

Sweden and prostitution law: the conditions of possibility | The Naked Anthropologist

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No comments

The idea of criminalising the purchase of sex continues to be promoted round the world, usually as part of some politician's campaign against immoral sex and the exploitation of children, with a subtext aimed at keeping women at home and migrants out. Sweden's law is thrown out as the model, along with claims that prostitution is practically absent and trafficking nearly non-existent there. Neither of these has been proven. To explore this sort of claim, see tags to the right of this post (sweden, nordic model, laws, gender equality, for example.)

The banning-sex-purchase proposal has been made in countries as far away from Sweden as Brazil and India. Presented abstractly it sounds clear, simple and righteous. But local context and history make a big difference in how a proposed law can come to pass and operate on the ground (as opposed to in starry rhetoric). The Swedish context is unusual in the world, the conditions making this law (*sexköpslagen*) possible difficult to imagine outside the Nordic region. Nothing slapdash nor sudden was involved but rather deep history in a particular culture. This is not true of other countries that jump on the bandwagon because some politicians see their chance to make names based on simplistic moralising.

The following is an excerpt from a longer article I published a few months ago on the dysfunction of prostitution laws, the idea of whore stigma and the disqualification and actual murder of sex workers. For those who ask *Where did the Swedish model come from? How could feminism have led to it?* this provides a short version of what might be called an *épistème* – the epistemological field forming the conditions of possibility for knowledge in a given time and place.

Sweden and prostitution (from *Prostitution Law and the Death of Whores, Jacobin*, 15 August 2013)

The population of only nine and a half million is scattered over a large area, and even the biggest city is small. In Sweden's history, social inequality (class differences) was early targeted for obliteration; nowadays most people look and act middle-class. The mainstream is very wide, while social margins are narrow, most everyone being employed and/or supported by various government programmes. Although the Swedish utopia of *Folkhemmet* – the People's Home – was never achieved, it survives as a powerful symbol and dream of consensus and peace. Most people believe the Swedish state is neutral if not actually benevolent, even if they recognize its imperfections.

After the demise of most class distinctions, inequality based on gender was targeted (racial/ethnic differences were a minor issue until recent migration increases). Prostitution became a topic of research and government publications from the 1970s onwards. By the 1990s, eradicating prostitution came to be seen as a necessary condition for the achievement of male-female equality and feasible in a small homogeneous society. The solution envisioned was to prohibit the purchase of sex, conceptualized as a male crime, while allowing the sale of sex (because women, as victims, must not be penalized). The main vehicle was not to consist of arrests and incarcerations but a simple message: *In Sweden we don't want prostitution. If you are involved in buying or selling sex, abandon this harmful behavior and come join us in an equitable*

society.

Since the idea that prostitution is harmful has infused political life for decades, to refuse to accept such an invitation can appear misguided and perverse. To end prostitution is not seen as a fiat of feminist dictators but, like the goal to end rape, an obvious necessity. To many, prostitution also seems incomprehensibly unnecessary in a state where poverty is so little known.

These are the everyday attitudes that social workers coming into contact with Eva-Maree probably shared. We do not know the details of the custody battle she had been locked in for several years with her ex-partner. We do not know how competent either was as a parent. She recounted that social workers told her she did not understand she was harming herself by selling sex. There are no written guidelines decreeing that prostitutes may not have custody of their children, but all parents undergo evaluations, and the whore stigma could not fail to affect their judgements. For the social workers, Eva-Maree's identity was spoiled; she was discredited as a mother on psycho-social grounds. She had persisted in trying to gain mother's rights and made headway with the authorities, but her ex-partner was enraged that an escort could gain any rights and did all he could to impede her seeing them. The drawn-out custody process broke down on the day she died, since standard procedures do not allow disputing parents to meet during supervised visits with children.

In a 2010 report evaluating the law criminalizing sex-purchase, stigma is mentioned in reference to feedback they received from some sex workers:

The people who are exploited in prostitution report that criminalization has reinforced the stigma of selling sex. They explain that they have chosen to prostitute themselves and feel they are not being involuntarily exposed to anything. Although it is not illegal to sell sex they perceive themselves to be hunted by the police. They perceive themselves to be disempowered in that their actions are tolerated but their will and choice are not respected.

The report concludes that these negative effects "must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution." To those haunted by the death of Eva-Maree, the words sound cruel, but they were written for a document attempting to evaluate the law's effects. Evaluators had been unable to produce reliable evidence of any kind of effect; an increase in stigma was at least a consequence.

Has this stigma discouraged some women from selling sex who might have wanted to and some men from buying? Maybe, but it is a result no evaluation could demonstrate. The report, in its original Swedish 295 pages, is instead composed of historical background, repetitious descriptions of the project and administrative detail. Claims made later that trafficking has diminished under the law are also impossible to prove, since there are no pre-law baseline statistics to compare to.

The lesson is not that Sweden's law caused a murder or that any other law would have prevented it. Whore stigma exists everywhere under all prostitution laws. But Sweden's law can be said to have given whore stigma a new rationality for social workers and judges, the stamp of government approval for age-old prejudice. The ex-partner's fury at her becoming an escort may derive in part from his Ugandan background, but Sweden did not encourage him to view Eva-Maree more respectfully.

Some say her murder is simply another clear act of male violence and entitlement by a man who wanted her to be disqualified from seeing their children. According to that view, the law is deemed progressive because it combats male hegemony and promotes Gender Equality. This is what most infuriates advocates of sex workers' rights: that the "Swedish model" is held up as virtuous solution to all of the old problems of prostitution, in the absence of any evidence. But for those who embrace anti-prostitution ideology, the presence or absence of evidence is unimportant.

Some of the immediate questions you might have, for instance on Gender Equality and State Feminism, are addressed in the full essay Prostitution Law and the Death of Whores. This kind of background is, of course, not interesting to everyone, and most of what I see on the topic talks about the law as Bad or Good. Discussions typical in parliamentary committees like the Irish are silly because they opt to accept banal lists of supposed successes in Sweden without acknowledging the difficulties of knowing effects at all. Activists on both sides tend to over-state their cases – practically the definition of much activism in social movements. For anyone interested in history, though, the background is crucial, and it can be seen as good news that it's not so easy to simply transfer the logic of a law from one country to another: that kind of homogenised culture is not here yet.

Proof of the law's effects are mostly unknowable so far. The state's evaluation of the law in 2010 admitted ignorance of how to investigate commercial sex online and gave numbers only for street prostitution. This was a tiny number to begin with describing an activity that is diminishing. Claims that sex trafficking have decreased are meaningless since no baseline statistics were kept on this before the law was passed. The claims of eradicating either phenomenon are public-relations trivia. That politicians in other countries reproduce these claims in supposedly serious hearings demonstrates mediocrity and lack of interest in the subject. As I said above, the principle effect we can be sure of is

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Increases in stigma, social death and excuses to disqualify women who sell sex as autonomous beings are dire effects to a piece of legislation that emerged from a goal to achieve Gender Equality. Utopian visions can backfire, and this one has.

For another of my views of Sweden's present State Feminists see Extremist Feminism in Swedish government: Something Dark

–*Laura Agustín, the Naked Anthropologist*

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Sex at the Margins: Migration, Labour Markets and the Rescue Industry was published by Zed Books in 2007 and is now available from **Amazon** on **Kindle** &



as **Audiobook** as well as paper.

Laura Agustín – **The Naked Anthropologist** – is author of *Sex at the Margins*. A lifelong migrant, she spoke at the BBC World Debate as *International Expert on Trafficking*, invented the term Rescue Industry and was expert witness for Julian Assange. [Read more](#) / [Press photos](#) / [Videos](#)
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- Year beginning, low light and infantilising coverage of women combine to make me feel a bit lost for words but full of desire to publish pictures that resist the miserablism. Some of the women portrayed are probably offering sex for sale, but be careful about stereotyping when you imagine which ones they are. The exercise [...]
- *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* was published by Zed Books in London in 2007 and is distributed in the US through Palgrave Macmillan. I blog often about issues covered in the book, and many of my published articles are available on this website, but to get the full picture, [...]
- Borgen Season 3 Episode 25 At a conference on Sexual Citizenship and Human Rights the other week, I binned the talk I had prepared and instead gave a version of *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. It turned out both the other speakers on the panel were to address trafficking, one [...]
- See this perfectly ordinary building? Most sex is sold here, out of conventional flats and apartments, anywhere in the world. The photos of women on the street beloved of dull editors teach that sex work is in the street, and the other photos editors use, of women sitting on barstools, teach that whatever's not in [...]
- Social work, whether voluntary or paid, rests on an assumption that people with problems can be helped by outsiders who provide services that facilitate solutions. Hands predominate in icons used on social-work websites: holding hands, piles of hands, hands of different shapes and colours. I suppose these are meant to signify working together – mutuality [...]
- Months ago I was interviewed by *NewScientist*, a mainstream UK magazine. I don't accept all requests for interviews so did a little research, finding the publication reaches an audience probably different from whatever I usually reach. I asked what kind of questions the interviewer wanted to ask and found them well-informed and interesting. The initial [...]
- I spent one hour and 20 minutes in the queue at Stansted's UK Border recently. There were probably 1000 people in the hall, divided into the usual EU passports versus Rest of World. Signs saying Tougher Controls Mean a Longer Wait are dotted around. In fact, tougher controls do not have to mean outrageously long [...]
- "Let the jury consider their verdict," the King said. "No, no!" said the Queen. "Sentence first—verdict afterward." "Stuff and nonsense!" said Alice loudly. "The idea of having the sentence first!" "Hold your tongue!" said the Queen, turning purple. "I won't!" said Alice. "Off with her head!" the Queen shouted at the top of her voice. [...]

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