of Policy on Prostitution	40
6.2.2	The Gender of Prostitution.....	42
7	Concluding Discussion.....	44
8	References.....	45

1 Introduction

Ever since the Swedish law prohibiting the purchase of sexual services was accepted in 1998, it has been the subject of considerable analysis and debate. Worldwide, prostitution policies are predominantly motivated by religious or moral arguments, generally criminalizing all parties involved (McCarthy et al. 2012). From this international perspective, the Swedish prohibition of purchasing sexual services was exceptional in two aspects. First, it targeted the demand of sexual services only criminalizing buyers. Second, it was justified with arguments on gender equality and women's rights (McCarthy et al. 2012; Erikson 2011).

The Swedish policy change was preceded by years of lobbying by women's organizations and a coalition of female members of parliament. Initially the resistance was immense. However, the gradual re-framing of prostitution from a social issue to a problem of gender became more and more influential, ultimately leading to policy change (Erikson 2015:462). The bill was a part of a proposition with the overall purpose to increase gender equality and end men's violence against women. The intent of the prostitution policy was twofold: to fight and decrease the prevalence of prostitution and to create a societal norm that condemns men who buy women's bodies for their own pleasure, which was considered as "unworthy and unacceptable" in a society characterized by tolerance and equality (SOU 2010:49:75).

It could be expected that a policy with the purpose to decrease prostitution and improve gender equality would be uncontroversial amongst human rights activists in Sweden. However, a recent tendency can be noted where the policy has evoked domestic criticism by actors who use arguments on women's and sex workers' rights to advocate for a de-criminalization of the purchase of sexual services (Yttergren & Westerstrand 2016:48). As follows, when the policy and its consequences are discussed, the debate becomes highly polarized between human rights-organizations who reach fundamentally different conclusions on the issue.

1.1 Aim

The purpose of this study is primarily to analyze inherent ideas of justice in the opposing views of the Swedish prostitution policy and secondarily to assess the empirical arguments that motivate and support the underlying ideas. The study focuses on statements made by two actors that serve as examples of the opposing positions in the debate: The Swedish Women's Lobby and RFSL (the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights). It will be conducted in two steps. First, an ideal type analysis will use theory of justice to

analyze inherent ideas of justice in each organization's view of prostitution policy. Second, the implications of the ideal type analysis will be used to briefly assess the internal and external validity of the two positions. Since the first step is the most central for the thesis, it will be given more space. The work will be guided by the questions:

- Which ideas of justice are inherent in RFSL's and the Swedish Women's Lobby's views of the Swedish prostitution policy?
- To what extent are RFSL's and the Swedish Women's Lobby's core arguments externally and internally valid?

Ideas are central to the study of policy since they affect the ways in which problems are understood (Wagenaar 2011). This study stresses that the inherent principles and ideas are the primary reasons of why the two actors reach radically different conclusions. Further, it argues that the debate fails since the actors perceive the issue of criminalizing buyers in essentially different ways – either as a means to end exploitation of women's bodies or as a measure that limits sex workers' agency and increases their vulnerability. Since both actors aim to end oppression and since the debate raises questions of how a society should be organized to ensure justice and equality, this study proposes that the differences can be analyzed and explained by the use of political theories of justice.

Even though ideas are essential to investigate opposing views of prostitution policy, there are studies that evaluate the actual effects of such policy. They can help us to analyze the various claims about causality and effects that support and motivate the ideational principles. The ideal type analysis that constitutes the main part of the study will thus be followed by a brief assessment of the external and internal validity.

Badersten (2006) argues that idea analyses and validity assessments can be described as normative analyses. However, they do not necessarily aim to reach normative conclusions. Instead, the purpose can be to lay bare value conflicts and to establish the ways in which different principles result in contrastive views of how society should be organized (2006:30, 43). Also, the purpose can be to assess potentially tendentious empirical claims since such analysis can help the reader to discard the principal beliefs that the empirical claims are aimed to support (2006:169). Although the methods used are associated with normative methods, the study does not aim to take a stand for a certain view of prostitution policy. The intention is instead to provide an account of the two positions: their inherent principles, their understandings of the world and their empirical strengths and weaknesses to make possible for the reader to effectively familiarize and take a stance on the issue. The scholarly contribution of the study is its use of political theory to analyze the Swedish domestic criticism – a perspective and a subject of analysis that have been overlooked by previous research.

1.2 Defining Prostitution and Prostitution Policy

Prostitution policy is a highly conflicted area, and the lines of conflict are reflected by the terminology in use. Scholars who question criminalization of the purchase of sexual services often uses “sex work”, “sex worker” and “client” instead of terms such as “prostitution”, “prostitutes” and “buyers” (see for example McCarty et al. 2012:256; Westerstrand 2008:24). I will use the term prostitution to refer to the sale and purchase of sexual services primarily due to two reasons. First, I aim to include all actors that participate in the sex trade, such as sellers, buyers and procurers. Second, I do not aim to take a normative stand. The term “sex work” is associated with a specific understanding of prostitution whilst “prostitution” is combined with different views of the issue. However, when accounting for previous research of empirical findings, I will use the same term as the author or organization in question.

With “prostitution policy”, I refer to ways in which the public regulates prostitution through laws, regulations and governmental, county council or municipal programs. The main focus will be on the law itself, but additional regulations brought up by the organizations will be included. When analyzing the organization’s views of prostitution policy, I will include their description of the problem of prostitution and its causes and consequences, since the idea and perception of problem is essential to how policy and solutions are understood (Wagenaar 2011; Stone 1989).

1.3 Outline of the Study

First, I will present and discuss the case selection and the selection of material, since it is central to the overall research design. In chapter two, I will account for previous research on prostitution and prostitution policy, which will be used to guide the choice of theory, situate the study and later to assess the internal and external validity. In the third chapter, I introduce the theoretical understanding of ideas in policy processes, and the theories of justice used to conduct the ideal type analysis. Then, chapter four presents the method for the ideal type analysis, discusses methodological considerations and the framework used. In the fifth chapter, the ideal type analysis that aims to answer the first research question unfolds. The sixth chapter answers the second research question through a brief assessment of the internal and external validity. Also, the method of the analysis is included. In the seventh chapter, the conclusions are summarized and discussed.

1.4 Case Selection

There are several possible ways to empirically investigate views of prostitution policy through the use of idea analysis and ideal types. To include conservative actors would be highly relevant, especially since the perspective dominates the issue globally (McCarty 2012). Having said that, the primary interest of this study is the tension between similar premises and fundamentally different conclusions as discussed above. One alternative to focusing on specific actors would be to analyze the general debate on the issue in Sweden. However, since my intention is to reach an in-depth understanding of the opposing positions I chose to analyze statements made by two key actors that are both declared feminist defenders of human rights – the Swedish Women’s Lobby and RFSL. Although I have chosen two actors, the primary interest is not in the actors per se, but their views and lines of reasoning. Even though the cases are not chosen systematically to represent a population of possible understandings of prostitution policy, they should be seen as two influential examples of frequently occurring positions in feminist and human rights debates, which becomes obvious when the feminist key works are discussed in 2.2.

The two actors are chosen since they are comparable with respect to size and influence, and have opposing opinions on prostitution policy. They are both active in the public debate, they have official positions on the current policy and they are actively advocating to change it – although in different directions. They are both NGOs that represent the interest of their members that are potential target groups affected by the policy – women and LGBTQ-people respectively (Svedin & Priebe 2012; cf. Wagenaar 2011). A difference between them is that the Swedish Women’s Lobby stance corresponds to the policy and thereby the official Swedish standpoint and can be argued to have a bigger impact on the public debate, while the RFSL position is nowhere near challenging the official understanding of the issue (c.f. Erikson 2015). Still, RFSL is a relevant actor and a consultative body for the Swedish government on questions concerning prostitution and have thereby the potential to affect public understandings of prostitution policy.

Two other possible actors would have been Rose Alliance instead of RFSL, and ROKS instead of the Swedish Women’s Lobby. Rose Alliance, an organization gathering sex workers to advocate for their rights, was not chosen due to its small size and limited influence. RFSL is the biggest Swedish organization explicitly working with human rights and simultaneously wanting to legalize sex work. ROKS, the National Organization for Women’s Shelters and Young Women's Shelters in Sweden, was a relevant candidate since they are influential and can be claimed to have an even closer relationship to the target group women in prostitution. However, ROKS’s purpose is to protect the interest of women’s shelters – a much narrower purpose than that of the Swedish Women’s Lobby. Moreover, they have not been as active in the debate as the Swedish Women’s Lobby.

1.4.1 Selection of Material

The material analyzed consists of debate articles, press releases, consultative responses, activity plans, manifestos, studies and campaigns produced by the organizations on the issue. The focus was primarily on consultative responses and debate articles since they are presumed to be highly ideological and thereby more fruitful for an idea-analysis (cf. Beckman 2005). The material was systematically gathered as follows:

First, I conditioned the selection of data by setting a time frame where everything produced before January 1st 2010 or after December 31st 2015 was excluded, since both of the organizations made their most important consultative responses, campaigns and studies on prostitution within this time frame. The time frame allowed me to limit the amount of texts to a number that would be possible to handle and still be fruitful for the study. I also avoided analyzing data that was incoherent over time. Such inconsistencies can be highly relevant to study, but I aimed to compare the *current* positions of the two actors, and their potential incoherence.

Second, the texts were collected, primarily via the organization's websites. I searched their archives of debate articles, consultative responses, press releases, activity reports and activity plans and collected everything that included statements on prostitution. The press releases lead me to include two campaigns from the Swedish Women's Lobby and one study made by RFSL. The selection only covers activity plans and activity reports from the latest annual meetings, since they were the ones available online. However, since they represent the current view on prostitution and are complemented by other types of material, I did not consider it a problem.

Third, I controlled that I had not overlooked any central statements or documents through searching the media archive Retriever for the organizations names and either "prostitution" or "sexköp" (purchasing sex). A few articles were added where representatives of the organizations were interviewed on the matter. However, the more ideological articles that present the view of the organizations in depth were already included by the first selection. Thus, I concluded the selection of material to be satisfactory.

After the material was selected, I systematically categorized it using the ideal types summarized in the framework for analysis (see 4.2). The quotes presented in the analysis were selected since they are highly ideological and give a good insight to the views of prostitution policy, and are primarily gathered from debate articles and consultative responses. In total, I analyzed 26 documents from The Swedish Women's Lobby and 14 documents from RFSL.

2 Situating the Study: Previous Research on Prostitution and Prostitution Policy

As noted above, the Swedish prostitution policy has been the extensively analyzed. To situate the study, I will here outline three major bodies of previous research: 1) Empirical studies examining the occurrence of prostitution and consequences of prostitution policy in Sweden and the Nordic Countries. 2) Feminist key works with a high impact on how prostitution is understood today. 3) Contemporary studies focusing on discourses and ideas behind the Swedish prostitution policy. The three parts serve partially different purposes. The empirical studies on prevalence of prostitution provide important background information and are used to assess the external and thereby internal validity in chapter six. The feminist key works guide the choice of theory, whereas the part on idea analyses is used to situate and motivate the societal and scholarly relevance of the study.

2.1 Empirical Studies on Prostitution and Prostitution Policy

Numerous studies have investigated the empirical characteristics of prostitution and the effects of different prostitution policies. As argued above, we cannot simply empirically evaluate opposing positions on prostitution policy since the underlying ideas and principles are essential to understand the differences. In addition, different theoretical conceptualizations make claims about prostitution that can be *simultaneously empirically valid*. If individual liberty is the highest valued principle, studies showing high correlation between selling sex and being sexually abused will not be considered as a valid argument for criminalization. Also, if the material circumstances of prostitution are considered as exploitative, individual testimonies about consent and emotional wellbeing become irrelevant. However, the empirical studies are highly relevant to the second part of the thesis, where they will be used to assess the internal and external validity of the argumentation.

In a Swedish context, various public health scholars analyze the occurrence and character of prostitution amongst the population in general. Two of the most prominent scholars, Svedin and Priebe, have conducted several population representative survey studies (2004, 2007, 2009, 2012). They argue that the

character of prostitution is heterogeneous and their studies shows that women in street prostitution are not representative of prostitution overall. Men actually sell sex to a greater extent than women and remuneration can be drugs, clothes or a smartphone. Further, it is possible to sell sex via webcams without any physical contact. Internet, bars and via friends are the most common arenas for contact with the buyer who is most often a man. Further, selling sex correlates with mental and emotional problems, lower self-esteem, abuse of alcohol and tobacco, and being exposed to as well as exposing others to sexual abuse (Svedin & Priebe 2007:24-27). The patterns are confirmed by several other studies (Fredlund et al. 2013; Jonsson et al. 2015). The most common reasons to sell sex are economic hardship and persuasion from buyers (Svedin & Priebe 2012:64). Svedin and Priebe also study the prevalence of buying sex: 5% had ever bought sex, 10% of the males and 0,1% of the females (2012:33).

There are also a number of qualitative studies that interview sex workers about their experiences to show a different side of prostitution, often with emphasis on sex workers as subjects with agency. One example is Hulusjö (2013), who aims to shift the focus from what prostitution is to how it operates. Through a feminist narrative analysis, the author brings forward stories about the strategies twenty women in prostitution use to handle violence, stigma and to make resistance (cf. Dennermalm 2014; Scaramuzzino 2014; Östergren 2006). However, such studies have been criticized for their focus on a few privileged people whose lives are not representative to the general experiences of prostitution (Ekman 2010).

The overall aim of the Swedish prostitution policy was to increase gender equality and decrease prostitution. Has the policy succeeded? As Holmström (2015) states, no study mapping the occurrence of prostitution was conducted prior to the implementation of the policy. The result is that all attempts to evaluate the effects of the law struggle with validity problems (2014:12). This is also the case with the evaluation made by the Swedish government (SOU 2010:49). However, three recent studies show the correlation between harsher prostitution policies and decrease in prostitution and trafficking (Jakobsson & Kotsadam 2013, 2014; Cho et al. 2012). In a survey study that compared the occurrence of buying sex in Sweden, Denmark and Norway, Jakobsson and Kotsadam (2014) show that criminalization of the purchase of sexual services decreases the number that buy sex. Even though the studies struggle with unsatisfactory data, as will be further discussed in 6.2, they show that harsher policy dampens prostitution.

2.2 Feminist Key Works on Prostitution

Prostitution and prostitution policy is a highly controversial and conflicted area, also amongst feminist scholars. The busiest years in the US-debate was even named the “sex wars” (Westerstrand 2008:23-25, 77). The feminist debate on prostitution has been turbulent ever since. To study views of prostitution policy, it is inevitable to mention key feminist theorists that have had a heavy influence on feminist as well as public debates. Here two major bodies of feminist key works

on prostitution will be discussed, that represent a radical feminist and a sex-radical understanding of prostitution (cf. Westerstrand 2008).

A highly influential radical feminist work on prostitution is Carol Pateman's article *What's Wrong with Prostitution?* (1999). She understands prostitution and pornography as forms of patriarchal violence that enables societal oppression of women and argues that the problem with prostitution is women's bodies being sold as commodities on the capitalist market at men's demand (1999:55). Pateman also discusses prostitution as a form of trade in women's bodies in the capitalist age that used to take place within marriage, and states that "prostitution is an integral part of patriarchal capitalism" (1999:53). Further, she criticizes feminists who claim that prostitutes should be considered as wage laborer who should have trade union rights and influence over the industry. This since they view prostitution as a contract between the buyer and the seller where a mere sexual service is traded as if there were no integral relationship between the body and the self (1999:55), which can be compared with Westerstrand's discussion about the difference in understanding prostitution as an *act* or as an *institution* (2008:381).

Gayle Rubin is commonly considered as the most influential scholar behind the sex radical perspective. Drawing on the work of Michel Foucault, Rubin understands sexuality as a political issue organized into systems of power, which creates policies that expel and punish immoral individuals (1984:171). Further, she argues that the feminism that Pateman belongs to has "considered sexual liberation to be inherently a mere extension of male privilege" (1984:165). In the article *Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality* (1984) Rubin sketches a "sex hierarchy" where "natural" accepted sexuality such as monogamous heterosexual procreative sex is privileged over sexual practices considered abnormal and "unnatural", such as homosexual, promiscuous or commercial sex (1984:153). Here, prostitution becomes a form of non-normative sexual behavior that challenges and uncovers conservative sexual morals. Although Rubin considers prostitution as an occupation rather than a sexual practice, commercial sex is included in the sexual hierarchy due to the legal persecution that prostitutes experiences, similar to that of gay men who are also stigmatized on the basis of sexual activity (1984:156). Rubin has been criticized to lack understanding of how gendered power structures affects sexuality, and to have a r understanding of power that disregards the material reality of women's lives (Westerstrand 2008:65).

Classical feminist understandings of prostitution are often explained by different views on gender, sexuality and power. For the purpose of this study, however, it is more relevant to focus on political theory of justice, since (cf. Westerstrand 2008:17). Barry (1995) and Westerstrand (2008) have guided the choice of theory. Both authors contrast liberal and Marxist perspectives on oppression to understand different views on prostitution (Barry 1995:23; Westerstrand 2008:24). Even though this study uses political theory instead of feminist theory to analyze views of prostitution, prostitution is unarguable a highly gendered phenomenon. Nevertheless, political theory makes it possible to reach beyond gender and sexuality to underlying ideas of societal strive for justice and the nature of humankind and society.

2.3 Idea Analyses of the Swedish Prostitution Policy

Ideas behind prostitution policies in general and the Swedish policy in particular constitute a common area of scholarly interest. Policies have been analyzed with various aims and epistemological and ontological presumptions. Studies central to the aim of this study will here be discussed and the thesis will be situated and motivated in relation to them.

Holmström and Skilbrei (2011) analyze policy difference within the Nordic countries. Their aim is to investigate whether there is a common Nordic Prostitution model or not by scrutinizing the ideas that underpin policy content. Sweden, Norway, Iceland and Finland all have similar policies. While buying and procuring is illegal in Sweden and Iceland, the Norwegian legislation also includes buying sex abroad. Finland has criminalized involuntary prostitution with regard to the purchase of sex from victims of trafficking or procurers (2011:479). Denmark is the only exception, where prostitution is de-criminalized and only procuring and trafficking for sexual services is criminalized (2011:484). Even if the Nordic countries have similar policies (except for Denmark), they have emerged under different empirical and ideological settings. In Sweden and Iceland, prostitution was seen as a form of male domination that results from a lack of gender equality and the policy had a highly normative mission – to end prostitution. Finland and Norway were instead more pragmatic than ideological and aimed primarily to decrease trafficking and organized crime (2011:491).

Several scholars study ideas as important factors for policy change. Bucken-Knapp and Schaffer (2014) consider ideas and framing to be the most important causal factors to explain the Swedish policy change in a study on prostitution policy change in the Nordic countries. They conclude that when members of parliament (MPs) advocated in favor for re-framing prostitution policy as important to gender equality, it resonated with the general societal idea that gender equality is important. Thereby, the policy was accepted. In Finland, gender equality was given less priority so the policy failed to be accepted.

Erikson (2011, 2015) theorizes the interplay between actors and ideas to explain how the Swedish policy came into place. A coalition of female MPs lobbied for years to create a political acknowledgement that gender equality is a core value in Sweden, and that prostitution conflicts with such values. Erikson's results are partially different from those of Bucken-Knapp and Schaffer in that she argues that the argument of gender equality was not enough to create policy change. She shows that the resistance was immense and that the lobbying did not become successful until the MPs framed the issue as a way to prevent HIV/AIDS and organized crime (Erikson 2011).

There are also scholars who use discourse theory to investigate inherent ideas in prostitution policy. Carson (2011) uses discourse analysis to examine how the “demand side” is understood in prostitution and sex trafficking policies in Sweden and New Zealand. The author concludes that the discourse underlying the legalization of prostitution in New Zealand accepts male demand and aims to decrease harm for sex workers, whilst the Swedish policy builds on the thought of

prostitution as illegitimate abuse of women's bodies and destructive to societal gender equality (2011:84-85). Westerstrand (2008) critically examines and discusses women's legal subjectivity in dominant feminist discourses on prostitution. One of the subjects discussed in this ambitious work is how feminists who want to de-criminalize and normalize prostitution have combined thoughts from liberal, radical and socialist feminism into a "super discourse" (2008:380) arguing for women's right to self-determination over their own bodies.

2.4 Relevance of the Study

The main contribution of this study is that it addresses prostitution policy from a perspective of political theory. The scholars discussed above have studied prostitution policy using feminist theory and theory on policy change. I argue that political theory of justice allows us to reach a deep understanding of the underlying reasons of why it is possible to reach such fundamentally different conclusions on an issue, even though the presumptions initially seem to be similar.

Moreover, the study contributes by analyzing the new wave of domestic criticism to the Swedish prostitution policy. While previous research mainly has compared the ideas behind Swedish prostitution policy to ideas that motivate prostitution policy in other countries (Bucken-Knapp 2011; Carson 2011; Skilbrei & Holmström 2011) or the historical development of the policy (Erikson 2011), the critique raised by Swedish human rights activists has never been analyzed before. Moreover, the study contributes to an understanding of the content of the Swedish policy. Erikson (2011) and Bucken-Knapp and Schaffer (2011) consider ideas and intentional framing as explanatory factors for policy change. I focus instead on the importance of ideas for policy content. Carson (2011) studied policy content primarily using feminist theory on gender and sexuality, while I will use political theory.

On a societal level, this study hopes to make clear the principled differences between different ideas of the Swedish prostitution law, and thereby bring clarity to the debate. The highly ideological polarization obstructs attempts to discuss and evaluate the impact and to consider changes and improvements to the current policy. To understand why the actors are poles apart will contribute to the possibility for activists and policymakers to familiarize, take a stance and create new possibilities to advance beyond the ongoing debate.

3 Theory

3.1 Ontology and Epistemology: The Role of Ideas in Policy Processes

Policy scholarship focuses on public policy, broadly defined as decisions made by governments or comparable authorities. Policy can be understood and studied in a myriad of ways. Object of analysis can be institutional settings, procedures or contents regarding these decisions (Weible 2014:4). Also, scholars have concentrated on different parts of the policy process, such as agenda setting, decision-making, policy design, implementation or evaluation (Smith & Larimer 2013). Traditional ambitions of policy research have for example been to explain policy change (Kingdon 2011) or policy stability (Baumgartner et al. 2014). The classical policy theories such as Multiple Streams, Garbage Can or Punctuated Equilibrium Theory presupposes a positivist perspective on policy which includes the idea of rational individuals who try to solve pre-political problems in the most efficient way possible (Smith & Larimer 2013:234).

More recently, the role of ideas and narratives in policy-making has emerged as an important area of research to understand policy (Bucken-Knapp et al 2014; McBeth et al 2014:226). The influence of ideas on policy can be combined with positivist ontological assumptions, which is the case in articles on ideas in Nordic prostitution policy written by Bucken-Knapp et al (2014). They aim to explain variation in Nordic prostitution policy, to which they consider policy narrative to be the main explanatory variable. Other policy analysts argue that ideas are *constitutive* of our understandings of policy rather than one of many independent factors that influence policy (Wagenaar 2011:4-5). Here, interpretive policy analysis as described by Wagenaar in *Meaning in Action* (2011) will be used to sketch presumptions and guide the focus for the investigation.

According to Wagenaar, the focus on ideas is not a method possible to combine with any ontological and epistemological assumptions, but a “package” of presumptions that guides theoretical and methodological choices such as analytical focus and knowledge claims (2011:8). Interpretive policy theory has a social constructivist perspective on policy, meaning that policy should not be considered as the ultimate solution to an objective pre-politically existing problem. Instead, *ideas affect the ways in which problems are understood and thereby what solutions are thought to be possible and reasonable*. From Wagenaar’s perspective, researchers of policy should focus on meanings that shape actions, institutions, problems, target groups and knowledge and the ways

in which they do so (2011:3). This perspective shows the relevance of investigating different understandings and ideas of a certain policy issue and how constructions of the “problem” are affected by and affect policy solutions, which is highly relevant given the aim to explain how human rights organizations can have opposing opinions on prostitution policy.

Meaning is here understood as the intentional meaning ascribed by actors to policy and societal phenomena, and the purpose of a policy analysis is to discover, clarify and reconstruct underlying meanings hidden in actions and causal stories (2011:19, 41). A key to study how meaning constitutes and is constituted by policy is not only focusing on the intentions of government officials but to include those who are subject to policy. Their experiences and thoughts can contribute with new knowledge and viewpoints (Wagenaar 2011:3). RFSL and The Swedish Women’s Lobby are political actors as well as representatives for potential policy target groups. By making their views on the policy focus for analysis, the policy is mirrored by their different worldviews, which creates a research design beneficial to the analysis of how different ideas of the “problem” result in different policy suggestions. When investigating interpretations of Swedish prostitution policy, the focus will be on how different ideas of justice enables different views of policy.

3.2 Theories of Justice

Prostitution can be understood both as a moral and a political issue. In his book on contemporary political philosophy, Kymlicka describes the difference as follows: moral concerns interpersonal issues whilst the political deals with issues on how society should be organized (1995:14, 42). Since this thesis focuses specifically on prostitution *policy*, that is how prostitution and issues associated with the phenomenon should be regulated by the state, political theory will be used. Specifically, political theory about *justice*, since principles of justice are evoked by many of the issues dealt with by the human rights organizations and their remarks on prostitution policy. In political theory, justice can be understood in a myriad of ways. Drawing on feminist theorists who discuss prostitution such as Barry (1996) and Westerstrand (2008), this study uses Marxist and liberal theories of justice. Both Marxist and liberal theory relate to justice which causes them to “talk to each other”, as opposed to for example the issue of rights and liberties.

Scholars have repeatedly used Marxist and liberal theory to reach normative stances on how prostitution policy should be formulated (see for example de Marneffe 2010 and Van Der Veen 2001). In *Economic and Philosophical Manuscripts of 1844*, Marx states that “Prostitution is only a specific expression of the general prostitution of the laborer” (Marx 1988:42), which has led literalist interpreters to conclude that prostitutes are not exploited since they literally own the means of production (cf. Van Der Veen 2001). I want to stress that I do not aim to propose prostitution policy according to Marxism or liberalism. Rather, I point out central principles of justice and use the theoretical emphasis of the material or individual rights to analyze which understandings of justice are

inherent in certain views of prostitution policy. My aim is not to provide a complete description of liberalism and Marxism. Instead, I will present the central principles of justice as elaborated by scholars from the different traditions. They will later be summarized into two ideal types and used to understand the inherent ideas on which the organizations base their views of prostitution policy. Moreover, I want to comment on why I do not choose feminist theory to analyze prostitution policy, although feminist schools of thought have studied the issue extensively. The main reason is that I am interested in deriving inherent understandings of justice from the empirical material, and feminist theory primarily focuses on gender and gender relations.

From a liberal perspective, justice would mean that the state ensures individuals the same right to autonomy and freedom through principles of *equal liberty* (Hoffman & Graham 2009:61, 86). From a Marxist perspective, equity and fairness would instead be signified by *material equality* through self-ownership and the end of exploitation. (Hoffman & Graham 2009:94). Another way to explain them is in terms of choice-based or self-owner based. Liberal justice theorists such as Rawls make a distinction between circumstances and choice: circumstances that are beyond our control should not affect equality, whilst choice legitimately does so. Self-ownership and the end of exploitation are instead the conditions for justice in Marxist theory (Reinikainen 2009:221-222). Fraser (1995) addresses the difference in terms of “affirmative” and “transformative” theories of justice. According to Fraser, affirmative action against economic injustice has historically been in line with the liberal welfare state that seeks to adjust unequal distribution without changing the fundamental political-economic structure. Transformative measures have on the other hand been related to socialism and the transformation of the social division of labor and thus the relations of production (Fraser 1995:84).

Justice is closely related to equal rights and liberties in the liberal conventionalization, and to equity and end of exploitation in the Marxist understanding. The close relationship between justice and equality is also pointed out by Kymlicka (1995:166). Here, justice is seen as the principle according to which society should be organized whilst equality is the objective of the principle.

3.2.1 Liberal Theory of Justice

Liberal political theory can be described as a school of thought that focuses on the relation, or the contract, between the state and the individual. The individual is understood as an autonomous and rational actor, primarily with its own interests in mind (Rawls 2005:10). The liberal school of thought includes various, sometimes contradictory, views on justice that extends from utilitarianism to libertarianism. Here focus will be on distributive justice as theorized by John Rawls. In Rawls influential oeuvre *A Theory of Justice* (2005[1971]), justice is discussed in terms of distribution of resources – both material and political resources such as rights and liberties (Rawls 2005:171, 228; cf. Hoffman & Graham 2009:82). His work developed as a reaction against utilitarian theory.

Also, he aimed to bridge the classic conflict between freedom and justice by constructing a theory that included both distributive justice and principles of liberty (Kymlicka 1995:57).

Rawls develops a theory of justice as *fairness*. Justice is described as the “first virtue of social institutions” (Rawls 2005:3). The primary object for a theory of justice is society's basic institutions, since it has an extensive impact on people's lives. Justice is assessed by how the basic institutions distribute fundamental rights and duties. The rights and liberties of equal citizenship are secured through principles of justice that are uncompromising (Rawls 2005:4-7). Those principles are not given by nature or God, but agreed upon by equal, rational and free persons in the hypothetical initial situation. Unaware of their social status or natural abilities that would possibly affect their prospects in society, the “original position” provides all parties with a theoretical situation from which a fair conceptualization of justice can be made. The term justice as fairness is thus sprung from the thought that the “veil of ignorance” in the initial situation will provide a just procedure where bias will not affect the production of fair principles of justice (2005:136).

Rawls outlines two principles of justice, one that concerns liberty and one that treats distributive justice:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty of others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all. (Rawls 2005:60)

The first principle ensures equality in political rights as well as freedom of the person, of thought and speech. The second principle can also be described as justice in terms of equal opportunities. Equal opportunities are not to be understood as equality in outcome. Rather it is a principle that aims to take into account and compensate for difference in circumstances, whilst it accepts inequalities caused by individual choice. Although there is no need for equality in outcome, the inequalities need to be to everyone's advantage (Rawls 2005:61).

The first principle is superior to the second, meaning that equal rights and liberties are not possible to compromise for the sake of increasingly equal distribution. Distributions always need to be “consistent with both the liberties of equal citizenship and equality of opportunity” (Rawls 2005:61). As a result of the hierarchy between the principles, economic distribution will be unequal since circumstances such as class or talent still will affect the outcome, even though they are aimed to be compensated for. However, inequalities are only justified if they improve the situation for the least favored (Rawls 2005:100-101). Justice as fairness can be summarized as follows: Society is just when equal rights and liberties are secured and no one is privileged or discriminated against because of the social or the lottery of nature, or treated unfairly due to morally arbitrary factors.

Rawls has not escaped criticism. Nancy Fraser objects to Rawls atomistic outlook on mankind where people are removed from their context. In addition, she

criticized his theory of justice to result in a superficial redistribution between the classes, within the limits of a liberal welfare state (Fraser 2011:8-10). Cohen also regards Rawls theory as a means to legitimize inequalities and conceal exploitative relations of production (Cohen 2000:232); which would be pointed out as affirmative justice by Fraser (1995). While Rawls principles regard the basic structures as the primary subject for justice, Cohen stresses that individual choice and consequences of self-interest can be highly unjust and should thereby be included by principles of justice (Cohen 2000:122).

3.2.2 Marxist Theory of Justice

As several authors underline, contemporary Marxist theorists can be argued to constitute a Marxist paradigm rather than a monolithic Marxist theory (Bidet & Kouvelakis 2008:xiii; Beckman & Mörkenstam 2009:70-71). I will discuss some central aspects in Marxist theory and discuss the concept of exploitation and thoughts on human and societal nature using contemporary Marxist theorists. Although change is generally seen as a consequence of workers' struggle and the struggle between classes in Marxist theory (Kymlicka 1995:199), the scene for this study is the nation state and the theory will be applied to societal regulation of prostitution.

Marxist theory provides a classic critique of the liberal conceptualization of justice through equal formal rights: the liberal principles disregard material inequalities and the fundamental conflict over the means of production. Marx himself was highly critical of justice and rights since he considered them a way to legitimize exploitation. However, equality and justice can be argued to be central to Marxist theory, since material equality is the aim (Cohen 2000:103; Kymlicka 1995:167).

Marxist understandings of justice would generally refer to material justice. Not in sense of Rawlsian egalitarian liberal principles of distributive justice, but rather with reference to the termination of capitalist exploitation, workers' rights to the value of their labor and their control over the means of production (Hoffman & Graham 2009:96; Kymlicka 1995:168; cf. Fraser 1995). The production and distribution are seen as inseparable, as opposed to liberal theories of justice where equality in distribution is the subject of societal justice (cf. Marx 2010:46). If equality only refers to distribution, structural inequality and exploitation will remain. When the power over the means of production is reorganized, distributive justice will become irrelevant (Kymlicka 1995:168). The liberal principles of justice can be understood as a way to *negotiate* conflicts that stem from material conditions, rather than to *end* them. Thus, they are only relevant under the oppressive circumstances that create the very conflicts that they aim to mitigate (Kymlicka 1995:164-165). Young stresses that this is not only valid for the means of production but for general institutional settings of society, such as how decisions are made and societal division of labor (Young 2000:23-24).

The main objection to the current organization of the means of production is that power and wealth are unevenly and illegitimately distributed between those who control the means of production and those who sell their labor (Kymlicka 1995:186; cf. Marx 2010:107). Exploitation is in itself unjust, both in the general sense of drawing illegitimate advantage of someone and in the economic sense of profiting from someone else's work (Kymlicka 1995:176). Young (2000) further develops the Marxist understanding of exploitation. She discusses how exploitation – here defined as systematic transfer of value from one social group to another – can make sense of structural oppression of women. Women can be understood as a social group, not only exploited by capitalism but also by men since care and unpaid work are systematically transferred from women to men. (Young 2000:65-67). The notion “social group” is understood as a collective of people with similar experiences that are produced by societal processes, such as the division of labor between the sexes (Young 2000:56).

Another point where Marxist theory differs from liberal theory is on human nature. Marx criticizes the idea pursued by contract theorists of the individual as isolated and autonomous, and argues certain historic and material circumstances causes the individual to appear as such. Also, humans are seen as interrelated and interdependent collectives rather than individuals (Marx 2010:43). Cohen elaborates further on the nature of mankind and societal structures. Whereas Rawls considers human nature as fundamentally selfish, Cohen believes social structures to shape both the plastic nature of mankind and human motivation. Capitalism has effectively formed the selfishness that currently characterizes society (Cohen 2000:118-119). Cohen also opposes Rawls thought that principles of justice only should be valid for the basic structures of society. Unlike Rawls, who discusses how basic social structures affect people, Cohen regards the causality to be reciprocal: individual choice affects the structural prospects for equality and justice. Thus, principles of justice should apply to structures as well as choices made by people (Cohen 2000:122-123).

Cohen as well as other analytical Marxists has been accused for methodological individualism; that all social practices and institutions are explicable in terms of the behavior of individuals, as opposed to structuralism where the primary units of social explanation are entities such as classes, modes of production or nations (Betram 2008:133). Also Marx notes that individual action should be considered as an exception from the general patterns that are significant for one's position in society (Marx 2010:109). However, as Betram argues, Cohen can rather be claimed to “show how macrophenomena issue from the action of individuals (without denying that those individuals have socially formed desires and beliefs)” (Betram 2008:135).

4 Methods

4.1 Idea Analysis and Ideal Types

Ideas are central to policy processes since they enable different understandings of political problems and thereby different policy. Hence, they are of great importance to political scientists. Idea analysis is described by Beckman (2005) as “the scientific study of political messages” (2005:11). However, the ontology of ideas affects the character of the idea analysis and, as Wagenaar underlines, ideas can be understood as inherent and implicit (2011:51). Beckman differentiates between idea analyses focusing on actors and ideas respectively. An analysis focusing on *actors* is interested in the ideas and messages produced by one specific actor and includes context and timing to the study, while a study centered on *ideas* consider claims and thoughts to be the primary objects of analysis (Beckman 2005:17-18). Although the research design is shaped around the two actors, the primary interest of this study is their ideas and understandings of prostitution policy, not the actors themselves.

To conduct an idea analysis, it is necessary to specify the scope of interest by outlining a conceptual framework that should be theoretically guided by previous research, and give the researcher a possibility to answer the research question (Beckman 2005:20-23). To create a framework for analysis from theory, the most central concepts needs to be operationalized since the theoretical understanding of them is likely to be too abstract to be useful (Beckman 2005:24-25).

One possibility is to create ideal types: theoretical constructions that aim to capture the most central characteristics of an opinion or an ideology according to a number of analytical categories (Bergström & Boréus 2012:150). Ideal types are useful when the purpose is to describe which ideas are dominating a certain text. Further, they should be mutually excluding, which becomes easier when using bipolar ideal types (Esaiasson 2003:154-156). To formulate an ideal type one needs to use a concentrated version of a theory that is thought to capture the most essential aspects to understand a certain phenomenon. The condensed form of the theory will inevitably be a reduced extreme version with no counterpart to be found in reality. But it will hopefully be useful in serving its purpose: to make ideational differences clear (Beckman 2005:28). The primary aim of this study is to make visible the ideational difference on prostitution policy by human rights organization through the use of political theory. Hence, a suitable way to conduct the analysis would be to categorize their statements according to ideal types.

4.2 Two Ideal Types

For theory to meet the texts analyzed, there is a need to operationalize liberal and Marxist theories of justice to a framework for analysis, which will be my methodological tool (cf. Esaiasson 2003:240). Inspired by Brommesson (2007) and Stone (1989), I have organized the framework according to three categories that moves from an abstract to an operative level: *Worldview*, *principled beliefs* and *causal story*.

Worldview can be described as the view on how the world is composed, the ontology of the world (Brommesson 2006:66). I have specified it further to regard the view on human nature, the nature of society and how the two relate to each other. Further, the worldview is mirrored by *principled beliefs*; principles that specify morally charged normative positions on how to organize society (Brommesson 2006:66). Here, principled beliefs are understood in terms of principles regarding justice.

The third level according to which the ideal types will be categorized is *causal story*. Principled beliefs are manifested through a causal belief about problems, causes and potential solutions (Brommesson 2006:66). It is the category closest to the material analyzed since it includes thoughts on how to realize the more abstract principles. Here, Stone's (1989) writings on causal stories will be used to make the category more specific. In the article *Causal Stories and the Formation of Policy Agendas*, Stone discusses how difficult conditions become political problems amenable to human action by the telling of causal stories: "Problem definition is a process of image making, where the images have to do fundamentally with attributing cause, blame, and responsibility" (1989:282). How cause and responsibility are understood and how they are formulated into policy suggestion will constitute the third and last category of the ideal types.

Given the theoretical exposition above, the ideal types are constituted by the following postulates:

4.2.1 Liberal Ideal Type

Worldview: There is a universal human nature of equal, rational and autonomous individuals, for whom the social structures should guarantee equal liberties and rights.

Principled Beliefs: Justice means 1. Equal individual liberties, and 2. Equal opportunities. The first principle is superior to the second.

Causal Story: To ensure individual liberty, the state should provide equal social structures. Measures for equality are permitted provided that they benefit the least favored and do not interfere with individual liberty.

4.2.2 Marxist Ideal Type

Worldview: There is no constant human nature where certain desires are eternal. Instead, human nature and motives are produced by and produces social structures depending on material conditions.

Principled Beliefs: Justice means equal material conditions and the end of exploitation.

Causal story: Those exploiting others are responsible of injustices and should be targeted to end exploitation, and thereby ensure equal material conditions.

4.3 Methodological Considerations

Conclusions can be drawn in different ways in ideal type analysis: by seeing the quantitatively most *common* claim as significant for the text or by categorizing the claim that can be considered as the most *fundamental* (Brommesson 2006:70). I have chosen a combination of the two strategies. To draw conclusions from the material chosen, I first summarized the most frequent lines of reasoning to ensure to capture the organization's overall arguments, since I am not interested in incoherence due to occasional peripheral statements. RFSL and the Swedish Women's Lobby are both NGOs with members who decide on general ideology and direction for the organizations on annual meeting, and staff that implements the member's will through projects and activities. Although the organizations can be considered as two unitary actors, their work stem from the efforts of numerous individuals with different roles. The mode of procedure serves the purpose is to portray the arguments in the most representative, reasonable and fair way possible.

The material gathered also has different character – statements to advocate for change or articles with facts on prostitution. It could be argued to be problematic to compare texts with different character and different purposes. It would be a problem if one actor only produced consultative responses, whereas the other solely published quantitative research. However, since they both produce all types of text, I consider it less problematic. Some of the texts are claimed to be scientific or to build on scientific studies. Would it be problematic to include these texts next to ideological statements? I argue that the actors have fundamentally different views on prostitution policy, and since such differences are mirrored by scholarly publications on the subject (See chapter 2), also texts with scientific content can be useful to analyze views of prostitution.

Reliability and validity are relevant issues when discussing modes of procedures. Validity concerns whether the methods chosen really measure what they are intended to. In ideal type analyses, validity is primarily about the analyses and interpretations made. If an ideal type is too narrowly defined, the endeavor to classify statements can become complicated without necessarily

adding an analytical dimension to the material. On the other hand: too wide categories can be less useful since they risk telling us less about the material analyzed (Bergström & Boréus 2005:173-174). Thus, ideal types need to be defined in a way that makes them meaningful and useful to fulfil the purpose of the study. Reliability can be defined as the absence of systematically made errors (Bergström & Boréus 2005:35). A potential problem of reliability is if the researcher forces the material into a category to which it corresponds poorly. I have taken two measures to decrease the risk of such problems. First, I classified the material twice according to the ideal types to ensure that the categorization was made properly. The second time gave a similar result, except for a few arguments that were considered to be unclear to a higher extent. They were not crucial for the overall conclusions, but were added to the analysis to nuance it further. Second, I have been generous with citations for reader's to be able to follow the analysis and assess whether the conclusions seem reasonable or not. Especially the analyses of the more unclear parts have been accounted for in detail. It is possible, and even likely, that the material analyzed make claims that might correspond to both ideal types. Arguments that were not easily classified were scrutinized in detail in order to conclude which claim should be considered to be the most *fundamental*, and thereby according to which ideal type they should be categorized. My aim is to enable the reader to follow my line of thought easily, and to question it on the basis of the analysis, not on the basis of lacking empirical evidence.

5 Ideal Type Analysis

This chapter will structure the empirical findings according to the three levels: *worldview*, *principled beliefs* and *causal stories*, and discuss them in the light of the two ideal types. The organizations will also be introduced more closely. The main findings will be presented separately for each actor. However, both organizations will be discussed throughout the text to add nuance and contrast to the analysis.

5.1 The Swedish Women's Lobby

The Swedish Women's Lobby was founded in 1997. It is a non-governmental umbrella-organization that gathers 45 women's rights organizations throughout the country. The overall purpose of the organization is to ensure women's human rights in Sweden, the EU and internationally. The organization is the Swedish branch of the European Women's Lobby and is an official consultative body for the Swedish government (Sveriges Kvinnolobby 2016). They aim to combat prostitution, which is understood as objectification and commodification of women and children. The also purpose to encourage more countries to adopt the Swedish policy, and to expand the current legislation to include the purchase of sexual services abroad (Sveriges Kvinnolobby 2015b). Their actions against prostitution mainly consist of debates and campaigns. The debate articles and letters published 2010-2015 concentrates on questioning actors perceived as opponents to the current policy and encouraging proponents to continue their work. The organization has lobbied for change through two different campaigns – “The Right Direction” encouraging companies to implement guidelines that prohibit the purchase of sexual services made on business trips (Sveriges Kvinnolobby 2012), and “Prostitution Policy 2.0” that advocate to criminalize the purchase of sexual services abroad (Sveriges Kvinnolobby 2013a).

5.1.1 Worldview

A worldview includes thoughts on human nature, the nature of society and how they relate to each other. The Swedish Women's Lobby makes their worldview explicit through statements on the effects of prostitution. An act against one woman is an act against women as a group, as becomes visible when the

organization discusses the relationship between prostitution and societal gender equality.

The Swedish Women's Lobby consider prostitution to be a threat to a gender equal society since it sends a signal that women's and children's bodies are for sale. Hence, prohibiting prostitution becomes a way to address structural inequalities between men and women (Ohlson et al. 2013; Sveriges Kvinnolobby 2013b). The organization discusses prostitution in relation to other phenomena that also are considered to undermine gender equality, such as pornography and strip clubs (Sveriges Kvinnolobby 2010). Further, they state that "men who buy sex have a degrading image of women." (Sveriges Kvinnolobby 2013b).

The Swedish prostitution policy is pointed out as a "cornerstone in the Swedish work for gender equality"¹ (Ohlson et al. 2013). The causality between prostitution and societal inequality is also stated in an open letter to Angela Merkel where the organization encourage the Chancellor to ratify the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others:

Among the challenges to equality for women are many forms of discrimination against women, their poverty and their sexual exploitation, *which underpins* their lack of status and opportunities worldwide. (Sveriges Kvinnolobby et al. 2015, my emphasis)

When the organization criticizes actors who lobby for a decriminalization of prostitution, one frequent objection is their lack of "analysis of the impact of the system of prostitution on gender equality and on women's empowerment." (Åström 2013). Their view on society and human nature becomes further pronounced when they argue that those who lobby for a decriminalization "... advocate the right to sell and buy anything and anyone, without any responsibility whatsoever for how individuals or society are afflicted" (Agnemo et al. 2015b).

In sum: actions made towards one individual woman are understood to be enabled by the material circumstances that lay down conditions for women as a group. Since individual and societal conditions interact, actions towards one individual woman are also thought to affect the conditions by which women's lives are bound. The thought is recognized from the Marxist ideal type, where social groups have in common and are produced by their material conditions.

Although the Swedish Women's Lobby can be argued to attach greater importance to individual actions compared with the Marxist ideal type (cf. Marx 2010:109), they consider prostitution to be part of a structural struggle for and against women's rights, where "prostitution [qualifies] as a form of violence against women and an obstacle to gender equality" (Sveriges Kvinnolobby 2013b). According to the organization, it is crucial to acknowledge the gendered nature of prostitution, and that men are buyers who cause prostitution. When RFSU, the Swedish Association for Sexuality Education, questioned the

¹ All translations are done by the author of the thesis.

efficiency of the Swedish policy, the Swedish Women's Lobby objected along with other organizations under the headline *RFSU Defend Adult Men's Sexual Liberty*:

The group that benefits the most from the fact that RFSU counteract the sex purchase law is adult men who buy sex from women and children (including LGBTQ people). [...] The consequence is that adult men's sexual liberty is safeguarded at the expense of protection and rights for marginalized people. Where is RFSU power analysis? (Agnemo et al. 2015a)

Thus, prostitution should be understood in the light of structural inequalities between men and women. The argument corresponds to the Marxist understanding of the world, where the conflict between the classes is essential (Kymlicka 1995:168). The Swedish Women's Lobby themselves contrast their worldview with one that can be argued to be closer to the liberal ideal type (that individual actions such as buying sex do not affect societal structures or social groups), when they argue that those who lobby for a decriminalization "... advocate the right to sell and buy anything and anyone, without any responsibility whatsoever for how individuals or society are afflicted" (Agnemo et al. 2015b).

A conclusion that follows upon Swedish Women's Lobby's, as well as the Marxist, understanding of the relationship between the structural and the individual is that abusive or exploitative phenomena needs to end since they affect society as a whole (cf. Cohen 2000:122-123). Thus, the issue of whether it is possible to sell sex voluntarily or not can be argued to be secondary, or even insignificant, to the endeavor to end exploitation that is here understood as prostitution. The Swedish Women's Lobby's partially ambivalent relation to consent and voluntariness will be discussed in greater detail below.

5.1.2 Principled Beliefs

Principled beliefs follow the worldview and include normative stands on the organizing principles of society. When analyzing the principled beliefs of the two organizations, I focus on their understanding of the nature of prostitution, since it reveals their ideas on how to create justice through policy. According to the Swedish Women's Lobby, prostitution is a problem since it violates the fundamental human rights of women and girls; the right not to be sold or bought (Agnemo et al. 2015a). They also consider buying the body of another human being to be an act of violence, and prostitution to be an act of violence against women (Sveriges Kvinnolobby 2013b; Agnemo et al. 2015b).

The principled beliefs become clear when the organization discusses if prostitution should be legally divided into consensual prostitution on the one hand and non-consensual trafficking on the other. One example is when The Swedish Women's Lobby commented on the government inquiry that evaluated the effects of the law (SOU 2010:49) that they are "especially pleased that the investigator did not suggest to make a legal distinction between aggravated prostitution and

less aggravated [prostitution]” (Sveriges Kvinnolobby 2010). Another example is their response to Amnesty International’s controversial declaration on prostitution policy in August 2015:

We have chosen to advocate for the decriminalization of all aspects of consensual adult sex – sex work that does not involve coercion, exploitation or abuse. This is based on evidence and the real-life experience of sex workers themselves that criminalization makes them less safe. (Amnesty International 2015)

The Swedish Women’s Lobby reacted strongly on the statement and their chairwoman called it a way to legalize exploitation and trafficking of women:

This entails that Amnesty International counteract instead of encourage women’s human rights. [...] Either you admit that prostitution is abusive or you say that selling sex is a choice that should be legal – to me it is hard to see how it is possible to combine the two positions. (Strandberg 2015)

There are four, partially conflicting, arguments of why the Swedish Women’s Lobby continue to argue that prostitution is exploitative and abusive even though Amnesty International amongst others have raised empirical evidence showing the potentially consensual nature of prostitution, as claimed by Amnesty (and also by RFSL as we will discuss below).

First, they argue that assertions on voluntariness simply are not true and that actors such as Amnesty International overlook the negative effects of prostitution. They question the “myth about the happy hooker and the difference between ‘voluntary’ and involuntary prostitution” (Kanakaris et al. 2014b). When a legal difference is made between prostitution and human trafficking, the lack of consent in all forms of prostitution is argued to be disregarded (ibid.). Also, the usage of terms such as sex work or sex worker is considered a means to reframe abuse into consent and hide the real conditions for prostitution. Further, the power dimension of prostitution is neglected through the usage of such terms, and focus is taken away from the root of prostitution: the buyers (Agnemo et al. 2015b). The Swedish Women’s Lobby consider the discussions in the Netherlands, to make prostitutes themselves run brothels, to be an absurd way of “making victims of human trafficking into entrepreneurs” (Carnhede 2015).

Second, prostitution is considered to be an abusive and exploitative phenomenon that has harmful effects on society. We recognize the argumentation from when the organization’s worldview and societal effects of individual action was discussed. In 2013, UN Women made the statement *Note on sex work, sexual exploitation and trafficking* where they distinguished between sex workers and victims of human trafficking, and argued for sex workers’ rights to self-determination (UN Women 2013). The Swedish Women’s Lobby objected strongly. In an open letter to the executive director of UN Women, they argued that the statement conflicts with UN standards and human rights instruments. Moreover, they declared that differentiating between different kinds of prostitution will cause a “seriously detrimental impact on women’s lives throughout the world, and act against our shared objective of realising gender equality” (Åström 2013):

Legitimising and recognising ‘sex work’ as a form of work is a very serious political positioning and we think it is legitimizing violence against women and the commodification of women’s body and sexuality. (Åström 2013)

Third, the organization claims that critics of the Swedish prostitution policy ignore a specific effect of prostitution; namely that prostitution causes trafficking. Since prostitution causes human trafficking by creating a demand for the purchase of sexual services, it is problematic to neglect the empirical connection between the two. Thus, any attempt to legalize prostitution or create an “ethical sex trade” will fail (Kanakaris et al. 2014b). Further, they underline that enormous economic interests lie behind the defense of prostitution (Carnhede 2015). Buyers and procurers are “both fuelling and benefiting from the exploitation of others” (Sveriges Kvinnolobby 2013b).

Fourth, the Swedish Women’s Lobby argues that regardless of all the negative effects on individuals and society, prostitution is always a form of exploitation. They refer to the declaration of human rights and the women's convention that categorically prohibit any trade with or abuse of people in prostitution (Agnemo et al. 2015b). Further, they argue that buying another human being is a violation of universal human rights: “To buy another human being is just as serious regardless of where in the world it occurs. That is why human rights are universal.” (Kanakaris et al. 2014b). Where consensual and voluntary prostitution was regarded to be a *myth* in the first argument, the fourth argument considers consent to be *insignificant* for policy-making, as becomes obvious in the letter to UN Women:

We are aware that the so called “sex workers” movement is pushing at all levels for a positioning that would distinguish between prostitution and trafficking. While we support the urgent need to stop criminalising women and girls in prostitution and protecting them from all forms of violence and human rights violation, we strongly believe that any purchase of sex, whether the prostituted person has been trafficked/exploited or not, is fuelling trafficking, normalising the sex industry and perpetuating inequality between women and men. (Åström 2013)

In sum: The Swedish Women’s Lobby bring forward four arguments against a legal distinction between consensual sex work and involuntary prostitution/trafficking: there is no such thing as voluntary prostitution, prostitution causes harmful societal effects, prostitution increases trafficking and prostitution is exploitative regardless of possible consent. All arguments except the first disregard individual experience of consent, which is one of RFSL’s main arguments against the Swedish prostitution policy. Even though the four arguments seem to conflict, I argue that they can be seen as consistent with Marxist principles of justice. Here, consent can be understood as a form of false consciousness where the capitalist, or here patriarchal, society leads the subordinate to conform and consent to exploitative circumstances (Westerstrand 2008:157). Thus, even the first argument can be understood as a way to emphasize structural or societal arguments where prostitution is always wrong, either because of its harmful effects on society or because of its inherently

exploitative nature where consent does not remove the material reality of prostitution. This understanding of prostitution is close to the Marxist principle beliefs: to achieve justice exploitation must end.

It builds on the axiom that prostitution is always a severe form of exploitation. By separating aggravated prostitution from prostitution one might think that “normal” prostitution is less severe than aggravated prostitution. Prostitution is always a form of exploitation, since it is systematically transferring power and resources from one group to another, causing societal gender inequality (cf. Young 2000:66). Therefore, it is meaningless to divide prostitution into different categories. Instead, the risk of neglecting the exploitative nature of prostitution is apparent.

The Swedish Women’s Lobby partially motivate their argument by referring to rights, which is considered as a means to legitimize structural inequalities in Marxist theory (Kymlicka 1995:164-165). As will be discussed below in 5.2.1, this is the issue where the organizations overlap somewhat. I still argue that the Swedish Women’s Lobby mainly should be understood to correspond to the Marxist ideal type since they primarily aim to end exploitation. Also, one difference compared with RFSU is that the organization discusses women’s collective rights rather than individual rights, while RFSU discusses group rights and individual rights.

There is yet one more aspect where the Swedish Women’s Lobby touch upon principled liberal beliefs. Two of the debate articles by the organization (Agnemo et al. 2015a; Agnemo et al. 2015b) discuss a study presented by RFSU that summarizes the present-day knowledge about the effects of the Swedish prostitution policy (Holmström 2015). Drawing on the results, RFSU’s chairperson criticized the policy since many sellers have experienced increased hardship and vulnerability due to the law:

Many of those who sell sex experience that the law has forced them to move to more obscure and risky arenas, that the buyers are anonymous to a larger extent, which render security measures more difficult. Also they are afraid to mention that they sell sex when in contact with the authorities because of discriminatory treatment. (Ljungros 2015)

Further, Ljungros argues that they aim to support those in the most vulnerable position, namely those who sell sex (ibid.). The Swedish Women’s Lobby argue that RFSU disregard not only research on the topic, but the experience from women’s shelters who meet women and children in prostitution. Also, the Swedish Women’s Lobby claim that the ones who want to quit prostitution are in a more vulnerable position than those who want to stay. Further, they state that the report “does not provide any evidence that the law has contributed to an increased vulnerability for people in prostitution” (Agnemo et al. 2015b). A similar line of thought can be found in the open letter to UN Women:

Trivializing “sex work” ignores and silences the voice of the most vulnerable women and girls and legitimizes the buying, mostly by men, of women’s sexuality and body in a way that also jeopardises all other efforts to promote women’s empowerment and the fight against prejudicial gender stereotypes. It is also time to

listen to survivors, who from bitter experience share this insight, as explained for example by Rachel Moran, survivor of prostitution from Ireland who is working with women's organisations on this issue: "What is bought and sold in prostitution is not sex. It is sexual abuse. Prostitution is the commercialization of sexual abuse" (Åström 2013)

To raise arguments about individual experience of vulnerability and exploitation can be to align with a liberal understanding of what should be privileged in the quest for justice, namely experience of individual rights and freedom violations. According to the first principle of justice theorized by Rawls, one person's liberty should never exist at the expense of another person's liberty (Rawls 2005:61). How this logic is mirrored in an argumentation becomes further pronounced when RFSL's view is discussed below. However, since the individual testimony about abuse is used to discuss how exploitation of individual women undermines the position of women in general, it can be argued that the Swedish Women's Lobby's understanding of prostitution policy is in line with Marxist principled beliefs to a higher extent than with liberal principled beliefs. According liberal principled beliefs, the individual testimony is used to argue for improved rights to autonomy, which we will see when the principled beliefs of RFSL are discussed.

5.1.3 Causal Story

The causal story is the part of the ideal types presumed to be the least abstract and closest to the material analyzed. Drawing on the work on causal stories by Stone (1989) I will unfold the story on how to put the principled beliefs into practice by centering the description of problems and solutions around the *cause* behind the problems with prostitution according to the two organizations. Two main themes in the causal stories are measures that target *buyers* and measures directed to *sellers*. While the Swedish policy targets demand for prostitution by criminalizing it, preventive measures can be argued to target the seller or supply-side by targeting vulnerability and social exclusion.

The Swedish Women's Lobby view prostitution as a human rights violation that needs to be terminated. Demand for sexual services is considered to be the main cause to prostitution. Thus, to reduce demand is the proper means to stop prostitution:

The Swedish prostitution policy is one of our most important victories in the struggle for gender equality. It elucidates that demand, or the buyer, is the problem. Without demand there would not be any supply, nor any human trafficking for sexual purposes. (Kanakaris et al. 2014a)

The demand is considered to be created through degrading attitudes towards women (Sveriges Kvinnolobby 2013b). The Swedish Women's Lobby use Germany and Holland, where prostitution is legalized, as examples to argue that legalization of prostitution makes it increasingly normalized, which leads to increased demand (Åström 2010); Carnhede 2015). Further, demand for

prostitution causes human trafficking for sexual purposes since the prostitution market motivates smugglers to traffic women. That is the reason why it is not possible to accept prostitution and only fight trafficking. As follows, Sweden has become less attractive to human traffickers since the policy passed (Agnemo et al. 2015a; Berglund 2015).

The Swedish Women's Lobby causal story primarily focuses on decreasing demand, but they also discuss preventive measures. While RFSL want to decriminalize the purchase of sexual services and introduce preventive action such as social measures and harm reduction as shown below in 5.2.2, the Swedish Women's Lobby argues repeatedly that the law is a preventive measure in itself since it is the only way to prevent prostitution: "preventive [work] against the purchase of sexual services is about reducing demand, period. Thus, the prostitution policy is preventive in itself" (Ohlson et al. 2013). Moreover, the organization argues that preventive measures become futile without the normative stand provided by the policy:

Increased support and preventive efforts, which the women's movement has demanded for a long time, do not require a policy change. On the contrary: If a society cannot even defend the most fundamental right, that your body is not for sale, there are no prerequisites for social intervention or prevention. The policy is also the only possibility we have to make the buyers accountable. (Agnemo et al. 2015a)

The necessity of holding buyers accountable for prostitution is repeatedly emphasized throughout their articles and statement (see for example Agnemo et al. 2015a; Agnemo et al. 2015b; Sveriges Kvinnolobby 2013b). Besides buyers being responsible for exploiting women, the Swedish Women's Lobby argue that a policy that explicitly points out buyers as perpetrators relieves prostitution victims of shame and stigma:

Society's stigmatization of people in prostitution is not the fault of the sex purchase act. Experiences from Germany, where the sex industry is legal, shows that stigma is also widespread there. That the victim is shamed instead of the perpetrator is unfortunately not unique to the sex purchase offense. The women's and girls' shelters knows this. They spread knowledge against the stigmatization of prostitution and meet many people with experience from prostitution. The shelters remove feelings of guilt and shame by referring to the sex purchase act that confirms that the buyers are fully responsible and have committed an abuse. (Agnemo et al. 2015a)

Their opinion that the Swedish policy actually *counteracts* stigma is opposed to RFSL's argument that the policy itself *causes* stigmatization of those who sell sex, as we will see below.

A main theme of the Swedish Women's Lobby's suggestions for policy improvement is to widen the scope of the prostitution policy. They want the Swedish model that criminalizes the buyers to be exported throughout the world, and they advocate for the policy to include sex bought abroad. To spread the

policy internationally is argued to be “one of the most important priority of the feminist foreign policy” (Berglund 2015).

To stress the buyer’s responsibility for prostitution corresponds highly to the Marxist ideal type where exploitation is seen as illegitimate act. The exploited and the one who exploits are seen to have opposing interests that cannot be mediated between. Instead the one’s responsible needs to be targeted to end exploitation.

5.2 RFSL

RFSL is a non-profit NGO with the goal to create equal rights, opportunities and responsibilities for LGBTQ-people. Founded in 1952, the organization was primarily a social arena until the early 70s when the first initiatives to create a political lobby-organization were taken (Åberg 2010). Today, RFSL is active at local, national and international levels to provide HIV/STD prevention, crime victim support and education, amongst other things (RFSL 2016). In their manifesto from 2005 they stated that criminalization of purchasing sexual services is not a solution to problems brought forward by prostitution (RFSL 2010a), and since their annual general meeting 2012 RFSL is advocating for the abolishment of the current legislation (RFSL 2012). Further, the organization wants to develop social support to sex workers to prevent harmful effects of sex work, fight stigmatization and improve the sexual health amongst buyers and sellers of sexual services and nuance the debate (RFSL 2014). In 2009, the government gave RFSL the mission to map the involvement of LGBTQ-people in prostitution and human trafficking which resulted in a study that interviews LGBTQ-people about their experiences selling and buying sex, maps online-ads and summarizes previous research (RFSL 2011).

5.2.1 Worldview

A worldview includes thoughts on human nature, the nature of society and how they interrelate. In RFSL’s statements, people are considered to be autonomous individuals able to make decisions for themselves. They are thought to be *affected* by ideational and material circumstances, in contrast with Swedish Women’s Lobby who consider social groups to be *conditioned* by their material circumstances. Accordingly, RFSL’s primary focus when discussing prostitution policy is sex workers and their right to self-determination, a principle stated in their manifesto:

RFSL believes that all humans are sexually autonomous, which means that they own the right to identify themselves sexually and thereby define their own sexuality. The environment should respect the individual’s sexual orientation and sexuality, regardless of how they are expressed. (RFSL 2012)

Privileging individual autonomy above other principles corresponds to the liberal ideal type, where individual liberty is considered to be the most fundamental principle. The liberal principle beliefs are based on the presumption that individuals are rational and capable to make decisions, which can also be found in RFSL's worldview. For example, it is seen as possible for individuals to make the choice to sell sex without being coerced by others (Westerlund & Åsell 2011). However, sex workers' lives are also considered to be affected by societal structures. It is manifested through stigmatization of sex work and exclusion of LGBTQ-people in legislation and social welfare programs. Exclusion is the most frequently raised objection to the Swedish prostitution policy:

The current policy is based on an analysis where prostitution is seen as a form of men's sexual violence against women, with the consequence that most LGBTQ-people who sell or buy sex are excluded from the policy. Thereby, it creates a simplified image of sex work, which can lead to larger difficulties for people who need help and who are not part of the stereotypical analysis (RFSL 2012, cf. RFSL 2010b, 2011, 2014; Hallberg, 2011; Westerberg 2010; Herkel 2010; Ström 2011; Hamberg 2010).

The critique is also pointed towards actors who fail to give a more differentiated and nuanced image of prostitution by including transgender people, men who sell sex to men and women as buyers (Westerlund & Åsell 2011). RFSL acknowledges structural inequalities between men and women, but also argue that the results of studies and inquiries become tendentious when LGBTQ-people are excluded from policy and social measures due to ideological reasons (RFSL 2010b). The focus on the different roles of men and women in prostitution risks to include an essentialist and binary perspective on gender that cements differences rather than abolishing them (RFSL 2011:277-278).

Another statement on the subject of structural exclusion of LGBTQ-people is that they are considered to be indirectly coerced into prostitution because of societal exclusion that leads to poverty:

Many young LGBTQ-people experience that society, including their own families, has turned their backs against them and that their only way to manage is to sell sex. (Westerlund & Åsell 2011)

The view of human nature and society that appears is rather ambiguous. The organization wants to nuance the understanding of who is involved in prostitution by showing that people of any gender sell and buy sex. On the other hand, they recognize inequalities between men and women and argue that LGBTQ-people live under certain conditions since they belong to a group affected by societal norms. The Swedish Women's Lobby discuss collective group rights in terms of women's rights. At first sight, RFSL can be understood to pursue a similar argument. However, the subject it is not as much group rights as rights for *individuals who belong to the group LGBTQ-people*, which we can see when RFSL discuss that heteronormativity in policy excludes "a majority of the people who belong to the group LGBTQ-people who sell and/or buy sexual services" (RFSL 2012).

While we recognize the thought of social groups as affected and produced by their material conditions from the Marxist ideal type, the emphasis on individual rights to self-determination corresponds to a great extent to the liberal view of the individual. Why it should be considered to be in line with the liberal ideal type becomes even more apparent when RFSL's argument is compared with that of the Swedish Women's Lobby, who consider actors and structures to affect and condition *each other*. RFSL claim societal norms to impact individual choice, but individual action is not considered to affect societal norms. The reasoning is recognizable from the liberal understanding of justice as expressed by Rawls, where the basic structures of society are principally decided upon since they have a great impact on people's lives, but they are not considered to be influenced by individual action (cf. Rawls 2005:4-7; Cohen 2000:122).

5.2.2 Principled Beliefs

Principled beliefs follow the worldview and include normative stances on the organizing principles of society. These principles become pronounced when the subject of legal distinction between voluntary sex work and forced prostitution is discussed. In their response to the government inquiry SOU 2010:49, RFSL state that "criminalizing legislation is not a solution to the problems that exist in prostitution, for example as a consequence of economic, physical, social or psychosocial coercion" (RFSL 2010b). Consequently, RFSL do not consider prostitution to be problematic *in itself*. Rather, there is a range of problems *associated with* prostitution: coercive factors and circumstances.

Instead of criminalization of the purchase of sexual services, the focus should be on increasing social measures to "actively counteract the social exclusion of those who sell sexual services" (RFSL 2010b). As a result of their position, RFSL raise several objections to the Swedish prostitution policy. As opposed to the Swedish Women's Lobby, RFSL argue that policy should make a distinction between voluntary sex work and forced prostitution:

We believe that it must be possible to distinguish between trafficking that includes coercion, abuse and exploitation of people's vulnerable life conditions and sexual actions between two or more consenting parties. (RFSL 2010b)

RFSL admit that it is a problematic endeavor to decide whether prostitution is done voluntarily or not, since *circumstances* can be just as coercive as *traffickers* or *third parties*. They also argue that sex work is associated with a number of risks for the parties involved when it is done because of economic, social, psychosocial or physical threat and underline that it is always unacceptable to force others to perform sex work (RFSL 2010b, 2014). Nevertheless, RFSL question the analysis that "*nobody, ever, under any circumstances can sell sex of one's own free will*" (RFSL 2010b). Even if prostitution exists on a sliding scale between voluntary sex work and forced prostitution, the organization argues that it must be possible to make a legal distinction between the two since there are

people who sell sex without being under the influence of any compulsion (RFSL 2010b).

In 2009, RFSL were given a government mission to study the occurrence of and situation for LGBTQ-people who sell or buy sex, which was a part of a governmental action plan against prostitution and human trafficking for sexual purposes (RFSL 2011:9). The final report from RFSL summarizes the central results and consists of literature reviews, an inventory of online-ads to sell sex and three interview studies with sellers and buyers. Issues treated in the interviews with the sellers are for example reasons to why one sells sex, types of sexual practices sold, arenas where buyers are contacted and psychosocial consequences of selling sex. One major conclusion is that LGBTQ-youth sell sex to a higher extent than others, which the authorities need to acknowledge (2011:9). In one of the studies, both people who currently sell sex and people who stopped selling sex since a number of years were interviewed:

In both groups there are people who state that it has been completely voluntary without any form of coercion. [...] We know that many sex workers risk being exposed to danger and it is of course highly prioritized to help them, but to deny that there are differences of degree and different contexts is not credible. (RFSL 2010b)

RFSL's view on prostitution is also visible in their choice of vocabulary. "Sex work" and "sex worker" is used in various documents (see for example RFSL 2012, 2014). The term underlines the agency and autonomy of sex workers, and indicates that prostitution can be seen as voluntary and comparable with other types of work (cf. Westerstrand 2008:157-158). Their understanding corresponds to a high extent to the liberal ideal type where individual liberty and rights are the most important principles according to which society should be organized, which creates the imperative to differentiate legally between consenting sex workers and victims of forced prostitution. The principles follow on the view that people are rational and able to make decisions that are reasonable – even though they do not appear as such in the eyes of society. Also, to criminalize forced prostitution since it conflicts with individual liberty is in line with the first liberal principle of justice.

When RFSL discuss harm reduction as a measure to challenge problems associated with prostitution, it becomes further pronounced that prostitution is not considered to be a problem in itself. Harm reduction is explained by the organization as measures taken to decrease economic, social or psychological harm that follows on a social issue. Internationally, such means are frequently used to provide support for sex workers (RFSL 2010b). The stigma attached to sex work due to policy is referred to as the reason of why sex workers do not ask for support by authorities or social workers:

The [governmental] inquiry concludes that sex workers consider stigma and marginalization to follow in the tracks of the legislation. This is one reason of why it is important that people who sell sexual services still have access to and seek contact with the authorities when there is need for the social services, health care

and health contacts, and legal / police assistance. To ensure that this happens is in line with a harm-reduction approach. (RFSL 2010b)

RFSL argues that the Swedish policy on prostitution generates a stigma attached to prostitution and those selling sex, which hinders them to access various kinds of public support. It is especially considered to be a serious problem that HIV/STD-preventive action is obstructed by the policy since the need for such measures targeting sex workers is high (Westerlund & Åsell 2011; Metro 2014). Further, they conclude that harm reduction in terms of HIV/STD-prevention that targets sellers and buyers should be prioritized above the state's will to criminalize and thereby decrease prostitution:

The law should not obstruct efforts to improve people's lives and health. However, there are examples of when the law has ended HIV-preventive measures. The condom handout to buyers in the streets of Malmö was considered to encourage crime. (Westerlund & Åsell 2011).

To further understand the meaning of the line of reasoning, I turn to Rawls theory of justice that constitutes the liberal principled beliefs. Rawls argues that a society is to be deemed as just if fundamental rights and liberties are equally distributed amongst the citizens, according to the first principle of justice (2005:7, 60). If legislation is considered to generate an unequally distributed stigma, which causes certain people to have lesser access to public services, it will be determined to conflict with the first principle of justice. I argue that it is in the light of this principle that we should understand RFSL's emphasis on the importance of harm reduction.

RFSL conclude that harm reduction measures can be used irrespectively of the stance on the issue that causes harm: "Regardless of one's opinion on the current policy, the right to health and voluntary support should be in focus" (Janis et al. 2015). However, since RFSL do not want to end prostitution but end involuntary prostitution, I argue that harm reduction measures should here be understood as corresponding to the liberal ideal type and the principle of equal rights and liberties. This while the Marxist principled belief argues that justice can only be reached through the end of exploitation for all, which is here to be understood as the end of prostitution.

I have concluded that RFSL's argument corresponds to the first of the two liberal principles. I will now move on to investigate the second, according to which inequalities are acceptable as long as they stem from individual choice and not societal circumstances, and measures for equality are accepted if they benefit the least favored (Rawls 2005:60). The main objections brought forward by RFSL concerns consequences *of policy*, not consequences *of prostitution*. Contrasted with the Swedish Women's Lobby's view on prostitution policy, it becomes clear that RFSL has their main focus on consequences *of policy for sex workers*, as opposed to societal consequences *of prostitution for women and gender equality*. While RFSL discuss the selling and buying of sexual services as a consensual sexual act, the Swedish Women's Lobby refers to prostitution as commodification of women's bodies (Åström 2013). The difference between prostitution as an *act*

or as an exploitative societal phenomenon also indicates the focus on individual action and structural inequalities respectively (cf. Westerstrand 2008:381). One way in which the focus is manifested is that individual testimonies and experiences of sex workers are frequently raised as important sources for knowledge about prostitution:

In a democratic society, people's own stories must be taken seriously and a higher level of complexity in the question of prostitution must be allowed. (RFSL 2010b)

Sex workers' realities should also be the basis on which policy is formulated. In the critique of the government inquiry SOU 2010:49, RFSL question why sex workers' experience of consensual sex work and increased stigmatization due to the current policy have been overlooked. To neglect the negative effects of the policy is synonymous to "...disregard the opinions brought forward by people with experience of selling sex, who are thereby declared incapacitated" (RFSL 2010b). Criminalizing buyers is not a solution to any of the problems associated with prostitution (RFSL 2012), and RFSL doubt the effect it has had on the prevalence of prostitution (Janis et al. 2015). Instead, the policy is concluded to increase the stigma for those who sell sex, especially when it comes to migrants² (RFSL 2014). By increasing stigma against, the current policy is "followed by increased marginalization [of sex workers]" (RFSL 2010b). Further, the stigma leads to the obstruction of HIV-prevention as discussed above.

To respect the choice to sell sex and remove coercive conditions that obstruct a truly free choice corresponds to the principled beliefs of the liberal ideal type. Especially since individual freedom and self-determination are seen as both possible and as the most important principles according to which policy should be made. When discussing RFSL's view of prostitution policy, the second principle can be understood as an imperative for the state to compensate for differences in circumstances due to heteronormativity, policy socio-economic factors. The individual should be compensated to the extent that those factors do not interfere with the possibility to make use of the liberty to sell sex or to avoid doing so. Also, for action to conform to the second principle it should benefit the least favored, which is here understood as the ones who sell sex. Since the policy results in the opposite – increased vulnerability – it needs to be abolished.

5.2.3 Causal Story

RFSL's principled beliefs are further manifested in their causal story. For RFSL, prostitution is not a problem in itself. Instead the major issues to be solved are

² RFSL probably refer to the fact that the principle to only prosecute buyers is not valid for migrants who sell sex, since they are considered to participate in criminal activity. There are several cases where non-Swedes from outside of Europe have been expelled due to earning money through "dishonest means" i.e. prostitution (Skilbrei & Holmström 2011:485).

social problems associated with prostitution and societal stigmatization due to policy. Policy should primarily consist of social programs to support those who sell sex regardless of whether they aim to quit prostitution or not, as opposed to today when social measures solely aim for people to quit selling sex due to the Swedish zero tolerance against prostitution (RFSL 2010b). As discussed above, RFSL wants to de-criminalize the purchase of sexual services since the policy aggravates rather than solves problems associated with prostitution:

When sex work is done due to economic, social, psychosocial or physical coercion, it contains a number of risk factors that can harm the parties involved. RFSL do not consider a criminalizing legislation to be a solution to these problems. Criminalization reinforces stigmatization, vulnerability and isolation for those who sell sexual services. RFSL instead advocate a development of the social work and active prevention of the social exclusion of those who sell sexual services, and support to sex workers' own organizations. (RFSL 2012)

Frequently raised policy suggestions are to educate public services on LGBTQ-issues and to create social programs particularly targeting LGBTQ-people (Westerlund & Åsell 2011; RFSL 2010b, 2014). Social measures need to be anonymous, non-judgmental and unconditioned in order to avoid stigmatization (Janis et al. 2015). We recognize the line of reasoning from the discussion about the principled beliefs.

While the buyer is the most central actor in the Swedish Women's Lobby narrative about prostitution, RFSL briefly mentions the buyer as a target group for HIV-preventive measures. For example, the organization produced a guide for buyers on safer sex issues such as how to behave towards a sex worker, how to choose a condom of the right size to increase pleasure and to negotiate the price before the act. "Even if you buy sexual services, you have the right to get information about safer sex and how to protect yourself", says an employee from the organization (Metro 2014). The police heavily criticized the guide, since it was thought to encourage crime (ibid.). The critique can be understood as further evidence in favor of RFSL's stance: there is an unsolvable conflict between the policy and harm reduction measures. Due to their principled beliefs on individual liberty, harm reduction measures are to be privileged over legislation. Also, buyers as well as sellers have the right to equal access to measures such as HIV-preventive programs.

Narratives of who is considered to be the cause of a certain policy problem are central to Stone's conceptualization of causal stories (Stone 1989). The ones responsible in RFSL's story about prostitution are societal institutions that ignore LGBTQ-people, refuse them equal access to public services, declare sex workers as incapacitated and disregard their choice to engage in consensual sex work. Compared with the causal story of the Swedish Women's Lobby, stigma is here caused by *society's view of prostitution*, not *the material conditions of prostitution*. Measures that strive to secure the social structure's capacity to provide equal rights and liberties for all can be understood as a causal story in line with the liberal ideal type. The aim of the measures proposed by RFSL is twofold. First, they are intended to ensure a person's equal access to societal services on by

non-judgmental and non-discriminatory programs, which we recognize from the first liberal principle of justice. Second, the purpose is to reduce circumstances that hinder sellers from making a truly free choice, whether it is to sell sex or not. The individual is responsible for choices made and society is responsible to enable the individual to make choices that are not conditioned by for example discrimination.

6 Internal and External Validity Assessment

Inherent ideas of justice play a key role in how prostitution policy is viewed, as we have seen above. However, the organizations also pursue empirical arguments to support and motivate their conclusions and understandings of the world. These arguments can and should be evaluated empirically, since their veracity has bearing on the principles they are aimed to support. To answer the second research question, each organization's core arguments will be assessed with reference to the internal and external validity as defined by Badersten (2006). Such a project is potentially enormous. I choose to discuss a limited set of core arguments, since an exhaustive analysis would demand a thesis of its own. The purpose is not to fully evaluate the validity of the argumentations but rather to discuss them in the light of known facts about prostitution and prostitution policy and illustrate how these facts affect the external and internal validity. The ideational principles of justice will be considered as given, and I will discuss to what extent the empirical arguments conform to the actors' own premises.

Analyzing the internal and external validity of an argumentation can be made in various ways and with various purposes. Badersten (2006) discusses three dimensions of external validity assessment: how principal beliefs are motivated empirically, whether the empirical statements are in accordance with known facts or not, and if the principles are applicable in practice (2006:133). In this study, the first dimension is pursued through the ideal type analysis which structures and analyses the principal beliefs and how they are motivated empirically and ideationally, the second dimension is used to guide the analysis of the internal and external validity while the third is beyond the scope of this thesis. Badersten considers the second dimension to be a means to evaluate claims about reality, since biased or incorrect claims can help the reader to discard the principal beliefs that the empirical claims are aimed to support (Badersten 2006:169). Here, external validity is understood as to what extent core statements are veracious given the available research on the subject and internal validity refers to whether the argumentations are internally coherent or not, given the external validity.

6.1 Method

The analysis was conducted as follows. First: As the empirical material is sprinkled with empirical claims impossible to scrutinize altogether, I summarized a set of core arguments. Core arguments were chosen according to the following

premises: 1) Empirical arguments with generalized assertions that are indispensable to the internal coherence. 2) Arguments possible to assess through research with generalizable conclusions. Given the purpose to discuss the arguments and illustrate how facts affect the external and internal validity rather than to conduct an exhaustive assessment, I added a third premise: 3) Empirical arguments that conflict where one is more likely to be externally valid.

To exemplify, the Swedish Women's Lobby argues that prostitution is a form of men's violence against women that affects societal gender equality since a member of the subordinate group is exploited by one of the superior. Since I consider it to be an ideational claim based on a certain worldview, the argument did not qualify. However, that men are buyers while women are sellers is an empirical claim that is both essential for the overall consistency of the Swedish Women's Lobby's argument and possible to assess. Since RFSL argues that men are common sellers, the argument on the gender of prostitution qualified.

Due to considerations of space and the scope of the study, I chose a limited number of issues to evaluate. It would have been highly relevant to assess the veracity of the RFSL claim that the Swedish prostitution policy obstructs HIV-prevention since they only refer to one event where a condom hand-out was stopped and a policy document by UNAIDS that do not support the statement with research on the issue (Westerlund & Åsell 2011; RFSL 2011:293; UNAIDS 2010). However, research on stigma and HIV-prevention is vast and would require a thesis of its own. Moreover, the issue of consent would be interesting since it is central to RFSL's argument, but due to lack of generalizable research it is not possible.

Second: Since the purpose is to assess to which extent generalized claims are valid, I use generalizable and primarily quantitative research which has a limited ability to take context and complexity into account (Essaïson et al. 2007:223-224), and as Holmström and Skilbrei notes, prostitution policy is developed within different contexts and is affected by a number of factors (2013:7). However, since the aim is to assess to which extent the arguments are valid I need to use research on general patterns of prevalence.

Third, I analyzed the internal and external validity. The *external validity* refers to whether the empirical arguments are correct or not given research on the issue. *Internal validity* can be argued to be internal in the sense that the inherent principles are not objects to consideration. Instead, they are used as a *measure of validity* (Beckman 2005:72). One way to analyze internal validity is to show if a line of reasoning is *incoherent*, which can be described as a discrepancy between empirical or normative claims on the one hand, and principles and values on the other (ibid.). I investigate incoherence with regard to *the effects of the external validity on the internal coherence*. The empirical arguments are used by the organizations to support principles; principles that we will have a reason to question if the empirical arguments are not veracious (Badersten 2006:169). To continue with the illustrative example mentioned: If the investigation shows that buyers and sellers are of all genders, as RFSL claims, it will raise questions about the internal coherence given the Swedish Women's Lobby's worldview where prostitution is a case of men's exploitation of women. In practice, I assessed: 1)

To what extent the research conflict *directly* with the empirical argument or the principled value. 2) To what extent the research conflict *indirectly* with the empirical argument or the principal value due to its extended consequences (Friberg-Fernros 2008:83). The core arguments were summarized and operationalized as follows (the tables include the values on which the empirical arguments have bearing):

Table 1: Operationalization of the Swedish Women’s Lobby’s core arguments

<i>Empirical argument</i>	<i>Core values structured according to ideal type</i>	<i>Question to evaluate</i>
We should not de-criminalize the purchase of sexual services since it leads to increased prostitution, which leads to increased trafficking for sexual purposes.	<i>Principal Beliefs:</i> Prostitution is never voluntary since it is a form of exploitation. <i>Causal Story:</i> Prostitution exists because of demand, Therefore demand should be targeted to end prostitution.	Has the policy decreased prostitution? Is there a causal mechanism between increased prostitution and increased trafficking?
Since men buy women and children in prostitution, it is an issue of women’s and children’s rights.	<i>Worldview:</i> Prostitution is a form of violence against women, which leads to societal gender inequality.	Do men buy sex from women and children?

Table 2: Operationalization of RFSL’s Core Arguments

<i>Empirical Argument</i>	<i>Core values structured according to ideal type</i>	<i>Question to evaluate</i>
If the policy has failed to decrease prostitution, it has merely resulted in negative consequences for individual sex workers, which strengthens the argument to abolish the policy and de-criminalize buyers.	<i>Principled Beliefs:</i> Individual liberty is the most central principle. Thus, policy should not conflict with individual choice to sell sex but ensure that equality measures benefit the least favored. <i>Causal Story:</i> Policy should support individuals to avoid social exclusion.	Has the policy failed to decrease prostitution?
People of any gender sell sex to people of any gender. Therefore it cannot be claimed to be an issue of women being subordinate to men.	<i>Worldview:</i> Sex work is a choice which can be understood as a form of individual liberty that is affected, but not determined, by structural circumstances.	Do people of any gender sell and buy sex?

6.2 Analysis

Here the analysis of internal and external validity will unfold thematically. Thus, the results from both organizations will be discussed together since they pursue conflicting empirical arguments that are evaluated by the same empirical evidence. Under each headline, a literature review will be presented and discussed, after which the internal and external validity of each organization will be assessed.

6.2.1 Effects of Policy on Prostitution

Several studies have aimed to assess the effects of the Swedish prostitution policy and a number of factors complicate the endeavor, as discussed in 2.1. Prostitution is a complex phenomenon influenced by factors such as migration, economy and technology. Hence, it is challenging to isolate the effect of policy (Holmström 2008:308). Also it occurs on numerous arenas. For example, prostitution without physical contact is only one example that is difficult to map (Svedin & Priebe 2012). In addition, many empirical indicators of prostitution prevalence, such as online-ads or mapping street prostitution, are impossible to use for generalizable conclusions on prostitution overall (Holmström 2015:16; Holmström 2008:306-308). The governmental evaluation of the policy (SOU 2010:49) has been heavily criticized to overstate and misinterpret the results of attempts to map the effects (cf. Holmström 2015, Kriminologiska institutionen 2010). One example is the claim that men who have bought sex dropped from 13,6% in 1996 to 8% in 2010 (SOU 2010:49:127; cf. Månsson 1998; Kuosmanen 2011), which was strongly questioned by the Institution of Criminology at Stockholm University:

The numbers cannot be correct. If the samples are representative, everyone who answered yes in 1996 is included in the study from 2008 except for the twelve oldest batches. Even if no man has bought sex after the acceptance of the bill, such strong reduction as implied by these numbers is not possible to reach, even if a certain effect [of policy] cannot be ruled out (Kriminologiska institutionen 2010).

Policy effect is not necessarily measures by *decrease* in prostitution. Given that globalizing factors have increased prostitution and trafficking worldwide (Jakobsson & Kotsadam 2013:88), the policy may have resulted in a *less steep increase*. Since no systematic survey on the prevalence of prostitution was conducted prior to the implementation of the law, scholars have instead made comparative studies to investigate effects of the law (Jakobsson & Kotsadam 2011b, 2013, 2014), or studied the effects of the policy in Norway (Jakobsson & Kotsadam 2011a). Jakobsson and Kotsadam (2014) compare data from Sweden,

Norway and Denmark to investigate the effects of the Norwegian policy change in 2009. They aim to study the effects of criminalizing the purchase of sexual services on the amount of people who buy sex. *They conclude that prohibition causes a decline.* However, the reason is not a change in attitudes amongst buyers but an increased cost for buyers due to potential conviction. There are a few circumstances in the study that might be problematic given the aim to conclude dampening effects of prostitution policy. The study builds on self-reported data on buying sex. A problem in self-reporting studies of phenomena that are both criminalized and stigmatized is the tendency to underestimate the actual prevalence (Holmström 2015:14). However, the authors argue that the anonymity of the Internet survey should decrease the problem (2014:400). In addition, the normative effects of legislation on behavior can be argued to develop over longer periods of time. If so, data gathered one year prior and two years anterior to a policy change would not fully capture policy effects. On the other hand, as showed in Jakobsson and Kotsadam (2012) the policy effect is due to penalty of law and not attitude change that can be argued to demand longer time to develop.

The conclusion that prevalence of buying sex co-varies with prostitution policy is confirmed by Jakobsson and Kotsadam (2013) and Cho et al. (2012). Kotsadam and Jakobsson (2013) aim to test whether harsher legislation on commercial sex reduces the amount of trafficking or not. They hypothesize that prohibition leads to a less profitable market and thus to a decline in prostitution which attracts fewer traffickers. The data available considered 31 European countries. Since data on trafficking is considered to be unsatisfactory, two different datasets are used to overcome some of the potential problems. With two datasets, results can be considered to be more robust if confirmed by both (2013:93-94). After controlling for confounding variables, the authors conclude that harsher prostitution-legislation has negative effect on trafficking. Cho et al (2012), who conduct a global study of 150 countries confirms the results of criminalizing policy having a negative effect on trafficking inflow. Both studies supplemented the quantitative study with case studies to further establish the causation between prostitution policy and trafficking inflow where the dampening effects of the Swedish policy were concluded. One could argue that indications of policy-effects on trafficking are not necessarily valid for domestic prostitution since they are fundamentally different phenomena caused by different factors (free will and external coercion respectively). However, both studies have controlled for difference in prostitution policy. Thus, it is a reasonable indicator for the occurrence of prostitution overall.

The studies mentioned are the most recent attempts to make generalizable conclusions on the effects of policy on trafficking and/or prostitution. Even though they struggle with limitations in data, *they all confirm that prostitution policy reduces prostitution and/or trafficking for sexual purposes.* I have not found any study that concludes policy to not have any effect on prostitution and/or trafficking. Hence, I will discuss the internal validity of the two organizations given this conclusion.

The Swedish Women's Lobby argue that prostitution has decreased alongside changes in attitudes and decrease in trafficking (Agnemo et al. 2015a, Kanakaris

et al. 2014b). Their primary argument against prostitution stems from their worldview that prostitution is a form of exploitation that needs to end. However, the argument that the Swedish policy decreases prostitution and thereby trafficking is a central empirical argument without which their view on prostitution would solely build on their worldview. Given the literature review, their empirical arguments on the decrease of prostitution and the correlation between prostitution and trafficking are valid. Although the essence of their argumentation corresponds to the conclusions of the literature review, it is problematic to state the extent of the effect. For example, the Swedish Women's Lobby refer to the numbers that were heavily criticized by the Institution of Criminology (Ohlson et al. 2013; Agnemo et al. 2015b).

RFSL want to abolish the current legislation because of its unquestionably negative effects for those who sell sex and focus in social welfare schemes instead (RFSL 2012). They question claims that prostitution has declined due to policy (Janis et al. 2015; RFSL 2010b), sometimes using anecdotic evidence (such as noting that despite the law, no one of the sellers in their interview study "has struggled to find clients", Westerlund & Åsell 2011). The evidence from SOU 2010:49 that they critique might not prove the effect of the policy (RFSL 2010b), but given the literature review, harsher prostitution policy decreases prostitution. How does the conclusion from the literature review affect the internal and external validity of RFSL's view on prostitution policy? Their claims on the uncertainty of policy effect on prostitution are not valid. Also, the implications of their suggestion to de-criminalize the purchase of sexual services would be increased prostitution and trafficking, given the results from the literature review. Increase in prostitution is not necessarily a problem to RFSL, since prostitution is not seen as a problem in itself. However, increased *involuntary* prostitution conflicts with the principled beliefs on individual liberty, on which the organization base their argument. Thus, the implications of their policy suggestion would conflict with their empirical argument as well as their principled beliefs. In conclusion: the lack of external validity leads to internal incoherence.

6.2.2 The Gender of Prostitution

All available studies on the prevalence of prostitution in Sweden show that men sell sex to the same or to a higher extent than women (Svedin & Priebe 2004, 2007, 2009, 2012; Fredlund et al. 2013; Jonsson et al. 2015). In the study made 2007, 1,8% of the males and 1,0% of the females had ever sold sex. When the study was repeated six years later, the numbers showed 1,7% of the male and 1,2% of the females (Fredlund et al. 2013). The prevalence of selling sex is significantly higher amongst LGBTQ-people, as showed in a study where 17,1% of the transgender, 8,3% of the bisexual and 26,7% of the homosexual had sold sex, to be compared with 0,9% of the heterosexual and 1,2% of the cis-gendered (2009:90-91). Since the Swedish Women's Lobby includes trafficking, the gender of trafficking victims should also be mentioned. According to the Swedish Police Authority, all victims of trafficking for sexual purposes and procuring that have

been reported to the police since 2008 have been women or girls (RPS Rapport 2014:13). However, the data might be biased since it depends on reports to the police (cf BRÅ 2011:25-26). All studies show that men are undoubtedly the most common buyers. In the Svedin and Priebe study from 2012, 5% had ever bought sex, 10% of the males and 0,1% of the females (2012:33). Kuosmanen concludes that 3,5% of the respondents had paid for sex; 7,6% of the males and 0,2% of the females (2011:256). Gay and bisexual men are not over-represented amongst buyers (Svedin & Priebe 2012:52).

The organizations make partially conflicting claims about the gendered structure of prostitution. RFSL underline that people of all genders and sexualities buy and sell sex, and that women even buy sex from both men and women (Westerlund & Åsell 2011; RFSL 2011), although they also mention structural inequalities between men and women (RFSL 2010b). Further, they claim that LGBTQ-youth sell sex to a higher extent than others, especially young males (Janis et al. 2015). The studies they refer to (RFSL 2011; EMIS 2010 in Westerlund & Åsell 2011) do not use representative sampling, thus the figures mentioned are not necessarily valid. However, the claim that LGBTQ-people sell sex to a higher extent than others corresponds to the results of the studies mentioned. The fact that they do not mention men as the utter most common buyer does not necessarily reject their external validity since they do not make any generalizing claims about buyers.

The Swedish Women's Lobby consider prostitution to be a form of violence against women and a women's rights violation, although also children are mentioned as victims of prostitution. In one article, LGBTQ-people are mentioned as potential victims:

There is no contradiction between acknowledging adult men who buy sex, and that the majority of those in prostitution are women and children, while highlighting the special vulnerability that young men in prostitution suffer from; men that are often both LGBTQ-people and children. (Janis et al. 2015)

According to the literature review, men sell sex to a higher extent than women. Also, 81% of those the men who had sold sex in the Svedin and Priebe study were heterosexual, and the experience is not more common amongst the younger cohort (2012:59, 73). Thus, the Swedish Women's Lobby's empirical argument is not externally valid. Even if victims of trafficking are included, the number of men that have sold sex is still larger (RPS Rapport 2014:13; Svedin & Priebe 2012). The effect on the internal coherence depends partially on how they would argue the fact that women do buy sex and that men (including heterosexual men) are the most common sellers. They could still argue that the general patterns of prostitution are in line with patriarchal commodification of bodies, given the majority of buyers being male. However, not even their attempt to nuance the picture in the quote above includes adult men as sellers. Their line of reasoning is not internally valid since the worldview of prostitution as violating women's rights and gender equality lacks empirical validity. Prostitution can still be considered as an exploitative phenomenon, however not primarily persecuting women, at least not in Sweden.

7 Concluding Discussion

Since ideas are fundamental to how political problems are understood and thereby how policy is formulated, they are important to study. As we have seen in this thesis, differences in worldview and principled beliefs have decisive importance for how issues regarding prostitution policy are perceived.

The ideal type analysis concluded the actors to correspond with opposing principles of justice. The Swedish Women's Lobby considers prostitution to be a form of violence against women and a violation of fundamental human rights. As follows, whether someone consents to prostitution or not is irrelevant: prostitution is exploitative in its nature and therefore it needs to end. Accordingly, a legal distinction between consensual prostitution and trafficking is a way to disguise abuse and violation in terms of "work" or "entrepreneurship". Since the demand is the cause of prostitution, buyers should be targeted as in the case of the Swedish prostitution policy.

The Swedish Women's Lobby's worldview, principled beliefs and causal story corresponds to those of the Marxist ideal type, where social groups are considered to be produced and conditioned by material structures that enables exploitation. In this case, women's position is decided by the level of societal gender (in)equality, which enables exploitation in terms of prostitution. In contrast to the liberal worldview, individual action is here also understood to affect the societal structures. Thus, even if prostitution might be consensual on an individual level, it is always unacceptable since it threatens societal gender equality.

RFSL, on the other hand, do not consider prostitution to be a problem per se. Instead, there are problems associated with prostitution when it occurs due to direct coercion such as trafficking, or indirectly coercive circumstances such as economic scarcity or social exclusion. Their main objection to the Swedish policy is its consequences for sex workers, such as increased stigmatization and obstruction of harm reduction measures. Another problem is that policy and social measure exclude LGBTQ-people who sell or buy sex. To ensure the rights of individuals who sell sex, RFSL urges policy-makers to take their experiences of consensual sex work into consideration by separating between voluntary and involuntary prostitution, and by de-criminalizing the purchase of sexual services.

The worldview, principled beliefs and causal story of RFSL are in line with those of the liberal ideal type. The principle of equal individual rights and liberties is considered to be the most fundamental. Thus, any violations of individual liberty are illegitimate, including stigmatization due to the choice to sell sex. Also, discrimination and unequal access to societal services such as HIV-prevention conflicts with the principle. Further, policy measures should increase equality by compensating for heteronormativity or socio-economic circumstances and thereby ensure the individual the liberty to make a free decision on whether to sell sex or not. It can be compared with the second liberal principle, where equality-measures

need to benefit the least favored. However, since sex workers are negatively affected by the policy, it conflicts with the second principle and needs thereby to be abolished. The focus on individual liberty is further motivated by the worldview, where individuals are thought to be affected by societal structures but not the other way around.

The analysis has made visible the conflict between the opposing views here represented by the two organizations. While RFSL emphasize consequences of policy for sex workers, individual autonomy, the buyer as a rights-bearer and stigma due to societal norms, the Swedish Women's Lobby focus on societal consequences of policy for women, women's rights, the buyer as a perpetrator and stigma due to prostitution. The emphasis on material exploitation and societal gender equality on the one hand, and ideational rights and individual experience of stigma on the other effectively shows the contrast between the two.

Further, the assessment of the internal and external validity of each organization's core arguments shows well the importance of supplementing ideational analyses with empirical ditto. The analysis concludes that the implications of RFSL's suggestion to de-criminalize buyers conflicts with the inherent principles of justice as individual liberty since such policy change is likely to increase involuntary trafficking. The Swedish Women's Lobby's conceptualization of prostitution as a women's rights violation is solely motivated ideationally since men sell sex to a higher extent than women.

For the future research on prostitution policy, it is essential to continue the study of empirical policy effects. For example, the unintended effect of the Swedish policy on non-European citizens who are expelled since they sell sex needs to be further examined.

Another issue raised by this thesis is the relation between ideational principles and empirical arguments. An aspect only touched upon above is what Westerstrand calls a "super discourse" (2008:380), where rhetorics known from socialist feminism are used to support liberal principles. The emphasis on self-determination and individual experience is one example of such process that RFSL could be argued to be a part of. Even though the organization generally tends to adhere to a structural worldview when discussing issues such as hate crime, homophobia and violence, individual autonomy and liberty have for reasons possibly explained by Westerstrand become the dominant arguments on prostitution. Discrepancies that result from a shift of underlying principles while the arguments remain the same are of ever-present importance to study (cf. Badersten 2006).

8 References

- Agnemo, T. et al. (2015a). *RFSU värnar vuxna mäns sexuella frihet* [Online] <http://sverigeskvinnolobby.se/blog/rfsu-varnar-vuxna-mans-sexuella-frihet> [Accessed: 2016-03-03]
- Amnesty International (2015). *Sex Workers' Rights Are Human Rights*. [Online] <https://www.amnesty.org/en/latest/news/2015/08/sex-workers-rights-are-human-rights/> [Accessed: 2016-03-10]
- Barry, K. (1996). *The prostitution of sexuality*. NYU Press.
- Baumgartner, F.R., Jones, B.D. & Mortensen, P.B. (2014). "Punctuated equilibrium theory: Explaining stability and change in public policymaking, Sabatier, P. A. & Weible, C. M. (ed.) *Theories of the policy process*. Third edition, pp. 59-103.
- Beckman, L. (2005). *Grundbok i idéanalys*. Santérus Förlag, Stockholm.
- Beckman, L. & Mörkenstam, U. (2009). *Politisk teori*. Malmö: Liber, 2009 (Sverige) : Elanders); 1. uppl.
- Berglund, C. (2015). "Export av sexköpslag bör vara flaggskepp för regeringen", *Vestmanlands Läns Tidning*, 2015-03-07
- Bertram, C. (2008). "Analytical Marxism", Bidet, J. & Kouvélakis, E. (ed.) *Critical companion to contemporary Marxism*. Leiden: Brill, pp. 123-142
- Bidet, J. & Kouvélakis, E. (ed.) (2008). *Critical companion to contemporary Marxism*. Leiden: Brill.
- Boréus, K. & Bergström, G. (2012). *Textens mening och makt: metodbok i samhällsvetenskaplig text-och diskursanalys*. 3., [utök.] uppl. Lund: Studentlitteratur
- Bucken-Knapp, G. & Schaffer, J.K. (2014). "Comrades, Push the Red Button! Prohibiting the Purchase of Sexual Services in Sweden But Not in Finland", Majic, S. & Showden, C. R. (ed.) *Negotiating Sex Work: Unintended Consequences of Policy and Activism*. University of Minnesota Press
- Brommesson, D. (2007). *Från Hanoi till Bryssel: moralsyn i deklarerad svensk utrikespolitik 1969-1996*. Stockholm: Santérus
- BRÅ (2011). *Prostitution och människohandel för sexuella ändamål. Slutredovisning av regeringens handlingsplan*. Rapport 2011:18. Stockholm: Brottsförebyggande rådet (BRÅ)
- Carnhede, AM. (2015). "Clara Berglund, Sveriges Kvinnolobby: 'Hollands linje är absurd'", *DagensETC* 2015-05-13
- Carson, L. (2011). "Prostitution and Sex Trafficking: What are the Problems Represented to Be - A Discursive Analysis of Law and Policy in Sweden and Victoria, Australia", *Australian Feminist Law Journal*, vol. 34, pp. 63-88.

- Cohen, G.A. (2001). *If You're an Egalitarian, How Come You're So Rich?* Cambridge, Mass: Harvard University Press.
- Dennermalm, N. (2014) "Resistance to the Swedish Model Through LGBTQ and Sex Work Community Collaboration and Online Intervention", *Innovative programmatic approaches to HIV prevention and core services for gay men, other men who have sex with men (MSM) and transgender persons using information and communication technology (IU)*, *Digital Culture & Education*, pp. 230-242
- De Marneffe, P. (2010). *Liberalism and prostitution*. Oxford University Press.
- Ekman, K. E. (2010). *Varat och varan: prostitution, surrogatmödraskap och den delade människan*. Stockholm: Leopard
- EMIS (2010). *The European Men-Who-Have-Sex-With-Men Internet Survey. Findings from 38 countries*. [Online] <http://www.emis-project.eu/final-report.html> [Accessed 2016-04-20]
- Erikson, J. (2015). "Ideas and actors in policy processes: where is the interaction?", *Policy Studies*, vol. 36, no. 5, pp. 451-467.
- Erikson, J. (2011). *Strider om mening: en dynamisk frameanalys av den svenska sexköpslagen*. Diss. Uppsala : Uppsala universitet, 2011
- Esaiasson, P., Gilljam, M., Oscarsson, H. & Wängnerud, L. (2007). *Metodpraktikan. Konsten att studera samhälle, individ och marknad*. Norstedts juridik,.
- Fraser, N. (2011). *Rättvisans mått: texter om omfördelning, erkännande och representation i en globaliserad värld*. Stockholm: Atlas.
- Fraser, N. (1995). "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age", *New Left Review* 1/212, July-August
- Fredlund, C., Svensson, F., Svedin, C.G., Priebe, G. & Wadsby, M. (2013). "Adolescents' lifetime experience of selling sex: development over five years", *Journal of Child Sexual Abuse*, vol. 22, no. 3, pp. 312-325.
- Hallberg, M. (2011). "Man pratar inte om män som säljer sex", *Corren* 2011-05-18
- Hamberg, T. (2010). "Manlig sexsäljare synliggörs i enkät", *Piteå-Tidningen* 2010-08-31
- Herkel, P. (2010). "Många män säljer sex", *City* 2010-08-31
- Hoffman, J. & Graham, P. (2009). *Introduction to political theory*. (2. ed.) Harlow: Pearson Longman.
- Holmström, C. (2008). "Prostitution och människohandel för sexuella ändamål i Sverige: Omfattning, förekomst och kunskapsproduktion", Holmström, C. Skilbrei, M. & Westlund, J. (ed.). *Prostitution i Norden: forskningsrapport*. Köpenhamn: Nordiska Ministerrådet, pp. 303-326.
- Holmström, C. (2015). *Förbud mot köp av sexuell tjänst i Sverige - en kunskapsöversikt om avsedda effekter och oavsedda konsekvenser*. [Online] http://www.rfsu.se/Bildbank/Dokument/Policys%20etc/Forbud_mot_kop_av_sexuell_tjanst_kunskapsoversikt.pdf?epslanguage=sv [Accessed 2016-02-30]
- Holmström, C. & Skilbrei, M. (2008). "Nordiska prostitutionsmarknader i förändring: en inledning", *Prostitution i Norden: forskningsrapport*. Köpenhamn: Nordiska Ministerrådet

- Holmström, C. & Skilbrei, M. (2011). "Is There a Nordic Prostitution Regime?", *Crime and Justice*, vol. 40, no. 1, pp. 479-517.
- Holmström, C. & Skilbrei, M. (2013). *Prostitution Policy in the Nordic Region: Ambiguous Sympathies*, Ashgate Publishing, Ltd.
- Hulusjö, A. (2013). *The multiplicities of prostitution experience: narratives about power and resistance*. Diss. Malmö: Malmö högskola, 2013
- Jonsson, L.S., Bladh, M., Priebe, G. & Svedin, C.G. (2015). "Online sexual behaviours among Swedish youth: associations to background factors, behaviours and abuse", *European child & adolescent psychiatry*, vol. 24, no. 10, pp. 1245-1260.
- Ju2010/5583/L5 Remissyttranden över SOU 2010:49
- Kingdon, J.W. (2011). *Agendas, alternatives, and public policies*, Boston: Longman, c2011; Updated 2nd ed.
- Jakobsson, N., & Kotsadam, A. (2011a). "Do laws affect attitudes? An assessment of the Norwegian prostitution law using longitudinal data", *International Review of Law and Economics*, vol. 31, no. 2, pp. 103-115.
- Jakobsson, N., & Kotsadam, A. (2011b). "Gender Equity and Prostitution: An Investigation of Attitudes in Norway and Sweden", *Feminist Economics* 17(1), pp 31-58.
- Jakobsson, N & Kotsadam. (2012). "Shame on you, John! Laws, stigmatization, and the demand for sex", *European Journal of Law and Economics*, vol. 37, no. 3, pp. 393-404.
- Jakobsson, N. & Kotsadam, A. (2013). "The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation" *European Journal of Law and Economics* vol. 35, no. 1, pp. 87-107.
- Janis, G. et al. (2015). "Bristande stöd till hbtq-personer som säljer sex", *Expressen* 2015-03-18
- Kanakaris, Z. et al. (2014a). *Förbjud sexköp även utomlands* [Online] <http://sverigeskvinnolobby.se/blog/forbjud-sexkop-aven-utomlands> [Accessed: 2016-03-03]
- Kanakaris, Z. et al. (2014b). *6 punkter som stärker arbetet mot sexköp*. [Online] <http://sverigeskvinnolobby.se/blog/6-punkter-som-starker-arbetet-mot-sexkop> [Accessed: 2016-03-03]
- Kuosmanen, J. 2011, "Attitudes and perceptions about legislation prohibiting the purchase of sexual services in Sweden", *European Journal of Social Work*, vol. 14, no. 2, pp. 247-263.
- Ljungros, K. (2015). "Sociala insatser är bättre än förbud", *Svenska Dagbladet* 2015-02-06.
- Marx, K. (1988[1844]). *Economic and philosophic manuscripts of 1844*. Buffalo, N.Y.: Prometheus Books
- Marx, K. (2010). *Grundrisse: ett urval*. Hägersten: Tankekraft.
- McBeth, M.K., Jones, M.D. & Shanahan, E.A. (2014). "The narrative policy framework", Sabatier, P. A. & Weible, C. M. (ed.) *Theories of the policy process*. pp. 225-266

- McCarthy, B., Benoit, C., Jansson, M. & Kolar, K. (2012). "Regulating Sex Work: Heterogeneity in Legal Strategies", *Annual Review of Law and Social Science*, vol. 8, no. 1, pp. 255-271.
- Metro (2014). "RFSL gav tips för 'skönare sexualbrott'", *Metro* 2014-09-04
- Månsson, S. (1998). "Den köpta sexualiteten", Lewin, B. & Fugl-Meyer, K. (ed.). *Sex i Sverige: om sexuallivet i Sverige 1996*. 3. uppl. Stockholm: Folkhälsoinstitutet
- Ohlson, C. et al. (2013). *Sexköpslagen är inget hinder*. [Online] <http://sverigeskvinnolobby.se/blog/sexkopslagen-ar-inget-hinder> [Accessed: 2016-03-03]
- Pateman, C. (1999). "What's Wrong with Prostitution?", *Women's Studies Quarterly*, vol. 27, no. 1/2, pp. 53-64.
- Rawls, J. 2005[1971], *A theory of justice*, Cambridge, Mass. : Harvard University Press, 2005.
- Reinikainen, J. (2009). "Introduktion", Beckman, Ludvig (red.) *Texter i samtida politisk teori: demokrati, frihet, sexualitet, makt, rättvisa, global rättvisa, mångkulturalism, postkolonialism*. 2., [utök.] uppl. Malmö: Liber
- RFSL (2010a). *Män som säljer sex till män*. Stockholm: RFSL Förbundet
- RFSL (2010b). *Förbud mot köp av sexuell tjänst. En utvärdering 1999-2008, SOU 2010:49*. [Online] http://www.rfsl.se/wp-content/uploads/2015/11/ry_101025_kop_av_sexuell_tjanst.pdf [Accessed: 2016-03-02]
- RFSL (2011). *Osynliga synliga aktörer. Hbt-personer med erfarenhet av att sälja och/eller köpa sexuella tjänster*. Stockholm: RFSL Förbundet
- RFSL (2012). *Principprogram*. [Online] <http://www.rfsl.se/om-oss/organisation/styrdokument/> [Accessed 2016-03-02]
- RFSL (2014). *Verksamhetsplan*. [Online] <http://www.rfsl.se/om-oss/organisation/verksamhetsplan/> [Accessed: 2016-03-02]
- RFSL (2016). *Briefly about RFSL*. [Online] <http://www.rfsl.se/en/about-us/kort-om-rfsl/> [Accessed: 2016-03-03]
- Roberts, P. & Sutch, P. (2007). *Politiskt tänkande: en introduktion*. Stockholm: Studentlitteratur.
- Rubin, G. (2006[1984]). "Thinking sex: Notes for a radical theory of the politics of sexuality", Aggleton, P. & Parker, R. (ed.) *Culture, Society and Sexuality. A reader*. Routledge
- RPS Rapport (2014). *Människohandel för sexuella och andra ändamål. Lägesrapport 14*
- Scaramuzzino, G. (2014). *Sexsäljares och sexköpares kollektiva handlande på internet: En svensk "fuckförening"?* Diss. Växjö : Linnéuniversitetet, 2014
- SOU 2010:49. *Förbud mot köp av sexuell tjänst. En utvärdering 1999-2008 Betänkande av Utredningen om utvärdering av förbudet mot köp av sexuell tjänst*.
- Stone, D.A. (1989). "Causal stories and the formation of policy agendas", *Political science quarterly*, Vol. 104, No. 2. pp. 281-300.
- Strandberg, K. (2015). "Raseriet mot Amnesty: 'Beslutet är bisarrt'", *DagensETC* 2015-08-13

- Ström, M. (2011). "Fler hbt-personer än väntat säljer sex", *Uppsala Nya Tidning* 2011-04-05
- Svedin, C.G. & Priebe, G. (2004). "Ungdomars sexualitet – attityder och erfarenheter. Avsnitt: Sexuell exploatering. Att sälja sex mot ersättning/pengar", SOU 2004:71 *Sexuell exploatering av barn i Sverige*.
- Svedin, C.G. & Priebe, G. (2007). "Selling sex in a population-based study of high school seniors in Sweden: Demographic and psychosocial correlates", *Archives of Sexual Behavior*, vol. 36, no. 1, pp. 21-32.
- Svedin, C.G. & Priebe, G. (2009). "Unga, sex och internet", Ungdomsstyrelsen. *Se mig, Unga om sex och internet*, pp. 32-147.
- Svedin, C.G. & Priebe, G. (2012). *Sälja och köpa sex i Sverige 2011. Förekomst, hälsa och attityder*. Linköping University Electronic Press [Online] <http://urn.kb.se/resolve?urn=urn:nbn:se:liu:diva-75340> [Accessed 2016-05-03]
- Sveriges Kvinnolobby (2010). *Remissvar SOU 2010:49*. [Online] <http://sverigeskvinnolobby.se/wp-content/uploads/2010/10/Remissvar-Förbud-mot-köp-av-sexuell-tjänst-En-utvärdering-1999-2008.pdf> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby (2012). *En tredjedel av svenskars sexköp utomlands sker på tjänsteresa – företag behöver ta ansvar*. [Online] <http://sverigeskvinnolobby.se/blog/en-tredjedel-av-svenskars-sexkop-utomlands-sker-pa-tjansteresa-foretag-behov-er-ta-ansvar> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby (2013a). *Regeringen uppmanas förbjuda sexköp utomlands – lansering av kampanj för sexköpslagen 2.0!* [Online] <http://sverigeskvinnolobby.se/blog/regeringen-uppmanas-forbjuda-sexkop-utomlands-lansering-av-kampanj-for-sexkopslagen-2-0> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby (2013b). *Re: France's policy developments on prostitution*. [Online] <http://sverigeskvinnolobby.se/wp-content/uploads/2013/09/Letter-from-Swedish-Womens-Lobby-on-prostitution.pdf> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby (2014). *Sveriges Kvinnolobby vinner BRÅ:s pris för arbete med företagsansvar mot sexköp* [Online] <http://sverigeskvinnolobby.se/blog/pressmeddelande-sveriges-kvinnolobby-vinner-bras-pris-for-arbete-med-foretagsansvar-mot-sexkop> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby (2015a). *Kriminalisering av sexköp utomlands utreds!* [Online] <http://sverigeskvinnolobby.se/blog/kriminalisering-av-sexkop-utomlands-utreds> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby (2015b). *Verksamhetsberättelse*. [Online] <http://sverigeskvinnolobby.se/wp-content/uploads/2013/08/Verksamhetberattelse-2014.pdf> [Accessed: 2016-03-03]
- Sveriges Kvinnolobby et al. (2015). *Global uppmaning till Merkel att motverka sexköp*. [Online] <http://sverigeskvinnolobby.se/blog/den-globala-kvinnororelsen-uppmanar-merkel-att-motverka-sexkop> [Accessed: 2016-03-03]

- UNAIDS (2010) 2011-2015 *Strategy. Getting to Zero* [Online] http://www.unaids.org/sites/default/files/en/media/unaids/contentassets/documents/unaidspublication/2010/JC2034_UNAIDS_Strategy_en.pdf [Accessed 2016-05-10]
- Van Der Veen, M. (2001). "Rethinking Commodification and Prostitution: An Effort at Peacemaking in the Battles over Prostitution", *Rethinking Marxism* 13:2, pp. 30-51
- Wagenaar, H. (2011). *Meaning in action. Interpretation and dialogue in policy analysis*. ME Sharp Inc, New York, vol. 6.
- Weible, C.M. (2014). "Introducing the scope and focus of policy process research and theory", Sabatier, P. A. & Weible, C. M. (ed.) *Theories of the policy process*. pp. 3-24
- Westerberg, O. (2010). "De yngsta sexsäljarna sämst på att skydda sig", *Sydsvenskan* 2010-08-31
- Westerlund, U. & Åsell, E. (2011). "Sexköpslagens osynliga gisslan", *Aftonbladet* 2011-04-04
- Westerstrand, Jenny (2008). *Mellan mäns händer: kvinnors rättssubjektivitet, internationell rätt och diskurser om prostitution och trafficking*. Diss. Uppsala: Uppsala universitet, 2008
- Young, I.M. (2000). *Att kasta tjejkast: texter om feminism och rättvisa* Stockholm: Atlas, cop. 2000; (Finland).
- Yttergren, Å. & Westerstrand, J. (2016). "The Swedish Legal Approach to Prostitution. Trends and Tendencies in the Prostitution Debate", *NORA - Nordic Journal of Feminist and Gender Research*, 24:1, pp.45-55
- Åberg, A. (2010). "RFSL 60 år: En framgångssaga". *Dagens Nyheter* 2010-07-26
- Åström, G. (2010). *The Swedish position on EWL's Campaign on prostitution*. [Online] <http://sverigeskvinnolobby.se/wp-content/uploads/2010/10/the-Swedish-position-on-EWLs-Campaign-on-prostitution.pdf> [Accessed: 2016-03-03]
- Åström, G. (2013). *Re: UN Women recent note on "sex work, sexual exploitation and trafficking"* [Online] <http://sverigeskvinnolobby.se/wp-content/uploads/2013/11/Regarding-the-UN-Women-note-on-prostitution.pdf> [Accessed: 2016-03-03]
- Östergren, P. (2006). *Porr, horor och feminister*. Stockholm: Natur och Kultur.