

Nordic Prostitution Policy Reform

A comparative study of prostitution policy reform in the Nordic countries

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France's newest import? Parliamentary Commission calls for "Swedish model" client criminalisation

Posted by [Emily St.Denny](#) on 9/09/11 • Categorized as [Elsewhere](#), [Prostitution policy news](#)



On April 13th_2011, the French Parliamentary Information Commission on prostitution called for the implementation of a demand-side ban on prostitution inspired by the 1998 pioneering Swedish law. The report was almost immediately used as the basis for several law and policy proposals that, if enacted, could represent one of the most significant shifts from France's two-pillared abolitionist system adopted over 50 years before. Yet, what is now being presented as a novel approach to an

old problem is in fact the outcome of an ideational Cinderella story: an idea once jettisoned for its purported weakness has subsequently been skilfully repackaged and presented as this year's hottest

policy import.

The Commission had travelled extensively both domestically and abroad to four European states^[1] in order to take stock of the available policy ideas and instruments and to establish the benefits and drawbacks of each with the aim of determining the best way forward for French prostitution policy. This initiative was undertaken in light of the perceived ineffectiveness and misguidedness of the previous policy program: the Domestic Security Bill^[2] (LSI) developed only nine years before by Nicolas Sarkozy, then Minister of the Interior. There is a growing consensus that the measures were only ever sporadically and inconsistently implemented^[3] and never led to the wide-scale dismantling of international trafficking rings and eradication of street prostitution that had been promised. As a result, this perceived failure or "collapse" of the current policy provided an opportunity for competing political actors to inject alternative policy ideas in a debate no longer monopolised by an effective and efficient dominant orthodoxy.^[4] Actors pushing these alternative policy ideas were thus in a position to convince other political and institutional actors and the wider public that policy change is necessary, a process which amounts to the "social construction of the need to reform".^[5]

Prior even to the consensus that the LSI was not functioning adequately, dissatisfaction with its possible negative side effects on the safety and living conditions of women in prostitution constituted the bulk of the discourse opposing its formalization. During this time, the centre-right deputy Marie-Jo Zimmermann suggested criminalizing clients as an alternative to the punitive measures of the LSI. In fact, she was one of the first to couple a proposed French policy of client criminalization with direct references to the Swedish law^[6]. Yet, whilst in 2002 she had highlighted the possible negative side-effects of the "Swedish model", she went on 9 years later to be part of the Parliamentary Commission which showed near unconditional support for the same policy program. Moreover, Zimmermann is not the only member of the Committee to have previously expressed a wish to see clients criminalized which never really took off. Indeed, the president of the Commission, socialist deputy Danielle Bousquet, had expressed the desire to see clients penalised as early as 2003.^[7] This entails that the process by which these political actors came to desire and promote a "Swedish model" of prostitution policy is not a straightforward case of policy learning or transfer.

Thus, while we are undeniably in a situation where "knowledge about policies, administrative arrangements, institutions and ideas in one political system [...] is used in the development of policies, administrative arrangements, institutions and ideas in another political system"^[8], the recent evolution of French prostitution policy would point towards an adaptation in use of this knowledge to

reshape the perception of an initial policy idea. Here then, it would appear that actors, who may or may not have initially transferred the policy idea of client criminalization from Sweden in the early 2000, did later use this "narrative of importation" to reframe an abolitionist discourse equating prostitution with gender inequality and men's exploitation of female victims. As a result, the reframed policy ideas have benefited from perceived success of the Swedish law in its domestic setting.

The reason why it was possible for the Commission to capitalize on the Swedish policy program is that this latter 'fit' nicely into the domestic ideological, political and institutional setting. This is important because the possibility of integrating foreign policy ideas and/or instruments is predicated on their plausibility to the recipient community, in that sense the acceptability of imported idea or idea sets is dependent its similarity with familiar and acceptable idea sets held by a majority.^[9] In particular, actors saw a parallel between the concerns about the wellbeing of the "victims" of prostitution that are so central to contemporary French abolitionism and the ideas of gender equality and prostitution as an exploitative system that underpinned the Swedish debate on client penalization^[10]. This ideational compatibility is highlighted by the authors of the report: "[...] the ambition of an advanced democracy can only be, in the fullness of time, the disappearance of prostitution. [...] the goal, thus, is to determine which policy is respectful of the rights recognised to all human beings while allowing us to move towards this objective [...] of the disappearance of prostitution. What is more, in light of both our fundamental principles and the Swedish experience, it appears that making clients responsible is essential to this conciliation."^[11]

Whether or not the Commission's efforts come to fruition is as yet unknown, but one thing is clear: the project to reform French prostitution policy is rooted in a complex process of framing and reframing aimed at reasserting a previously dismissed policy idea. Their repackaged suggestions also seem to have benefitted from the vacuum created by the perceived failure of the existing policy. Moreover, this new policy initiative was able to integrate elements of the Swedish model in such a way as to benefit from the latter's perceived progressiveness and effectiveness. Overall, this new chapter in French prostitution policy looks to be centred on the redefinition of French abolitionism and the strengthening of the country's position on the international stage as a leader and example in the domain of prostitution policy, in the same vein as Sweden. As such, future research on the topic will undoubtedly have to provide further insight as to why this year's winning political idea is, in fact, last decade's non-starter.

[1] Spain, the Netherlands, Sweden and Belgium

[2] *Loi n°2003-239 du 18 mars 2003 pour la sécurité intérieure*. This law is part of a larger legislative and political program designed to facilitate the state's responses to what it deemed to be an important and unacceptable increase in insecurity. This wider project is entitled the *Loi d'Orientation et de Programmation pour la Sécurité Intérieure* and was voted on and accepted in 2002.

[3] Jean Danet and Véronique Guienne (eds.) (2006) *Action publique et prostitution* Rennes: Presse Universitaire de Rennes

[4] Legro, Jeffrey W. (2000) "The Transformation of Policy Ideas" in *American Journal of Political Science* 44(3): 419-432

[5] Cox, Robert Henry (2001) "The social construction of an imperative: why welfare reform happened in Denmark and the Netherlands but not in Germany" in *World Politics* 53(3): 463-498

[6] Marie-Jo Zimmermann (2002) *Rapport d'information fait au nom de la délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes sur le projet adopté par le sénat après déclaration d'urgence (n. 381), pour la sécurité intérieure* <http://www.assemblee-nationale.fr/12/rap-info/i0459.asp> [accessed 26/08/2011]

[7] Danielle Bousquet, Christophe Caresche and Martine Lignière-Cassou (2003) "Oui, abolitionnistes!" in *Le Monde* 16th January 2003

[8] Dolowitz, David P. and Marsh, David (2000) "Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making" in *Governance* 13(1): 5-23

[9] Legro, Jeffrey W. (2000) "The Transformation of Policy Ideas" in *American Journal of Political Science* 44(3): 419-432

[10] Lilian Mathieu (2004) "The Debate on Prostitution in France: A Conflict between Abolitionism, Regulationism and Prohibition" in *Journal of Contemporary European Studies* 12(2): 153-163

[11] "[...] l'ambition d'une démocratie avancée ne peut être que d'envisager, à terme, la disparition de la prostitution. [...] il s'agit donc de trouver quelle est la politique qui soit respectueuse des droits reconnus à tout être humain tout en permettant de s'approcher de cet objectif qu'est la disparition de

la prostitution. Or, à la lumière tant de nos principes fondamentaux que de l'expérience suédoise, il apparaît que la responsabilisation des clients est essentielle à cette conciliation." Commission des Lois Constitutionnelles, de la Législation et de l'Administration Générale de la République, en conclusion des travaux d'une mission d'information sur la prostitution en France (13/04/2011) *Rapport d'Information à l'Assemblée Nationale n° 3334*. Page 231

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We want our labour rights being recognised. We are real workers.

We want decriminalisation for all. Criminalising our clients is criminalising us sex workers. It is taking away our livelihood. It is forcing us to work in more remote areas, more dangerous for us, with outreach programs no longer accessible for all. It is reinforcing our exploitation because we will need more third parties to arrange the meeting with the clients.

It is reinforcing the stigma and our status as victims and social misfits.

We don't want pity. We want labour rights!

Stop the abolitionist business and all their lies.

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