

Realism versus Idealism



'Les Demoiselles D'Avignon' by Pablo Picasso

A historical institutionalist explanation of the current prostitution policy of Sweden and the Netherlands

MA-Thesis Unity and Diversity in a Comparative Context
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Abstract

At the end of the 20th century, Sweden decided to criminalise the john, whereas the Netherlands repealed the ban on brothel keeping, thereby legalising prostitution. This research aims to explain why these two very similar countries have implemented such a radically different prostitution policy. The new legislation fulfilled the demands of the Dutch and Swedish women's movement and it may therefore seem as if their impact can account for the different policy outcome. However, several studies suggest that the demands of the women's movements were implemented because they were compatible with the dominant political discourse on prostitution. A comparative historical institutionalist analysis is conducted, focusing in both countries on the historical development of the prostitution sector and prostitution policy from the beginning of the 20th century till the 1990s; the openness of the political system to demands of (new) interest groups and the degree of state interference that characterizes the Dutch and Swedish political culture.

Although Sweden and the Netherlands implemented similar abolitionist legislation in the beginning of the 20th century, their practical approach to prostitution could hardly have been more different. The ongoing toleration of prostitution by the Dutch political elite versus the instalment of several state-commission inquiring how to fight prostitution in Sweden, has channelled the future policies on prostitution, as the path dependence theory suggests. However, the different approaches to prostitution do not seem to result from one particular past event, nor can they be explained by the actual possibility of the two countries in resolving the problem. Moreover, the analysis of the openness of the Dutch and Swedish political system shows that the compatibility of the framing of the women's movement with the dominant framing of the prostitution problem has to a great extent determined the possible impact of the women's movement on the debate.

This indicates that prostitution should be considered as a social regulatory policy, based on political cultural assumptions, which ultimately seem to result from the level of homogeneity within society. The Netherlands has always been a country of many minorities, without a single true religion. Dutch politicians therefore did not have a choice but to pragmatically tolerate social-regulatory issues and reduce the harm to society and the people involved. The cultural and ethnic homogeneous population of Sweden, by contrast, has made it possible for Swedish politicians to create an expansive welfare state, laying out the norms and values of an egalitarian society. The (de)criminalisation of prostitution was fully in line with the realistic liberalism and idealistic paternalism that has come to characterize Dutch and Swedish political culture. Despite their radical and different outlook, both policies were primarily conservative measures that aimed in the Netherlands at restoring public order and in Sweden at restoring the public image.

Introduction

Apart from the Nordic states, one can hardly find two countries in today's world that are as similar as Sweden and the Netherlands. Both countries are long established liberal democracies and strong corporatist states with a well developed public welfare system and a stable open economy. The Swedish and Dutch political system is characterized by its high inclusiveness. The multiparty parliamentary system is, first of all, based on proportional representation. Secondly, Swedish and Dutch political parties have always had strong connections with societal organizations and social movements. Thanks to the consensual style of policy making, the demands of various interest groups are still given major importance. Sweden and the Netherlands are, moreover, known for their openness to feminist requests and their progressive gender policy. Despite these strong similarities, Sweden and the Netherlands have implemented a radically different prostitution policy at the end of the 20th century. Since January 1999 a unique law in Sweden criminalises the purchasers of sexual services. Prostitution was at the same time debated in the Netherlands, but Dutch politicians decided to repeal the ban on brothels, thereby legalising prostitution from October 2000 on (Outshoorn, 2004a). This raises the question: why have Sweden and the Netherlands taken such an extremely different approach to prostitution by the end of the 20th century?

What makes the different outcomes even more interesting is that the new policy was legitimised in both countries by the claim that legislation was in line with 'feminism' (Outshoorn, 2001: 473). There was indeed broad consensus among the Dutch and Swedish women's movement that the proposed policy was the best way to improve the position of prostitutes. This divergence shows the deep divisions within the feminist movement on the definition of and policy on prostitution (Outshoorn, 2005: 146). Feminists of all established Swedish political parties regarded prostitution as patriarchal oppression of women. According to them, prostitution constitutes violence by men against women. In state documents, prostitution is described as a social problem that cannot be accepted: "Equality cannot be achieved as long as men buy, sell and exploit women and children through prostitution" (Stridbeck, 2004: 46). Dutch feminists, on the other hand, tended to see women who have voluntarily chosen to work as a prostitute as sex workers who offer sexual services. Involuntary prostitution, on the other hand, is in the Netherlands regarded as organised crime. Although voluntary prostitution is seen as part of reality that simply has to be accepted, involuntary prostitution is a criminal problem that should be diminished as far as possible (Stridbeck, 2004: 45-46).

The different approach to prostitution of the Swedish and Dutch women's movements is reflected in the aim of the prostitution policy of both countries. Although the law on prostitution is equally applicable to male and female prostitutes, much of the debate and concern in Sweden and the Netherlands was about women. In this thesis I shall therefore, by 'prostitution' and 'prostitutes' mean female prostitutes and prostitution. The Swedish policy can best be described as a gender equality policy, which emphasizes the relationships between women and men. The aim of the policy is to make prostitution disappear. In the Netherlands, by contrast, the prostitution policy is part of a 'normalisation

project'. Voluntary sale of sexual services is viewed as a job and prostitution therefore falls under administrations and working environment rules. Beside that it is a trade different from criminal activities. Only when prostitution becomes an annoyance to others, it becomes a problem of law and order. And when the sale of sex is not voluntary, it becomes a criminal problem (Stridbeck, 2004: 46-47). The Dutch policy has thus never been framed as a gender equality policy.

Because almost all demands of the women's movements were incorporated in the new prostitution policy of Sweden and the Netherlands, it seems at first sight as if the impact of the women's movement has determined the outcome of the prostitution debate. However, several studies suggest that the demands of the Dutch and Swedish women's movements were implemented because they were compatible with the dominant political discourse (Boutellier, 2001; Dodillet, 2005; Gould, 2001 & Outshoorn, 2004). In this thesis I aim to show that the Dutch and Swedish women's movements have developed within a historical, socio-cultural and political context that has influenced their demands and the possibility to incorporate them in the new policy. The main question of this research is therefore: to what extent can the difference between the current prostitution policy of Sweden and the Netherlands be explained by the historical development of the prostitution sector and the prostitution policy from the beginning of the 20th century till the 1990s; the openness of the political system to demands of (new) interest groups; and the degree of state interferences that characterises the Dutch and Swedish political culture?

Scientific and societal relevance

The aim of the research is to put the impact of the women's movement in perspective and to provide a more complete and more balanced picture of the factors that could explain the different outcome of the prostitution debate in Sweden and the Netherlands. The Dutch and Swedish prostitution policies have often been described in in-depth case studies (Boutellier, 1991; Gould, 2001; Svantröm, 2004; Outshoorn, 2004; and Van Doorninck, 2001). Besides, the countries have been taken as extreme examples in several comparative research projects (Dodillet, 2005; Kilvington, Day & Ward, 2001; Outshoorn, 2005 and Schmitt, 2006). However, most studies only describe the difference between the Swedish and Dutch prostitution policy and they tend to focus on the different discourses on prostitution. What is lacking up to date, is a general overview of which factors might explain the difference in prostitution policy of the Netherlands and Sweden. This research project is therefore not only of importance to students of prostitution policy, but also to political scientists who are interested in the impact of party systems on the demands of interest groups. Because of the historical and socio-cultural analysis of prostitution policy, the study is furthermore of interest to those scholars who are interested in the concept of path dependency and to those scientists who wish to further their knowledge about the possible impact and the roots of the general public approach to social-regulatory issues.

Although prostitution has existed for ages, no country has found the ultimate solution to the issue yet. This study is of importance to politicians and policy makers because it provides more insight into two radically different approaches toward prostitution and the underlying assumptions of policymakers. In the

Netherlands, politicians wished to ‘protect’ the position of prostitutes and to gain control over organised crime of pimps and traffickers by decriminalizing prostitution. Prostitution has indeed become more transparent and since 2000 it is easier to impose control on legal brothels. However, a grey market still exists and life has become more difficult for illegal prostitutes. In Sweden, politicians aimed to reduce the demand for paid sex and to improve the position of prostitutes. Visible prostitution on the streets has decreased after the law was implemented and the number of streetwalking prostitutes is now more or less stable. However, violence against women working in prostitution has worsened and it is unclear what has happened to the women who disappeared from the streets (Stridbeck 2004: 52-54). Neither criminalisation nor decriminalisation of prostitution has thus far brought the improvements legislators aimed for and the debate on prostitution still continues in both countries.

Research design

In order to explain the different prostitution policy of Sweden and the Netherlands, a comparative small-N study will be conducted based on a “comparable cases strategy” (Lijphart, 1971: 687), which is also described as a “most similar systems design” (Przeworski and Teune, 1970: 31). The assumption is that the more similar the countries being compared, the more it should be possible to isolate the factors that are responsible for the differences between two countries (Hague & Harrop, 2004: 83). The use of a comparative research design greatly enhances the strength of in depth political analyses, because the comparison of two or more countries helps scholars to distinguish what is particular of every case. Moreover, comparison enables scholars to generalize their findings and to contribute to theory building (e.g. Lijphart, 1971: 691). The outcome of the prostitution debate could not have been more diverse than in Sweden and the Netherlands. For this reason, we could draw some tentative conclusions about the possible role of these features in the outcome of the prostitution debate in other European countries if it turns out that certain factors have had a decisive impact on the development of the Swedish and Dutch prostitution policy.

However, the aim of the research is not to give an all encompassing overview of the exact degree to which different factors have determined the prostitution policy. Because of the complex interconnectedness of variables, I only seek to unravel the network of relationships by a critical comparative analysis and a constant search for other factors that might have played a role as well. Comparative historical analysis has proven to be a particular helpful method to describe political developments in some detail without losing sight of the broader analysis (Skocpol & Somers, 1980). The research will therefore be based on a comparative historical institutionalist literature study of previous prostitution studies and general political theories.

Theoretical framework

Politics has been defined in very different ways. The underlying assumption of this study is that “politics and policymaking are always about a conflict of meaning” (Outshoorn, 2004: 3). According to this perspective on politics, issues will only become part of the political agenda when they are defined in such a

way that they are seen as important and merit government attention. Examining the short term processes that have directly caused a certain policy outcome, does often not suffice to explain why politicians at a particular moment in time decided to implement that particular policy. In order to understand why Sweden and the Netherlands both implemented a new prostitution policy by the end of the 1990s, we should also take into account the historical and cultural context in which the legislation was developed. Historical institutionalism seems to be the most appropriate theoretical approach to structure the following analysis, since it takes time seriously and it analyzes institutions in context.

According to the historical institutional perspective, institutions are various formal and informal procedures, practices, norms and conventions that are part of politics, society and economy. In this thesis, the current Swedish and Dutch prostitution legislation is considered to be an institution, since it lays out the formal procedures according to which prostitution should be handled. The legislation itself has resulted from the interplay of multiple other institutions, such as the norms concerning where the state should aim for, the general public approach to social regulatory issues and informal and formal procedures that structure the policymaking process. All these institutions have played a particular role in the establishment of the criminalisation of prostitution in Sweden and the decriminalisation or normalisation of prostitution in the Netherlands.

The central focus of historical institutionalist analyses is on how institutions structure actions and outcomes. Ideas are conceived to be crucial to change in the rather static institutionalist environment. However, the structures in which these ideas develop are believed to precede the ideas. This is one of the major differences between historical institutionalism and discursive institutionalism. The latter approach stresses the transformative capacity of ideas in shaping institutions. Discursive institutionalism has recently been developed in a reaction on the tendency of the 1980s institutionalist approaches to be overly deterministic and to the difficulties it had explaining institutional change and explaining the impact of individual actors (Freidenvall, 2008: 6). The following historical analysis of the development of Dutch and Swedish approaches to and policies on prostitution indeed shows that the divergent feminist ideas about prostitution have contributed to the different outcomes of the Dutch and Swedish prostitution debate.

However, this research assumes that the acceptability of different perspectives on prostitution has resulted from certain aspects of the political system and the political culture of Sweden and the Netherlands. Ideas concerning a public issue are not developed within a vacuum, but they are rooted in previous policy choices. The approach to these issues originates, in turn, from the way in which the political system structures the policymaking process and the way in which the political cultural structures the aim of governments. Ultimately, all these factors seem to result from the level of homogeneity within the Dutch and Swedish society. Since the structure of society has thus preceded the discourses on prostitution, historical institutionalism, combined with an analysis of the political system and the political culture of Sweden and the Netherlands, seems best equipped to explain why these two similar countries have implemented such different prostitution policies in the 1990s.

A crucial concept in the historical analysis of institutions is 'path dependence', which essentially encompasses the idea that future events are influenced by past events. Since this definition is very broad,

many scholars have come to characterize their arguments as path-dependent (Mahoney, 2000: 510). James Mahoney therefore suggests to define only these developments as path-dependent in which a contingent event or decision has set into motion a sequence of events leading to a particular outcome, that cannot be explained by the initial conditions. After the critical event has taken place or the crucial decision had been made, institutions are established with so-called 'self-reproducing properties' that channel the later decisions of actors. According to the path dependence perspective, choices of key actors made during critical moments in time thus produce more deterministic processes that steer the courses of political development (Mahoney, 2000: 500 and Mahoney, 2001: 111-113). The deterministic tendencies that are inherent in the path dependence perspective have often been criticized. Yet, the impact of certain critical choices generally tends to be underestimated, rather than overestimated (Erk, 2005: 553). To stress these points in history which have very likely channelled the following course of political development, merely seems to balance established accounts of policy outcomes.

A major strength of Mahoney's precise operationalisation of the path dependence concept is that scholars can define whether a political development finds its roots in a crucial moment in the past or whether it has developed in a predictable way, originating from previous conditions. However, such a strict definition also has its drawbacks, since the concept can no longer be used in analyses in which it could actually have reasonable explanatory strength. It is, for example, very hard to find a contingent moment in the history of Swedish and Dutch prostitution policy that does not seem to have any relation with prior events or conditions. The historical development of the approaches to and policies on prostitution in Sweden and the Netherlands does, nevertheless, fit very well within Paul Pierson's and Theda Skocpol's broader description of path dependence. Relatively modest changes in the beginning of the 20th century, the early stage of the abolitionist legislation, seem to have been of great importance to the future development prostitution policy. Once Swedish and Dutch politicians had taken a certain path, it turned out to be very difficult to reverse the course. Political alternatives that were before quite possible, such as regulation of prostitution in Sweden, may have become lost forever (Pierson and Skocpol, 2002: 700). The crucial moments in the history of prostitution policy may not have been as important as the critical events James Mahoney refers to. Yet, the 'formative moments' events and developments that I refer to have been of crucial importance, in the sense that during these particular developments the dominant view on prostitution has been altered.

Thesis structure

The path dependence perspective of historical institutionalism will be used in chapter 1, *Historical Context of Prostitution Policy*, as a guide for the interpretation of the historical development of the Dutch and Swedish prostitution policy since the beginning of the 20th century. Central questions are: in which time periods have crucial policy choices or ideas concerning prostitution been developed and to which degree have they channelled the Swedish and Dutch prostitution debate of the 1990s? And have decisions in the early stage of abolitionist prostitution policy had relatively more impact on the final policy outcome of the 1990s than events that happened in a later stage, as the theory of path dependence suggests? The answers

to these questions will indicate to what extent the current legislation results from previous approaches to and policies on prostitution. However, pointing out that a similar difference between the Dutch and Swedish occurred before, does not necessarily explain why Sweden and the Netherlands implemented such different prostitution policies.

First of all, one could argue that it was not so much the significance of the initial decision, but the structure of the political system that has determined the outcome of the prostitution debate in Sweden and the Netherlands. An open policy process in which interest groups can easily provide alternatives could open up the channeling of options, whereas a closed policy process strengthens the tendency to proceed with the chosen policy approach. The second chapter, *Openness of Political System*, will explore which approaches toward prostitution were considered during the parliamentary debates leading to the criminalisation of prostitution in Sweden and the decriminalisation of prostitution in the Netherlands. The analysis will be based on the studies published by Joyce Outshoorn and Yvonne Svanström about the impact of the women's movement on the Dutch and Swedish parliamentary prostitution debates that were published as part of the Research Network on Gender and the State project (RNGS) (Outshoorn, 2004a). By linking the relative openness of the political system with the main findings about the impact of the women's movement on the parliamentary prostitution debates, I aim to explain to what extent different institutional settings have had an impact on the outcome of the Dutch and Swedish prostitution debates of the 1990s.

Secondly, it could be argued that the current prostitution policies of Sweden and the Netherlands are very much in line with the initial approaches to prostitution, because they both originate from a general public approach to gender equality issues and social regulatory problems that tends to change slowly (Haider-Merkel, 1998: 70). According to this line of thought, certain aspects of the political culture, rather than path dependence, have been decisive for the different prostitution policy trajectories of Sweden and the Netherlands. In this study "political culture" refers to the attitudes of citizens and politicians toward politics and toward the role of different actors within the political system (Almond et al., 2004: 45). In order to assess the possible impact of political culture on the outcome of the Dutch and Swedish prostitution debate, chapter 3, *Political Cultural Context*, will analyse to what extent the current Dutch and Swedish prostitution policy fits within the general public approach to gender equality issues and social-regulatory problems.

Although saying that political culture has had a decisive impact on the outcome of the prostitution debate is in itself quite meaningless, indicating which aspects of the political culture of Sweden and the Netherlands have been crucial determinants of the current policies could be very important (Verba, 1965: 515). The political cultural aspects that may have been of particular importance to the outcome of the prostitution debate are the general idea of Dutch and Swedish politicians about the role of the state and the rough distinction they make between collective and individual choices. If the public approach to these two issues turns out to be very different within Sweden and the Netherlands, I will try to indicate the origins of these political convictions. The aim of the third chapter is to analyse to what extent certain aspect of the political culture can account for the different approaches Sweden and the

Netherlands adopted to prostitution in the 1990s. The research will be concluded by an assessment of the degree to which different aspects of the historical, political and socio-cultural context of the prostitution debate can explain the radical difference between the current prostitution policies of Sweden and the Netherlands.

1. Historical Context of Prostitution Policy

The current prostitution policies of Sweden and the Netherlands have not been developed in a vacuum, but they result from a centuries-old debate about the best way to deal with prostitution. Surprisingly enough, Sweden and the Netherlands implemented very similar abolitionist prostitution policies in the beginning of the 20th century. This raises the question to what extent the current prostitution legislation of Sweden and the Netherlands can be explained by the development of the prostitution sector and previous prostitution policies. In order to answer this question, three subquestions will be addressed. One, in which time periods have crucial policy choices or ideas concerning prostitution been developed? Second, did the changes in the prostitution policy result from changes in the prostitution sector itself or were they rather adjustments to the changing view on prostitution? Third, have decisions in the early stage of abolitionist prostitution policy had relatively more impact on the final policy outcome of the 1990s than events that happened in a later stage, as the theory of path dependence suggests?

In order to trace the point in history where the countries started to diverge their policy toward prostitution, the first section will outline the origins of the abolitionist policy and describe how the law has been worked out in practice. Secondly, the impact of the expanding sex industry in the 1970s on the Dutch and Swedish prostitution debate will be discussed. After that, I will explore the influence of the intervening women's movement in the early 1980s. In the final section it will be concluded to what extent the historical development of the prostitution sector and prostitution policy can explain the decision of the Netherlands and Sweden to (de)criminalise prostitution.

§ 1.1 Similar legislation, different practice

In the relatively liberal first half of the nineteenth century there was a tendency to see prostitution as a 'normal' consequence of male sexuality. Since the biological sex urge of men should not be suppressed, they needed opportunities to have sex outside marriage (Boutellier, 1991: 202). In order to control the spreading of venereal disease and the effect of 'loose women's' sexuality' (Svanström, 2005: 248), a system was introduced all over Europe that became known as 'the regulation of prostitution' (De Vries, 1997: 279). In the Netherlands and Sweden, there was no national law regarding prostitution. The registration of prostitutes by the police was backed by local city councils. The medical examination of prostitutes for venereal diseases was justified by the expert opinion of medical men who supported the system in the interests of 'national health'. The state regulation of prostitutes mirrored, according to women's studies scholar Petra de Vries, the idea of male control in the family: "just as the father exercised control over women and children in the family, the state exercised control over the public woman" (De Vries, 1997: 281).

In the last decades of the nineteenth century, the regulation of prostitution became an object of political debate. Groups of Protestants, feminists and some socialists formed an alliance against what they regarded as 'the state regulation of vice' (De Vries, 1997: 280). According to the abolitionist movement,

regulation was not effective because most city councils ignored the urge from the central government to control prostitution. Besides, hygiene was seen as an individual matter, rather than an affair of the state. Moreover, regimentation legitimized fornication and was therefore believed to undermine family life. As the anti-prostitution movement grew stronger, medical specialists joined in, stating that sexual abstinence was not harmful to the male body. Prostitution consequently was no longer seen as a necessary social evil, but rather as a perversion. The state consequently 'lost its moral legitimisation to regulate prostitution by registration and medical control' (Boutellier, 1991: 203).

The feminist movement emphasized that the women who prostituted themselves were not to blame for their activities. Instead, 'the men who organized their work and the men that visited them should be held responsible' (Boutellier, 1991: 203). In the beginning of the 20th century this argument led to the view in the Netherlands that prostitution policy should be directed away from prostitutes. Instead, it should focus against brothel keepers and pimps. Because of the compatibility of the puritan Protestant view regarding (male) sexuality and the political opposition against male dominance, groups of Christians and feminists could unite in their demand for the abolishment of regulated prostitution. As a result, the new national Public Morality Act of 1911 outlawed brothels and prohibited pimping, yet it did not forbid prostituting oneself as such (Boutellier, 1991: 203). In Sweden, prostitution policy became part of national policy in 1918 and municipal prostitution was deregulated in order to end the old system, which according to critics was inhumane and corrupt. Women working in prostitution were no longer subject to medical control, since both men and women became legally responsible for the spreading of sexually transmitted diseases. Instead, prostitutes were monitored through the vagrancy law, which dated back to 1885. The aim of this law was to create order in society and it explicitly stated that all women working in prostitution, whether they had means of subsistence or not, had to be treated as vagrants. This meant that they could be sent to a workhouse or confined to coerced care (Svanström, 2006: 142-145).

Since prostitution was not regulated, it is difficult to estimate the number of women working in the Swedish and Dutch prostitution sector. By the beginning of the 1990s the Dutch prostitution sector was ten times bigger than its Swedish counterpart. Thanks to its central position within Europe, its big ports and relatively tolerant approach to prostitution, the Netherlands already had a flourishing prostitution sector in the beginning of the seventeenth century. Sweden has never had such an open economy and it seems therefore plausible that the number of Swedish prostitutes has always been relatively small. One could argue that because of the small size of the problem, Swedish politicians were in the position to aim for the total abolishment of prostitution, whereas their Dutch counterparts had no choice but to accept the problem and reduce the harm posed by the prostitution sector. However, the actual size of the prostitution sector does not seem to have had much influence on the approach to the prostitution issue. The current difference between Sweden and the Netherlands rather seems to be rooted in the different discourses on prostitution that developed within both countries. The following analysis indicates that the years following the implementation of the abolitionist prostitution policy have channelled the future approach to prostitution of Sweden and the Netherlands.

Although the Netherlands and Sweden implemented similar abolitionist legislation in the

beginning of the 20th century, their practical approach to prostitution could hardly have been more different. As a matter of fact, abolitionism was never effective and illicit brothels continued to exist in both countries. In the Netherlands prostitution was tolerated in practice and the deregulation policy unofficially relapsed to regulation soon after the law was implemented. Local authorities limited prostitution to well-defined areas, which was in line with the pragmatic approach of Dutch authorities. If political parties could not reach a consensus about morally controversial issues, these issues were in general settled by tolerance of the matter, as Joyce Outshoorn explains (Outshoorn, 2004a: 185). The Swedish state, by contrast, did not resign in the continuing existence of prostitution and between 1923 and 1964 six official state commissions on vagrancy were appointed in order to solve the problem. None of the inquiry commissions has had any real impact, according to historian Yvonne Svanström, but their reports show that the characterization of prostitutes and the policy proposals have changed dramatically over time in Sweden. Depending on the latest expert view on prostitution, prostitutes had to be corrected, punished, placed in a workhouse, sterilized or cared for in a psychiatric hospital (Svanström, 2006).

An important change in the conceptualization of prostitution took place in Sweden in 1950, when the demand side of prostitution was noticed in Parliament for the first time as the primary mover behind prostitution. A Liberal woman Member of Parliament stated that the proposed bill did not address the actual causes for the existence of prostitution and continued to argue that “as long a society refrains from trying to reach the customers through information, it is highly probable that any action against the women will be useless” (cited in Svanström, 2006: 155). This feminist argument had been made against the state before in the beginning of the 20th century, but it was now revoiced within the state apparatus. However, the feminist statement did not fit within the dominant approach to prostitution and the last commission report on the vagrancy law again questioned only the behaviour of prostitutes (Svanström, 2006: 156).

In contrast to the continuing debate by Swedish state commissions about prostitution, a moral silence developed around the prostitution issue in the Netherlands (Boutellier, 1991: 204). Prostitution was not debated in the Dutch Parliament until the 1950s, when prostitution became an issue of social concern. Prostitution was still regarded as a perversity, but helping the women and their clients was thought to be more effective than prosecuting them. The aim of prostitution policy was considered to be the rehabilitation of prostitutes and the reinforcement of male moral standards. The police was therefore advised to be cautious in its enforcement of the law (Boutellier, 1991: 204). Although the persistence of brothels could undermine public respect for the law in general, prostitution should nonetheless best be controlled by public education and mental care, as was argued by a governmental commission in 1962 (Boutellier, 1991: 205). The absence of a moral perspective on prostitution continued to characterize the Dutch political prostitution debate and it would ultimately lead to the legalization of prostitution in the 1990s.

§ 1.2 Expanding sex industry

The importance of the initial decision to tolerate or to fight prostitution became apparent in the 1970s, when the sex sector underwent a worldwide transformation. In the Netherlands, the so called ‘sexual

revolution' of the 1960s had led to 'far reaching sexual liberty and openness' and new sexual demands (Outshoorn, 2004b: 168). At the same time, the supply side of prostitution had changed dramatically. Since the introduction of social welfare, Dutch women did no longer have to turn to prostitution when they had financial troubles. The shortage of Dutch women that arose was filled with foreign prostitutes. Although it became clear in the beginning of the 1980s that some of these women were victims of trafficking by professional crime networks, repealing the articles on prostitution was explicitly rejected as a solution to this problem. The rejection was based on the recommendations by a governmental Commission which in 1977 recommended to leave the brothel ban as it was. The law was regarded as a weapon which local authorities could use to fight the brothel keepers that violated the 'informal standards' (Outshoorn, 2004b: 170). In order not to intrude in the private sphere, the commission recommended to proceed only against 'extreme forms of exploitation' and in those cases where neighbours were obviously disturbed by the prostitution sector (Boutellier, 1991: 205).

The annoyance of neighbourhoods about the rapidly expanding and increasingly aggressive and exhibitionistic sex industry was indeed the reason why prostitution returned to the Dutch political agenda in the 1970s. Municipalities were no longer able to control prostitution and some cities attempted to regulate brothels. However, those proposals were struck down by the courts, because they were in contradiction to the brothel article of the Penal Code (Outshoorn, 2004a: 186). In order to overcome this dilemma and regulate the industry, the Association of Dutch Municipalities (Vereniging van Nederlandse Gemeenten, VNG) started to lobby for repeal of the brothel ban. The demand was supported by the Mr De Graaf Foundation, the interest group that wished to legalise all prostitution.

The pragmatic Dutch approach to the growing prostitution problem stands in strong contrast to the reaction of Swedish scholars to the expanding sex industry. The sexual liberation of the 1960s had weakened the position of monogamy and marriage in Swedish society. When sexuality was subsequently commercialized in the 1970s, several Swedish scientists used this development as an explanation for the existence of prostitution. Prostitution was believed to be about the right to buy other people and it was connected to the weak position of women in society. The gender role perspective dominated the Swedish academic debate on prostitution and by the late 1980s it would become the model for Scandinavian research in this area (Svanström, 2007: 69-70). In sum: prostitution was again defined as a social problem that should be fought in Sweden and in the Netherlands as a social problem that should be regulated.

§ 1.3 Women's movement intervenes

In the 1980s, the approach to prostitution was adjusted in both countries as a result of the intervening women's movement. In order to assess the different reactions of the Dutch and Swedish women's movement to the policy proposals concerning prostitution, it is important to understand the development of the feminist discourse on prostitution. In the first feminist wave, at the beginning of the twentieth century, prostitution was straightforwardly defined as sexual exploitation of women by men (Boutellier, 1991: 206; Outshoorn, 2005: 145). Over time, however, the prostitution issue became a more complicated problem for feminists. Female sexuality obtained an independent position and in this definition, the

experience of prostitutes had to be incorporated. On the one hand, prostitution could be seen as an institution which served men and which was managed and financed by men. On the other hand, there seemed to be a lot of women who did not have any difficulties working within this institution (Boutellier, 1991: 206).

As a result of this dilemma, two different perspectives on prostitution were developed by the feminist movement in the 1970s. The different demands concerning prostitution of the Swedish and Dutch women's movement can be seen as two extremes of the worldwide range of feminist views on prostitution. Radical feminists base their analysis of prostitution on the patriarchal power structure of society. Prostitution is seen as the most extreme form of male dominance and it is by definition sexual violence. Prostitutes are victims of male sexuality and the male demand for prostitution should therefore be the main concern of political policy (Boutellier, 1991: 206; Outshoorn, 2005: 145). Feminists subscribing to the sex work approach to prostitution start their analysis from the experience of the women involved. Prostitution is seen as a legitimate form of labour which women can freely choose for. Prostitution itself is not a problem, but the stigmatization of the whore and the context in which prostitution takes place is problematic. The law should therefore set proper labour conditions and decrease the negative attitude toward prostitutes. Once these conditions are fulfilled, a special policy concerning prostitution is no longer needed, according to proponents of this view (Boutellier, 1991: 207; Outshoorn, 2005: 145).

The gender role perspective that dominated Swedish research on prostitution was not directly implemented in Swedish politics and in 1976 a state commission evaluating the law on sex crimes concluded that the charges and penalties for rape should be lowered. Furthermore, it was suggested that the judge should take into account the behaviour of the woman and the way she had dressed prior to the rape, when he had to decide on the severity of the crime (Svanström, 2007: 70). These arguments touched on a sore spot of the Swedish women's movement. Thirteen different women's organizations with different political ideologies protested against the report and as a result, a new state commission was appointed. In addition, a state commission investigating prostitution was set up in 1977 in which researchers participated as experts (Svanström, 2005: 248).

However, the scholars turned out to disagree with the view on prostitution of the politically appointed female commissioner and they all published their own statements before the official commission report was released. According to the only expert who had not left the commission, the conflict within the commission had arisen from political differences. The official commissioner namely held 'classical liberal views on humans' according to which the women working in prostitution did so "as a result of exercising their free will" – whereas "the other experts viewed prostitution as an exploitation of women" (Svanström, 2007: 69). According to the commissioner, prostitution was not a 'woman question', nor an issue of gender equality, but a question of human dignity (Svanström, 2004: 227). The liberal idea that women could freely choose to work as a prostitute was unacceptable to the scientific and political Swedish elite and the official commission report was dismissed.

The publications of the initial state commission investigating the prostitution problem were followed in 1995 by *Sex Trade*, a report of the second state commission on prostitution. All three studies were written from a feminist perspective and they all concluded that “prostitution reduces women to sex objects, which in turn opposes the pursuit of an equal society” (Dodillet, 2005: 7). The policy proposals were nevertheless very different. The first inquiry, on the one hand, recommended not criminalizing any of the parties, because both were seen as victims of the commercialized patriarchal society. The second commission, on the other hand, based its work on a gender equality framework and proposed to criminalise both the prostitute and the client. Not only were both parties needed for prostitution to take place, but real gender equality could also only be achieved if both sexes would be punished (Dodillet, 2005: 7 & Svanström, 2007: 79).

Both proposals were criticised by the women’s movement which demanded to criminalise the buyers only. Autonomous women’s organisations and the women’s organisations of political parties argued that the power relation characterizing prostitution should be made clear. In addition, they stressed the powerlessness of the sellers and underlined that the criminalisation of prostitutes was a double punishment which was inhuman and obsolete. The protests of the women’s movement had a great impact on the Swedish prostitution debate and more and more parliamentarians appeared as “advocates in the prostitutes’ name” (Dodillet, 2005: 8). Swedish feminist members of parliament believed to speak on behalf of the women working in prostitution, but the prostitutes themselves never got the opportunity to play a role in the parliamentary debate. Their absence can be explained by the dominant view of prostitutes as vulnerable victims, which does not leave much room for active involvement (Dodillet, 2005: 9).

The Dutch women’s movement considered prostitution in first instance as a form of sexual violence as well, but during a governmental conference on sexual violence in 1982 prostitution was for the first time also described as sex work, a way of making a living women could voluntary opt for. Dutch feminists were at first hesitant to the legalization of prostitution, but after they had talked to prostitutes themselves lifting the ban on brothels was by many feminists regarded as a first step in the improvement of the working conditions for prostitutes and the strengthening of their position. With this idealistic motive in mind, the women’s movement soon joined the demand of the Association of Dutch Municipalities for repeal of the brothel ban. In addition, feminists demanded higher penalties for traffickers and trafficked women should, moreover, receive temporary residency permits “in order to enable them to testify during the prosecution against their exploiters” (Outshoorn, 2004a: 186). One can conclude that the Dutch women’s movement has not only given a voice to the women working as prostitutes, but they have also added a normative angle to the prostitution debate. As a result of the feminist lobby, prostitution policy was no longer only about toleration and regulation of the sex sector, but also about the position of prostitutes themselves.

By the end of the 1990s, there was still broad agreement among the feminists of all established political parties in the Swedish parliament that prostitution had to be regarded as ‘patriarchal oppression of women’. Prostitution as sex work did become a loud argument in the debate, but it was mainly used by

debaters and feminists outside parliament, as Yvonne Svanström points out (Svanström, 2004: 225). Inside parliament, prostitution was since the mid 1990s no longer solely debated in terms of what it would represent and whether it was desirable for society or not. Instead, the issue was more and more debated in terms of how it should be approached legally. The crucial question in the Swedish parliamentary prostitution debate became “whether neither, both or only one of the parties involved should be criminalised” (Svanström, 2007: 78). The crucial question in the Netherlands was, by contrast, whether or not to repeal the ban on brothels. Central elements in the parliamentary prostitution debate of the late 1990s were the framing of prostitution as sex work, as was proposed by the Dutch women’s movement and the distinction between forced and voluntary prostitution (Outshoorn, 2004a).

§ 1.4 Impact of previous policy

The foregoing historical analysis aimed to indicate to what extent the current prostitution legislation of Sweden and the Netherlands could be explained by the development of the prostitution sector and prostitution policies since the beginning of the 20th century. The main finding is that not the actual size of the prostitution sector, but the different approaches to prostitution seem to explain why the Dutch and Swedish government have decided to interfere. In fact, the size of the prostitution problem as conceived by Dutch and Swedish politicians did not match the actual size of the sex sector in their respective countries. The sex sector has always been relatively small in Sweden, but prostitution was nevertheless conceived of as unacceptable since the beginning of the 20th century. Taking into account the important role of investigation commissions in the Swedish party system, we may conclude that the development of the Swedish prostitution policy can to a large degree be ascribed to the changing view of experts on the issue. Even though research had estimated that prostitution had actually decreased in the 1970s, this did not stop the fight for the criminalisation of punters. Since Swedish politicians approached prostitution as a moral issue, the incentive to intervene would probably have been even stronger when the prostitution sector had been bigger.

The Dutch prostitution sector has, by contrast, always been relatively big. Because of the central position of the Netherlands within Europe, its big harbours and its open economy, it would be quite hard for Dutch authorities to decrease the demand for prostitution. However, even when the prostitution sector was relatively small in the first half of the 20th century, Dutch politicians opted to tolerate brothels in practice. Although the Dutch legalisation of prostitution, at first glance, seems to form a radical break from the abolitionist legislature that Sweden and the Netherlands both implemented at the beginning of the 20th century, the repeal of the brothel ban can best be seen as a codification of a long used practice. The prostitution issue only reached the political agenda in the 1970s because regulation had become impossible, due to the expanding and increasingly aggressive sex industry. Municipalities had attempted to create official prostitution areas, but this solution was prohibited by the courts as it was in contradiction to the Penal Code. In order to end the practical dilemma, the Vereniging Nederlandse Gemeenten started to lobby for the repeal of the brothel ban.

The moral silence surrounding prostitution in the Netherlands was interrupted by the intervention of the women's movement in the early 1980s. As a result of the feminist lobby, prostitution policy was no longer only about toleration and regulation of the sex sector, but also about the position of prostitutes. The distinction made by Dutch feminists between forced and voluntary prostitution turned out to be compatible with the management approach to prostitution of secular parties, which adopted the distinction together with the sex work frame. Eventually, it is this pragmatic liberal discourse that would lead to the decriminalisation of prostitution in the Netherlands.

Swedish politicians, by contrast, could not resign to the continuing existence of prostitution and six state commissions were appointed since 1923, all aiming at explaining why prostitution existed and how it could best be fought. Characteristic of the proposed measures was the focus on prostitutes. The expert view on the women working in prostitution changed considerably over the years, but the main line continued to be that she had to be rehabilitated. The approach to the prostitution problem changed in the 1970s, when Swedish researchers started to define the sale of sexual services as the ultimate form of exploitation of women by men. The Swedish women's movement adopted the radical feminist perspective in which all women working in prostitution were per definition victims of the patriarchal society in the late 1970s. The current Swedish prostitution policy still aims to help prostitutes, but thanks to the lobby of the women's movement, the current legislation punishes the buyers of sexual services rather than the women selling these services. The compatibility of the demands of feminist politicians with the existing focus on equality in Swedish society would eventually lead to the criminalisation of purchasers of sexual services in Sweden.

The historical analysis has shown that the current prostitution policies of Sweden and the Netherlands are to a great extent in line with the initial approaches to the prostitution issue. Besides, the decisions of Swedish politicians to fight prostitution made in the early 1920s has had indeed relatively more impact on the final policy outcome of the 1990s than events happening at a later stage, as the theory of path dependence suggests. In the Netherlands, the toleration of prostitution even goes back to the seventeenth century. However, pointing out that a similar difference between the Dutch and Swedish prostitution policy already occurred eighty years ago, does not necessarily explain why Sweden and the Netherlands implemented such different prostitution policies. One could argue that it was not so much the significance of the initial decision, but the structure of the policymaking systems that has determined the outcome of the prostitution debate in Sweden and the Netherlands. In order to assess this argument, the following chapter will focus on the openness of the political system in which the prostitution policies have been developed.

2. Openness Political System

Since the second feminist wave of the 1970s, two major approaches have been developed toward prostitution. The preceding historical analysis shows that the idea of prostitution as sexual-exploitation continued to dominate the Swedish debate on prostitution, while Dutch feminists adopted the sex-work frame. Yet, it is thus far unclear to what extent the women's movement and other interest groups have been able to propose their framings of the prostitution issue during the parliamentary debates of the 1990s. The underlying assumption of this study is that "politics and policymaking are always about a conflict of meaning" (Outshoorn, 2004a: 3). According to this perspective on politics, issues will only become part of the political agenda when they are defined in such a way that they are seen as important and merit government attention. An open policy process in which interest groups can easily provide alternatives could open up the channeling of options, whereas a closed policy process strengthens the tendency to proceed with the chosen policy approach. A different framing of the issue could, in turn, have led to a different outcome of the debate.

The openness of the political system to new perspectives is especially important in the case of prostitution because the chosen policy does not so much result from 'objective' financial and environmental constraints, but rather from cultural assumptions (Elkins and Simeon, 2000: 36-37). Similar to drug policy, alcohol policy and abortion policy, prostitution policy can be defined as a social regulatory policy because it "regulates a social relationship rather than an economic transaction," as Raymond Tatalovich and Byron Daynes phrase it (cited in Haider-Merkel, 1998: 70). Social regulatory policies tend to result from a normative political debate about the morality of individual actions and the consequences that these actions might have to society. The legislation therefore often aims to change individual behaviour and to redistribute values in society. Prostitution policy could be expected to regulate a harm done to society, to put a normative value on that harm and to punish offenders (Haider-Merkel, 1998: 71). Since social regulatory policies focus on the distribution of values, the problem to be regulated need not be severe. It may even arise solely out of the political demands of interest groups. As a result, social regulatory policies tend to be highly salient when they are discussed in Parliament and interest groups often have significant impact during the policy process (Haider-Merkel, 1998: 72).

A special kind of interest group within the prostitution debate is the women's movement. By establishing that the a certain issue concerns women, women's interest groups expect that they will be included in the policymaking process and that the movement will ultimately obtain policy results that correspond to their demands (Outshoorn, 2004a: 269). An extensive discussion of the impact of the women's movement on the debates can be found in *The Politics of Prostitution* (Outshoorn, 2004a), which has formed the basis of the following analysis. Although the theoretical and analytical framework of this Research on Gender Politics and the State (RNGS)-project focused on the impact of the women's movement on the political debate, it could also form a fruitful foundation for the analysis of the role of other state and non-state actors within the parliamentary prostitution debate. In the first section, it will be

evaluated in which way formal institutional arrangements and the position ascribed to state-commissions, parliamentarians and interest groups within the political system have influenced the openness of the Dutch and Swedish policymaking system to new demands. Secondly, I will describe to what extent different approaches to prostitution were considered during the three main parliamentary debates since the early 1980s. In the third section, the openness of the policy process to the demands of the women's movement will be analyzed. Finally, I aim to explain to what extent the openness of the political system to demands of (new) interest groups has had an impact on the outcome of the Dutch and Swedish prostitution debates of the 1990s.

§ 2.1 Characterization of political system: plurality versus unity

Cooperation and consensus between the state and interest groups form an essential part of the Dutch and Swedish policymaking process. However, the way in which various perspectives and demands are accommodated within the political system and within the policy process differs considerably between Sweden and the Netherlands. Research on policy-making models has shown that the extent of left or social democratic control over government over the past fifty years contributes to the development of corporatist policy-making regime. Sweden has the highest share of Social Democratic and Left share of cabinet seats between 1950 and 1994 (76.3%) and the country belongs to one of the three countries that are clearly more corporatist than all other European democracies. However, the exception to the rule is the Netherlands. The share of Social Democratic and Left cabinet seats between 1950 and 1994 is one of the lowest in Europe (18.6%), while the country is at the same time ranked at the highest end of the moderately corporatists countries (Gallagher, Laver & Mair, 2006: 442-444). A high level of corporatism usually indicates tight cooperation between the state and established interest groups. The incorporation of various demands legitimizes government proposals on the one hand, but it might on the other hand give politicians and policy makers the opportunity to neglect new demands coming from interest groups outside the establishment. For this reason, one could argue that the Dutch policymaking system has probably been more open to demands of new interest groups concerning prostitution than the Swedish policy process.

The openness of the Dutch political system seems to be increased further by the high level of plurality within the party system. The Netherlands is a country of minorities and as a result of the proportional representation electoral system combined with a low threshold, no political party has to this day achieved a majority in parliament by itself. Coalition government is therefore inevitable. Besides, the Dutch party system is divided along a social-economic line which clashes with a religious-ethical cleavage. The Christian Democratic Party (CDA) has been part of the government coalition with either the liberals or the Social Democrats for more than eighty continuous years till 1994. Due to its central position, the party could veto every issue that would touch on the religious-secular divide, such as prostitution (Outshoorn, 2004a: 186-187). However, the Christian Democrats have never had such power as the Swedish Social Democratic Party. Not only did the party always have to negotiate with members of the other coalition party, it also needed to be aware of the wishes of the First Chamber, a House of Review.

This House can only approve or disapprove of a proposed Bill, but by threatening to vote it down, the First Chamber can push the Second Chamber to change or moderate a law. Since members of the First Chamber are generally older politicians chosen by their colleagues from a lower governmental level, voting in the House of Review tends to be more conservative than the voting outcome of the Second Chamber. While proposing and debating a new law in Parliament, Second Chamber members thus need to take into account the opinion of political parties in the First Chamber as well.

The Swedish political system, by contrast, is unicameral and the demands posed in Parliament are therefore not moderated by a House of Review. Besides, Swedish society has always been culturally and ethnically homogeneous. As a consequence, the left-right cleavage, which represents the opposition between labour and capital, has been the only main dividing line within the party system. The four parties making up the large majority of Swedish parliament have until the 1990s all represented one of the major social-economic blocs (Heclo & Madsen, 1987: 17). By contrast to the dominance of the Christian Democrats in the Netherlands, the Christian party has until 1991 played a marginal role in Sweden (Gallagher, Laver & Mair, 2006: 193). Moreover, Swedish political parties can achieve a majority by themselves, because of the multi-seat district electoral system, based on two tiers, that discriminates against small parties with its 4% threshold (Gallagher, Laver & Mair, 2006: 350). Since the 1930s, the Swedish Social Democratic Party has ruled almost uninterrupted on its own, or together with a small socialist coalition party. Only four general elections (1976, 1979, 1991 and 2006) have up to date given the centre-right, non-socialist bloc enough seats in Parliament to form a government (Gallagher, Laver & Mair, 2006).

The political scientists Hugh Heclo and Henrik Madsen point out that the position of the Social Democratic Party was strengthened by the strong labour movement that united solidly behind the Socialist policy agenda (Heclo & Madsen, 1987: 319). However, it would be inadequate to attribute the ever-wider powers of the Swedish state and its central role in the organization of social security systems and social life solely to the Social Democratic Party. As Emil Uddhammar states:

“... public expansion during the 20th century (has) taken place without any consistent opposition, on grounds of principle, by any party (...) On several occasions (...) the non-socialists have wanted to go a good deal further than the Social Democrats in public commitment and regulation. The expansion of public power has taken place without any significant controversies.” (cited in Rojas, 2005: 17-18)

The strong corporatist policymaking model, together with the general acceptance in parliament of the demands of the dominant Social Democratic Party, suggests that for decades almost every policy that the Social Democrats wished to implement, which was possible within the boundaries of a liberal democratic state with a restricted budget, could become reality.

The hegemony of the Social Democratic Party has, according to Yvonne Svanström, been moderated by the heavy reliance of the Swedish policy process on inquiry commissions (Svanström, 2004: 226). I doubt whether this is true. The aim of the Swedish policy procedure seems to be to establish the ‘objectively’ best legislation with help of independent experts and structured consultation of interest

groups. Issues under investigation are in this way depoliticized and this might indeed restrain the power of the governing party. However, by channelling the debate, inquiry commissions may also strengthen the position of the ruling party. First of all, the government initiates legislative reforms and appoints inquiry commissions to prepare the new laws. Officially, the commission members are not chosen because of their party affiliation, but because of their expertise. The members of these commissions are generally scholars working for a related interest group or independent experts, which suggests that the commission will be as objective as possible. The results of the investigations are published in official reports providing a general justification for any proposed policy reform. The proposal is further legitimized because commissions invite interested parties to contribute their opinion on a proposal. Interest groups may even submit their views uninvited, but it needs to be added that these comments do usually not receive much attention. The formal request for alternative perspectives channels the debate; conflicts are massaged away and actors opposing the original plan are likely to become co-opted as participants in the negotiated proposal (Heclø & Madsen, 1987: 15).

If the minister wants to proceed with the reform, a refined draft of the bill is presented to one of the standing committees within parliament. The committee reviews the proposed policy and it presents, at last, a report to Parliament for a vote (Elman, 1996: 25-26). By the time the Swedish parliament considers the bill, it is relatively easy to obtain a parliamentary majority. Governments namely result from disciplined party majorities and the expert commissions, furthermore, propose such comprehensive and technical proposals that parliamentary opposition to reforms becomes very difficult (Elman, 1996: 27). Members of parliament are not expected to oversee or advance policy proposals through the legislative process and the role of Swedish parliament seems to resemble the role of the Dutch House of Review: it can only affirm or deny policies that have been initiated elsewhere (Heclø & Madsen, 1987: 11). At first glance, the law requiring the immediate public access to all official documents seems to open up the policy process and strengthen the position of interest groups. However, the cabinet rather than commission members bears the official responsibility for the presentation of commission proposals to parliament. Most deliberation between state committees, interest groups and the government can therefore be carried on in “semiprivate conditions – outside the glare of public sunshine laws, but in full view of other insiders participating in the group life of government.” (Heclø & Madsen, 1987: 12-13). The opaque deliberation makes it extremely difficult for new interest groups, coming from outside the usual circle of consulted interest organizations, to forward their demands and alternative visions during the policy process.

The position of established interest groups in the Netherlands is about as strong as the position of traditional interest groups in Sweden. Yet, the Dutch policy process seems more open to demands of new interest groups because of the large role ascribed to Members of Parliament. Government and Parliament are strictly separated and the Cabinet depends upon parliamentary support for its endurance. Although the vast majority of bills is proposed by the Cabinet, Second Chamber Parliamentarians also have the right to propose legislation. Moreover, policy proposals are always discussed within parliament or within parliamentary committees, most of which are permanent. The government sometimes sets up a special Committee of Parliamentary Inquiry, but the main aim of these commissions is not to propose

legislation, but to evaluate a particular policy. The members of committees are officially appointed by the Speaker, but in practice the composition of committees is proportional to the strength of the parties in Parliament (Andeweg & Irwin, 2002: 121-125). Debates are thus not decided within expert commissions like in Sweden, but among politicians. For this reason, it is much more useful for Dutch interest groups to approach parliamentarians than for their Swedish counterparts.

However, the fact that a political party is willing to listen to demands posed by interest groups outside the established policy process, does not imply that those requests will be implemented in future policy. Since the 1960s, the power of government vis à vis parliament has increased in the Netherlands, because Cabinet has gradually politicized and party discipline of governing parties has become more important (Andeweg & Irwin, 2002: 132-133). As a result, the position of opposition parties has weakened and chances have become very small that the requests of new interests groups will become future policy. Nonetheless, even strong governing parties have to take into account the demands of the opposition, because in the Netherlands chances are reasonable that the governing parties of today will belong to the opposition after the next election. The demands of interest groups opposing the governmental view are consequently considered indirectly as well. Since Dutch interest groups can quite easily approach parliamentarians from a large number of ideologically very different political parties, we may conclude that the policy process of the Netherlands seems more open to the outside demands than the policy process of Sweden.

Groups promoting women's interests have often been found outside the traditional institutional patterns of influence, but the activism of the women's movement has forced decision-making organizations to 'mainstream' gender issues, which meant that gender would be built into the heart of public decision-making. In this perspective, women are not seen as an interest group, but rather as an integral part of the policy-making process (Gallagher, Laver & Mair, 2006: 450-454). Feminist demands for equality between men and women are nowadays incorporated in the policy making process of Sweden and the Netherlands, but the level of inclusion of the women's movement differs between the two countries. The absence of a strong autonomous Swedish feminist movement could partly be explained by the importance of consensus that characterizes the Swedish political culture. According to historian Hans Frederik Dahl, citizens who do not conform to the (informal) rules are free to express their views, but they are often disregarded by the media and by political parties (Elman, 1995: 28-29). Hugh Hecló and Henrik Madsen confirm that social compliance is a precondition in the Swedish system for political recognition:

“Any individual not playing by the rules of group interaction is essentially alone and vulnerable, with no place to go. There is simply no alternative mechanism to commission work, no alternative structures of corporate representation, no alternative processes for getting along in public life.” (Hecló & Madsen: 1987: 21-22)

The Swedish state has the highest proportion of women in the world, but in order to be accepted, feminists have to adjust to the dominant political culture and avoid conflict. As a consequence, they cannot propose policies that differ radically from existing policies (Elman, 1996: 31). Besides, party

discipline tends to be so strong in Sweden that the party elite can determine which policy to promote and which to ignore (Eduards, 1992: 97). Various radical feminist demands have, nonetheless, become mainstream in Swedish parliament. This may explain why Sweden has often been described as a 'feminist state without feminists' (Svanström, 2004: 225). A smaller proportion of Dutch government consists of women, but the women's movement has nonetheless lobbied successfully for its demands. Prostitutes and autonomous feminists joined forces in the Netherlands and they had the opportunity to forward their interests via different political parties. The Dutch women's movement was, at the same time, a strong force within the policymaking process itself and Joyce Outshoorn therefore defines the prostitution debate as a 'very successful Dutch case of state feminism' (Outshoorn 2004a: 203).

§ 2.2 Parliamentary debate

The first official investigation into prostitution started in Sweden in 1981 with the already mentioned unfortunate one-woman commission and ended in 1983 with a law against public pornographic shows. The Minister of Social Affairs for the non-socialist government, who introduced the bill, declared that "prostitution is a human problem – not a man or a woman problem, and it must be fought." Although prostitution had declined in Sweden during the 1970s, it was nonetheless regarded as a consequence of the sexual revolution of the 1970s which had commercialized sexual freedom (Svanström, 2004: 229-230). After the law prohibiting public pornographic shows was implemented, more than fifty bills concerning prostitution were proposed in parliament, of which about thirty requested the criminalisation of the client. A second one-woman commission on prostitution was appointed in 1993 which had to explore the reasons for prostitution and investigate whether criminalisation would be an appropriate measure to fight the problem of prostitution. Soon after the commissioner was appointed, a bill was proposed in parliament by women of the Social democratic Party, The Left and the Liberals, arguing that there were already sufficient grounds for the criminalisation of clients of prostitutes. However, the Parliamentary Committee on Justice rejected the bill because "there was no reason for parliament to make a statement on a question which was under investigation" (Svanström, 2004: 234).

In 1995, the commission report suggested criminalizing both parties. However, only two of the sixty-four organizations involved in the remiss-procedure supported the proposal. Party and member bills therefore continued to be delivered. In October 1996 all political parties' women's organizations together proposed a bill which suggested "the criminalisation of the john" (Svanström, 2004: 235). The Parliamentary Committee on Justice nevertheless dismissed all the proposals, because the prostitution question had already been investigated and the governmental bill was under preparation. However, it was not until February 1998 that the Social Democratic government proposed the Violence Against Women Act. Among other proposals about violence against women, the law suggested criminalizing only the buyers of prostitution. The government argued that although prostitution as such was not desirable in Swedish society, it would not be reasonable "also to criminalise the one who, at least in most cases, is the weaker party and is used by others who want to satisfy their own sexual urges" (cited in Svanström, 2004: 235).

The opposition to the law was very weak within parliament because most Members of Parliament agreed with the idea to improve the situation for women (Svanström, 2004: 237). The issue of criminalising the buyer of sexual services caused, however, fierce debate. The Liberals and the Moderate Party, on the one hand, were against criminalisation, because they thought that prostitution would go underground and would therefore become more difficult to control. The proposal was said to be mere symbolic than realistic, since the prostitution problem was already relatively small in Sweden compared to other countries. The Christian Democrats, on the other hand, supported criminalizing both parties in prostitution, because every person was in their view responsible for his or her actions and the prostitute and the client should therefore both be criminalised. According to proponents of the bill, two third of prostitution was already carried out underground. The new law would not make much difference in that respect, but the Social Democrats, the Left, The Centre Party and the Greens were convinced that the new law would reduce the request for sexual services (Svanström, 2004: 239).

A striking characteristic of the parliamentary debate was the reference to the current situation in Europe, and most notably the 'permissive attitude' toward prostitution of the Netherlands. Prostitution was said to have increased in those countries where prostitution had been accepted. Moreover, the problem of trafficking of foreign women to Sweden for prostitution was debated, although this was not a problem (yet), as Arthur Gould notices. The majority of Swedish parliamentarians regarded the new law as an answer to the 'liberal tendencies' that could in the future spread to Sweden (Gould, 2001). At the same time, it was noticed that Dutch politicians, just like their Swedish colleagues, aimed to improve the conditions for the women in prostitution. The framework of prostitution as 'work' entered the debate, but the consensus among parliamentarians was to look upon prostitution as oppression rather than as a profession (Svanström, 2004: 241). It is interesting to see that during the debate the collective strength of women was emphasized. According to the chairperson of the Social Democratic Women the expected law could show "what could be attained when women held fifty per cent of the seats in politics" (Svanström, 2004: 241). However, female feminists and prostitutes adhering to the sex work framing of prostitution were to a great extent excluded from the parliamentary debate. After the bill was passed in May 1998, an intense debate in the media took off. Critics of the new law argued that it would stigmatize a group of workers who do not sell their bodies, but sexual services. The Act Prohibiting the Purchase of Sexual Services came into force on 1 January 1999 (Svanström, 2004: 240).

The demand for the legalization of brothels arrived on the Dutch parliamentary agenda in 1983. The Liberal Minister of Justice introduced a bill which incorporated the crucial distinction between voluntary and forced prostitution. According to the Minister, the state should only combat forced prostitution and stop moralizing about so called 'sex work'. The regulation of voluntary prostitution should be left to the local level, which would give municipalities the opportunity to set their own standards concerning the health and safety rules for brothels (Outshoorn, 2004b: 173). The Christian Democrat Members of Parliament strongly disagreed with the idea of voluntary prostitution and for this reason they all voted against the bill. However, all secular parties supported the law and it passed by the Second Chamber in 1987. The Penal Code nevertheless remained the same because the First Chamber,

which reviews proposed laws, decided to postpone the bill until a new law on human trafficking would have been drafted (Outshoorn, 2004b: 173).

In 1989, the Christian Democratic Minister of Justice Hirsch Ballin amended the running bill on trafficking in such a way that the distinction between forced and voluntary prostitution was no longer applicable if women from developing countries were involved in prostitution. Rather than the ‘mondige’ Dutch prostitute, these foreign women were, per definition, seen as victims (Outshoorn, 2004b: 173). Besides that, it would become possible for municipalities to restore the ban on brothels in their territory (Outshoorn, 2004a: 194). The Social Democrats in the Second Chamber strongly disagreed with these amendments, but they were so afraid to vote against the cabinet, that the bill nevertheless passed. The decision of Social Democrats to agree while they actually disagreed can be seen as an example of the strict party discipline in the Dutch party system and the importance of abiding to the Coalition Agreement. The bill on trafficking passed by the First Chamber 1993, but the House of Review again rejected the repeal of the brothel ban (Outshoorn, 2004b: 173).

Meanwhile, the sex sector had continued to grow and citizens putted increasing pressure on local authorities to act. Since the police and authorities of major towns together with the Association of Dutch Municipalities expected that sooner or later a new law lifting the ban on brothels would be implemented, they started to anticipate in the mid 1990s on the local regulation of prostitution (Outshoorn, 2004b: 174). The possibility to achieve a parliamentary majority for the original liberal bill repealing the ban on brothel keeping was, however, threatened by significant changes in the social climate that occurred during the late 1980s. Crime had strongly increased and both police and politicians were worried about the rise of organized crime. At the same time, Dutch citizens became more anxious toward migrants. As a result, prostitution “became linked to both the fear of mafia practices and ‘floods’ of illegal sex workers coming into the country” (Outshoorn, 2004b: 175).

A new draft to lift the ban was proposed in parliament in 1997 by a cabinet of Liberals, Social Democrats and Social Liberals. The Christian Democrats were excluded from the cabinet for the first time in eighty years and this gave the secular parties the chance to address sensitive moral issues that had been vetoed for a long time by the Christian Democratic Party. The proposed law promised ‘a realistic approach without moralism’ to prostitution by which it limited the role of the state to eliminate forced prostitution (Outshoorn, 2004b: 175). The aim of the new law was fourfold: “to control and regulate the exploitation of prostitution, to fight forced prostitution more effectively, to protect minors from sexual abuse and to ‘protect’ (not ‘improve’) the position of prostitutes” (Outshoorn, 2004b: 175). The repeal on the ban on brothels would mean that municipalities could impose standards on brothel keeping and that they could license the sex trade. Prostitution would no longer be regarded as immoral, but it would be treated by the law as sex work. The drafters of the bill held the opinion that decriminalisation would normalize and clean up the sex industry (Outshoorn, 2004b: 175). The idea that ‘Third World’ sex workers were all trafficked victims, was not included in the bill. “Non-EU prostitutes can work in a brothel, but brothel-keepers, as all employers in the Netherlands, are prohibited to employ illegal workers. Therefore, only women with valid papers can work in the Dutch sex sector,” as Joyce Outshoorn has pointed out

(Outshoorn, 2004b: 176).

Central in the parliamentary debate of 1999 were the idea of prostitution as sex work, which was stressed by the secular parties, and the distinction between forced and voluntary prostitution. However, the left parties aimed to improve the position of prostitutes while the Liberal parties emphasized the 'normalisation' of the sex industry (Outshoorn, 2004b: 172). The religious parties demanded the right for local authorities to maintain the ban, but the other parties held this to be unconstitutional. The First Chamber also accepted the Bill on the Repeal of the Brothel Ban in the same year. In both the Second and the First Chamber the voting ran along the predictable dividing line of religious and secular parties (Outshoorn, 2004b: 176). In contrast to Sweden, the passing of the bill was in the Netherlands not accompanied by a huge debate in the media, because the lifting of the brothel ban was already expected for years by the involved interest groups. The repeal was nevertheless not uncontroversial for many politicians and policymakers (Outshoorn, 2004b: 177).

§ 2.3 Impact of women's movement

The opposite outcomes of the Dutch and Swedish prostitution debates of the 1990s have often been ascribed to the different demands of the women's movement. In order to assess to what extent the current prostitution policies result from the impact of the women's movement, we need to evaluate the relative openness of the policy process to the demands of the women's movement during the prostitution debates of the 1990s. The Swedish policy sub-system was closed during all the prostitution debates to outside demands, although some women's groups were invited by the different state-commissions to give their comments. However, the second inquiry commission on prostitution did not consider the liberal approach to prostitution at its merits. It is therefore doubtful whether Swedish feminists arguing for the sex work-approach to prostitution were consulted. Interestingly, the dominant political approach to prostitution changed during the debate about the report. The commission's suggestion to criminalise punters can be mainly attributed to the extensive lobbying from women inside Parliament. Before the proposal to criminalise the john was debated in Parliament, the chair of the Social Democratic Women had in fact pushed her colleagues during a party congress to accept the proposed bill, against the wishes of the party leaders (Svanström, 2004: 238 & Gould, 2001).

The closed policy process of Sweden very likely has strengthened the dominance of the radical feminist framework inside parliament. Because the inquiry commission could easily neglect the demands of prostitutes and feminist arguing in favour of legalization, alternative policies to the criminalisation of prostitution were left out. By giving more weight to the demands of established interest groups has the Swedish policy making process strengthened the channeling of policy options. A more open policy making process might not have lead to a different outcome of the prostitution debate in Sweden, but the liberal approach to prostitution would probably have been considered more seriously. Besides, the sex work proponents would have had more chance to present their arguments in the debate. As a result, the radical feminist framing of prostitution would have received more opposition and this might have changed the mind of some members of parliament. Women from different parties had formed alliances, and some

even went against their party's lines in voting according to their feminist views on the issue. Besides, many of the men within the Green Party and the Left supported the criminalisation of the john. The promotion of the sex work approach might have changed the minds of some of these politicians and could therefore have led to a different outcome.

In the Netherlands, the policy sub-system surrounding prostitution opened up to demands of the women's movement in the early 1980s. The lobby for the repeal of the brothel ban was initiated by the Association of Dutch Municipalities (Vereniging Nederlandse Gemeenten, VNG), but the women's movement has complemented the demand with a sex work-frame to prostitution and a distinction between voluntary and forced prostitution. The openness of the policy system to feminist demands can in the first place be explained by the compatibility of the feminist discourse with the liberal market ideology of the Minister proposing to repeal the brothel ban. In addition, parliament was open to lobbying, and the financial support of the Department for the Co-ordination of Equality Policy (Directie Coördinatie Emancipatiebeleid, DCE) enabled feminists and prostitutes to promote their demands (Outshoorn, 2004a: 192-193). In 1997, when the repeal of the ban on brothel keeping was again discussed in parliament, the proponents of legalization of brothels had joined forces in the Landelijk Platform Prostitutie (National Platform for Prostitution). This Platform operated in 'the best corporatist tradition,' since it delivered expertise and information to the government in exchange for influence (Outshoorn, 2004a: 202). The pragmatic liberal approach to prostitution of the Platform was generally accepted amongst the secular parties. Moreover, it was not countered by a powerful interest group opposing legalization.

However, it needs to be stressed that the alternative option to criminalise prostitution was not excluded from the debate as a result of the Dutch policy making process, as seems to have been the case in Sweden, but because radical feminism had disappeared in the Netherlands two decades ago. Besides, the Protestant parties arguing for abolition were heard during the parliamentary debate, but their moral appeal did not receive much attention. In fact, they were only a small minority in Parliament and their demands were believed to be 'hopelessly moral and outdated' (Outshoorn, 2004b: 180). Since the criminalisation of prostitution was not considered as a realistic option by the majority of Dutch parliamentarians, chances are very small that a different policymaking procedure would have led to a different policy outcome.

§ 2.4 Impact of openness political system

The preceding analysis shows that the openness of the political system has indeed had an impact on the outcome of the prostitution debates, since the current legislation of Sweden and the Netherlands is fully in line with the demands of the dominant women's movements of both countries. The Swedish women's movement, on the one hand, argued that prostitutes are victims of sexual exploitation of men and punters should therefore be prosecuted. According to the Dutch women's movement, on the other hand, stigmatization of sex workers was the biggest problems and the law should, for this reason, make a distinction between forced prostitution and voluntary sex work. However, the policy process can only explain the outcome in a procedural way. The Swedish policy process was closed to demands of interest

groups outside parliament, thereby strengthening the position of feminists inside parliament lobbying for the criminalisation of punters. The Dutch policy process, by contrast, was open to the demands of new interest groups, in this case feminists and prostitutes arguing for the sex work-frame, because their demands were compatible with the dominant public order-framing of the issue. However, saying that a certain policy was implemented because a certain group was able to enter the parliamentary debate and convince the majority of politicians to vote in favour of the proposed legislation, does not explain why this particular policy was accepted. Why were prostitutes considered victims of sexual exploitation in Sweden and victims of forced prostitution or voluntary sex-workers in the Netherlands?

The outcome of the Swedish debate has often been attributed to the great number of women in Swedish parliament. However, being female does not automatically mean that you will take a radical feminist stance toward prostitution. In fact, most female politicians in the Netherlands did not consider the punishment of punters as a serious solution to the prostitution problem. So even if women would have had the majority in Dutch parliament, brothels would have been legalised. It would be inadequate to suggest that Dutch feminists have taken a pragmatic liberal approach to prostitution because they would be less involved with the well-being of women working in the sex sector. By contrast, one could even argue that the women's movement in the Netherlands was more concerned about the improvement of the position of prostitutes. At first, the Dutch women's movement was hesitant to legalise prostitution, as this would suggest that they agreed with the subordinate position of women to men, as is often the case in prostitution. Yet, after talking to prostitutes themselves, Dutch feminists realized that the exploitation-framework did not contribute to the improvement of the general well-being of women working in the sex sector. Stigmatization was conceived of as the largest problem by sex workers and the idea of prostitutes as victims selling their body confirms, rather than weakens the stigmatization.

By this I do not mean to say that Swedish feminist did not want to improve the lives of prostitutes as much as they could. Both the Dutch and Swedish women's movement have lobbied for legislation that in their view would best improve the position of women working in the sex sector. It is, nevertheless, striking that the radical feminists arguing in the prostitutes' name, did not actually take into account the demands of sex workers. A debate between (ex-) prostitutes adhering pro and contra the criminalisation of punters took place in the media, but they were not incorporated in the parliamentary debate (Svanström, 2004: 240 & Gould, 2001).

The historical analysis has shown that there has not been one particular past event that has triggered the current prostitution policies of Sweden and the Netherlands. Since the beginning of the 20th century, Swedish politicians have defined prostitution as a problem that needs to be eliminated, whereas Dutch politicians tend to see prostitution as a given and they merely seek to reduce the harm of the sex sector to society. We may conclude that the demands of the women's movement have been accepted by a majority of parliamentarians because they were compatible with previous policies on and attitudes to prostitution, as was suggested by previous studies (Boutellier, 2001; Dodillet, 2005; Gould, 2001 & Outshoorn, 2004). Besides, it was argued in chapter 1 that environmental constraints cannot explain these previous policies, since the stress both countries laid on solving the prostitution issue did not match the

size of the prostitution sector. Nor can the preceding policies be explained by the economic position of the Netherlands and Sweden, as both countries have a generous welfare system and about the same financial resources. Therefore, prostitution policy should be considered as a social-regulatory policy that results from cultural assumptions rather than 'objective' environmental and financial constraints, as was pointed out in the beginning of this chapter.

In line with this reasoning, one could argue that the initial approach to prostitution is very much in line with the current prostitution policies, because they have both been developed since the mid 1970s within a general public approach to gender-equality issues and social regulatory problems. Certain aspects of the political culture, rather than path dependence, have been decisive for the different prostitution policy trajectories of Sweden and the Netherlands. In order to assess the explanatory strength of this arguments, the following chapter will analyze to what extent certain aspect of the Dutch and Swedish political culture can account for the different approaches Sweden and the Netherlands adopted to prostitution in the 1990s.

3. Political Cultural Context

Before starting the analysis, it is important to point out that political culture theory has lost ground within political science to alternative research approaches, such as institutional analysis. However, it would be mistaken to assume that political institutions and political culture are fully separated entities. To the contrary, institutions result from cultural assumptions and these institutions in turn socialize the people within them, thereby supporting culture. For this reason, cultural and structural explanations are both likely to be needed for explaining a political phenomenon (Elkins & Simeon, 2000: 21). Yet, it needs to be said that political culture is only a ‘second-order explanation,’ as David Elkins and Richard Simeon have put it. It should only be applied after institutional explanations have been ruled out, or in combination with an institutional explanation (Elkins & Simeon, 2000: 33). Moreover, culture does not determine exactly what will be done, but merely influences the range of issues to which politicians will pay attention and the way in which those issues will be defined (Elkins & Simeon, 2000: 37). The inclusion of political culture within this thesis seems appropriate, since the foregoing analyses of previous prostitution policies and the openness of the political system could not fully explain thus far why Sweden and the Netherlands implemented radically different prostitution policies in the late 1990s.

In order to evaluate whether we can find a similarity between the (de)criminalisation of prostitution in Sweden and the Netherlands and related gender-equality and social regulatory policies, this chapter will firstly characterize the current prostitution policies and summarize the main rationales behind the legislation. In the second section, the approach to prostitution will be related to the gender equality policies of both countries. This section does not aim to provide an exhaustive overview of the various specific gender policies, since these are offered in the various studies by the Research Network on Gender Politics and the State and in Susanne Dodillet’s analysis of the German and Sweden prostitution policies (Dodillet, 2005). Instead, I want to point out whether the gender equality policies that have been implemented since the 1970s are connected to the prostitution policy of Sweden and the Netherlands. Thirdly, the approach to prostitution of Sweden and the Netherlands will be linked to one particular example of social regulatory policy, namely the drug policies of the two countries. Arthur Gould has shown that there is a strong similarity between the Swedish drug and prostitution policy. This raises the question whether we can also find such a strong link between the two policy areas in the Netherlands.

If we can indeed distinguish a similarity between policies in these two areas and the approach to prostitution of Sweden and the Netherlands, it seems very likely that certain aspects of the underlying political culture have had an impact on the outcome of the prostitution debates. The political culture of Sweden and the Netherlands will, in that case, be characterized in section five. Demonstrating that certain aspects of a political culture have been of importance to the establishment of the current prostitution policies of Sweden and the Netherlands does, nevertheless, in itself not explain much. Dutch citizens are not born pragmatic, nor are Swedes born moralizers. To the contrary: Sweden was in the 1960s known for its pragmatic approach to issues such as pre-marital sex and sex-education (Gould, 2005: 201). Therefore,

if certain aspects of the Dutch and Swedish political culture do turn out to be very different, I will subsequently try to indicate the roots of these differences. Finally, this chapter aims to conclude to what extent certain aspects of the political culture may have had an impact on the decision of Dutch and Swedish politicians to (de)criminalise prostitution.

§ 3.1 Characterization of prostitution policy: realism versus idealism

The political approach to prostitution can best be characterized by the following parliamentary speech of the Liberal Minister of Justice Korthals, in which he defends the Bill on the repeal of the brothel ban:

“Prostitution has existed for a long time and will continue to do so. This requires a realistic approach on the part of government (...) prohibition is not the way to proceed (...) but one should allow for voluntary prostitution. The authorities can then regulate prostitution and the prostitution sector. It can then become healthy, safe, transparent and cleansed from criminal side-effects.” (cited in Outshoorn, 2004a: 185).

Almost all political parties agreed with Korthals that prostitution is a ‘natural’ phenomenon that will continue to exist, regardless of strict or tolerant legislation. The biggest problem concerning prostitution was the stigmatization and discrimination of prostitutes because of their occupation. It was thought that the acknowledgement of prostitution as ‘normal’ work would counteract the disregard for the prostitutes’ profession. In order to protect prostitutes and to regulate the sector, politicians favoured a so called ‘realistic’ approach to prostitution. Turning voluntary prostitution into sex work was seen as a feasible policy and the licensing of brothels was regarded as a sensible step forward. The legalization of prostitution would further give the police more time to chase real criminals (Outshoorn, 2004b: 181-182).

Johannes Boutellier argues that ‘moral indifference’ has characterized the prostitution debate in the Netherlands (Boutellier, 1991: 206). When the issue of prostitution did return to the political agenda in the 1970s as a result of the expanding sex sector, the central question of the Dutch debate was not ‘how to explain and abolish prostitution’ but ‘how to manage the problem of prostitution?’ The abolishment of the ban on brothel keeping can be seen as a result of the compatibility of the technocratic approach on management and control of prostitution with the sex work approach to prostitution of the Dutch feminist movement (Boutellier, 1991: 207). The prostitution issue is thus not an issue of ideologically defined morality in the Netherlands. Instead, it is an issue about the subjective experience of the prostitutes involved and the bureaucratic need to regulate the sex sector (Boutellier, 1991: 209).

In contrast, the Swedish prostitution policy can best be characterized as idealistic, since it is based on a moral feminist vision of a society without prostitution. Prostitution is seen as socially created and sex trade is thought to be the result of patriarchal power structures. According to Swedish politicians, the long history of prostitution did not have to mean that prostitution would have “a just as long future” (Dodillet, 2005: 5). Because of the dominance of the radical feminist discourse, no woman can freely opt to work as prostitute in Sweden. The distinction between forced and voluntary prostitution, which has been crucial in the Dutch debate, is simply ridiculous in the eyes of most Swedish parliamentarians. Prostitution is believed to contradict “the norms and values of an emancipated society” and according to the majority of

Swedish parliament a society with real gender equality cannot be achieved as long as prostitution continues to exist (Dodillet, 2005: 5). The criminalisation of buyers of sexual services intends to show that prostitution is unacceptable in Sweden.

§ 3.2 Gender equality policy

Susanne Dodillet's study of the difference between the prostitution policies of German and Sweden points out that the Swedish discourse on prostitution was to a large degree in line with the way in which parliament has dealt with labour market- and family policies since the 1970s. She therefore concludes that the rapid acceptance of the radical feminist view on prostitution in parliament can partly be explained by the Swedish tradition of gender politics (Dodillet, 2005). This section will evaluate the findings of Susanne Dodillet and indicate to what extent gender equality policies and the prostitution issue have been related in the Netherlands.

The demand for equal opportunities for men and women on the labour market, as expressed by the feminist movement of the 1970s, was not new in Sweden, since the Social Democrats already started to lobby for the social and political integration of women during the 1930s. In the Netherlands, by contrast, this challenge of the traditional division between men and women, both at home and at the workplace, was hardly heard before the second feminist wave. In the Dutch society model of the 1960s, men were still seen as breadwinners and women as housewives. The principal aim of the Dutch state was to support the family, the 'cornerstone of society'. The principal duty of the Swedish state, conversely, was to support the individual (Dodillet, 2005: 10). The feminist view that old-fashioned gender roles and sex discrimination had to be counteracted resulted in the 1970s in Sweden in several reforms of family legislation (Dodillet, 2005: 11). In the Netherlands, equality between men and women has been developed at a much slower pace and ideas which sustain the traditional female role are still reflected in many Dutch laws.

Although Sweden is generally regarded as the model for gender equality, issues related to the inequality of men and women were addressed no sooner than late 1980s. Why violence against women, of which prostitution is believed to be the exponent, has been neglected for so long, can be explained by two factors. On the one hand, the left-right cleavage. The division between class and capital dominates the Swedish political system and new issues are presumed to fit into this model. However, gender related issues call the dominance of the left-right divide into question. On the other hand, the aim for equality. The Swedish equality debate has focused on "the two roles of women"- in the family and in the labour force - and on how women should combine these roles. According to several scholars, it was the duty of the state to facilitate the combination of women's roles and Sweden therefore witnessed a rise of 'expert' opinions concerning women's double burden (Elman, 1996: 31). Since women have traditionally been treated as workers and/or mothers, politicians have had difficulties considering them as a sex-group with special interests. Specific women's demands have often been overruled by gender-neutral approaches to sex-equity and a working group looking at violence against women was therefore only appointed in 1989. The way in which the commission linked violence, power and sex was up to then taboo, as political

scientist Maud Eduards points out (Eduards, 1991: 178). The fact that the criminalisation of buyers was part of a broader package of policies addressing violence against women's may have helped the acceptance of the proposal (Gould, 2001: 452).

The outlines of the Dutch and Swedish gender equality policies show that the norms and values underlying legislation are not only different when prostitution is concerned. Sweden has taken a progressive idealistic approach toward women and family, aiming for an equal society, while the Netherlands has only pragmatically reacted to demands of the women's movement. In fact, feminist ideas that support equal distribution of power between men and women are still regarded quite radical, whereas they have become mainstream in Sweden two decades ago. In Swedish parliament, arguments based on "an analysis of the distribution of power between women and men in the patriarchy, establish confidence and bridge divides between the parties", as Susanne Dodillet notices (Dodillet, 2005: 13). The decision of Swedish politicians to criminalise the buying of sexual services could be seen as just another expression of the wish to change the patriarchal society structures. The problem of prostitution was in the Netherlands not approached as an issue of gender inequality and it has therefore not been related to policies concerning sexual assaults and rape. Instead, the ban on brothels has been lifted because this was believed to help to control the sex sector and to protect the women working in prostitution. The bill does not explicitly aim to improve the position of prostitutes, although Members of Parliament and the women's organizations probably hoped that this would be the case.

Despite the great number of laws that has been implemented in Sweden to help women to combine work and care and despite the aim to create a safe and equal society for all citizens, it could nevertheless be argued that the equality of women and men has been approached quite pragmatically by Swedish politicians (Eduards, 1991). Although it is in itself a great achievement of the Swedish state to approach women as individuals equal to men, their wishes seem to have been considered from a state perspective. Not, 'what is in the best interest for women,' but rather 'what is best for women in the grand scheme of the people's home we want to establish for all citizens' seems to have been the leading principle guiding the Sweden's gender-equality policy. For this reason, it seems plausible that it was not the feminist approach to gender equality issues, but rather the more general public attitude to moral and social regulatory issues that can best explain the Swedish criminalisation of prostitution.

§ 3.3 Discourse and policy on drugs

The striking resemblance between the discourse and policies on prostitution and drugs of Sweden and the Netherlands further strengthens the argument that not a particular form of feminism, but rather morality in general seems to explain the divergence between the Dutch and Swedish prostitution policies. Sweden has taken a restrictive approach to illegal drugs and this approach has been of direct and indirect importance to the issue of prostitution, as is shown by Arthur Gould (Gould, 2001).

Since the late 1970s, Sweden aims to achieve a drug-free society and the arguments that have been used in the political debate to defend this aim are strikingly similar to the arguments used in the prostitution debate. Dutch politicians, by contrast, have taken a liberal approach to drugs. Since the mid

1970s the major aim of the Dutch drug policy has been to “limit the harm drugs do to people’s health” (Ministry of Justice, 1995). However, since the early 1990s illegal drugs are seen more and more as a source of nuisance and a pragmatic and administrative approach seemed the most appropriate approach to fight the problem. By 1995, the possession of a small amount of soft drugs became formally allowed in the Netherlands and sales points are tolerated under certain circumstances by local authorities. Because the Dutch and Swedish illegal drug policy seem to be as different as the prostitution policy of both countries, it is interesting to indicate the influence of the drug debate on the prostitution debate.

The direct relevance of the restrictive line of Sweden’s drug policy is the relation that has been drawn in Parliament between prostitution and drugs. Many members of parliament have shown their concern with the number of prostitutes using drugs and the ‘dependence’ of prostitutes upon drugs showed to them the need to protect prostitutes and to intervene in the practice of prostitution. The chair of S-kvinnor, the women’s section of the Social Democratic Party, reasoned according to these lines when she stated: “We know that half of the prostitutes on the streets do it to finance their drug misuse. (...) It is our duty to intervene.” (cited in Gould, 2001: 451). Although many Dutch prostitutes are addicted to drugs or alcohol as well, parliamentarians have never used this link as an argument to intervene.

The indirect relevance of the drug policy concerns the discourse. The Swedish prostitution debate was, according to Arthur Gould, based on “a language and symbolism which had nation-wide resonance” (Gould, 2001: 451). First of all, drug users are thought to depend on their drugs and in order to be freed from their addiction they may need enforced treatment. In Sweden, drugs addicts are, just like prostitutes, seen as victims who need to be helped, whether they want to or not. The need to intervene has also a pragmatic side, related to the generous welfare system of Sweden. The ideological commitment to take care of all those people who do not seem able to take care of themselves has namely economic consequences. The welfare state can simply not allow citizens to hurt themselves, according to Henrik Tham, “since this entails the risk of high costs for treatment or for the economic support of marginalised and disabled persons” (Tham, 1998: 409). The welfare state model thus seems to have an inherent incentive for preventive action.

This argument sounds very reasonable, but it cannot account for the major difference between the Dutch and Swedish drug and prostitution policies. The Netherlands actually has an extensive welfare system as well, but contrary to Sweden, drug users are approached as mentally healthy people who are responsible for their own life and body. In order to reduce the nuisance posed to society by drug users, the Dutch policy on soft drugs “aims at a normalisation of use, rather than a marginalisation of its users”, as is noted by Robert West (West, 1998: 157). The toleration of soft drugs has often been said to be the modern version of the toleration of once forbidden rituals. The personal moral failings, e.g. drug use or visiting a prostitute, are tolerated in the Netherlands for the sake of a higher moral end, in this case: public order (Kennedy, 2000: 14).

The solution to the drug problem is in Sweden sought in a decrease of the demand for drugs. Policy measures focus upon consumers because without people using drugs, it is argued, there would not be a market (Gould, 2001: 450). The Swedish prostitution policy is rooted in exactly the same argument.

By criminalizing the buyers of sexual services, politicians aimed to decrease the demand for prostitutes, which would result in a shrinking sex sector. The aim of harm reduction and the decriminalisation of drugs, which characterize the Dutch drug policy, are in Sweden considered to be dangerous liberal ideas constituting the first steps to future legalisation of drugs. The liberal moral view on prostitution, prevalent in the Netherlands and Germany, is considered dangerous as well. The idea of ‘independent prostitutes’ disturbed the Swedish Commission reporting on prostitution, as becomes clear from their following analysis of the Dutch situation:

“Prostitutes establish trade unions and claimed their right to be prostitutes and the right to social security for themselves and their families. They stated that prostitution should be seen as a profession and that stigmatization created the greatest problem.” (cited in Gould, 2001: 440).

The distinction made between voluntary and forced prostitution was not considered at its merits, but instead, it was put forward in the parliamentary debate as a ‘wrong-headed and dangerous argument’ that should be dismissed (Gould, 2001: 440). In the Dutch prostitution debate, no reference was made to the drug policy in which a similar distinction between two sorts of drugs is made. In the Netherlands, the market for soft drugs (which are considered to be relatively harmless) is namely segregated from the market for hard drugs.

The 1995 Swedish report on prostitution and trafficking not only showed a fear for foreign liberal practices, but also for the increasing number of foreign prostitutes who were being smuggled into Sweden. This concern seems similar to the anxiety about “foreign drugs flooding into the country” (Gould, 2001: 450). The number of prostitutes working in Sweden was estimated to be low compared to other European countries, but in the beginning of the 1990s it was thought to be on the increase. This rise was to a large degree attributed to ‘overseas developments’ such as the growing international sex industry, technological developments and increased trafficking in women by criminal organizations. Although there was in fact little evidence of a growing number of women from Eastern Europe being smuggled into Sweden, trafficking remained a worrying possibility for the future (Gould, 2001: 445).

The worry about the expanding sex sector and the growth of organized crime also changed the social climate in the Netherlands in the 1980s and 1990s. However, drug use as such did not become an offence and the possession of small quantities of soft drugs continued to be tolerated. In Sweden, by contrast, drug use became a criminal offence in order to show that drugs were unacceptable in Swedish society. The same signal function characterizes the Swedish criminalisation of prostitution. The mood surrounding the legislation on illegal drugs is also similar to the mood surrounding the policy on prostitution. In both cases, Swedish politicians considered themselves unique: Sweden has, as only country, not ‘capitulated’ to the problem of illegal drugs, nor to the growing problem of prostitution. Its unique legislation is therefore seen as “a model for other countries to follow” (Gould, 2001: 450-451). Dutch politicians have always been more moderate concerning their own unique approach to drugs and prostitution. Policy measures are merely implemented in order to reduce the nuisance of drug usage and sex trade. The pragmatic approach to social and moral problems characterizes the Dutch policy on both

drugs and prostitution. However, the issues have not been related to one another in the parliamentary debate, as was the case in Sweden.

§ 3.4 Characterization of political culture: liberalism versus paternalism

The foregoing analysis of the similarity between the discourse and policy on drugs and prostitution shows that the current prostitution policies Sweden and the Netherlands are not only in line with the general public approach to social problems, but they can be seen as the prime examples of the Dutch and Swedish approach to social-regulatory issues. Two aspects of the underlying political culture seem to have been of particular importance. Firstly, the general idea of Dutch and Swedish politicians about the role of the state and secondly, the rough distinction they make between collective and individual choices. Both factors are related to the level of paternalism versus liberalism within a state. However, the first aspect focuses more on the level of idealism of politicians (to what extent do they perceive it as the duty of the state to create the conditions for a society in which all citizens can be happy?), while the second aspect highlights the level of state interference in choices concerning people's private life and morals (to what extent are citizens considered to have the right to do with their life and body what they want to, even if this could negatively affect them?).

The crosscutting cleavages dividing the Dutch party system have influenced the role ascribed to the state in two major ways. The plurality within the party system has, first of all, led to diverging views on the role of the state which became prominent in the parliamentary prostitution debate. The religious parties, on the one hand, subscribed to the moral view of prostitution. The role of the state was to police public morality and to abolish prostitution. The secular parties, on the other hand, argued against state intervention in sexual matters. Prostitution was according to them "a matter of private morality" (Outshoorn, 2004b: 172). Secondly, since none of the parties can achieve a majority in Dutch parliament on its own, politicians have to tolerate each others views and find a middle way, also when it concerns the role of the state. Finding a solution to public issues touching upon the socio-economic divide has proven to be difficult, but possible since the outcome can be negotiated. However, issues related to the religious-ethical divide cannot be agreed upon and they have up to date often been tolerated and left to citizens' morals. As a result, Dutch citizens have the right to do what they want to, as long as their behavior does not threaten public order. The 'realistic' aim to reduce the harm of the sex sector to society by leaving the decision to buy and sell sexual services up to citizens themselves, fits perfectly within the strong pragmatic liberal tradition of the Netherlands.

Whereas Dutch politicians have tended to pacify and tolerate public issues to which they cannot find a generally accepted solution, Swedish politicians have had the ability to search for a solution to which all parties can agree. The Swedish party system is namely only divided by a socio-economic left-right cleavage, which has proven to be relatively easy to overcome. As a matter of fact, the non-socialist parties have more often tried to amend than to stop policy reform that was initiated by the Social Democrats (Heclø and Madsen, 1987: 6-8). We may therefore conclude that there was a high level of agreement among Swedish politicians concerning the expansive role of the state. In contrast to their

Dutch colleagues, Swedish politicians expect much more from the state and from themselves. They see it as their duty to establish directives for the achievement of a future egalitarian society (Heclø & Madsen, 1987: 5). Equity and equality are the most basic values of Swedish political culture and they form the strongest moral impulses of the Swedish state (Eduards, 1991: 169). The compatibility of equity and equality with the radical feminist discourse has very likely contributed to the strength of the radical feminist approach to prostitution in parliament.

Beside that, the aim to abolish prostitution by changing the public attitude to sex trade can to a large degree be explained by the combination of a strong social engineering approach to society and a weak liberal tradition. The Swedish state is thought to have the prime responsibility for the establishment of the norms and values of society and legislation should signal what is right and wrong (Dodillet, 2005: 5). For this reason, social and moral issues are therefore never defined as mere ‘social regulatory problems,’ but they are seen as ‘social engineering problems’. The state is seen as the right institute to ensure that people’s lives are put in order, because the decisions of parliament are based on scientific advice and knowledge (Gould, 2001: 452). The prostitution law can be seen as a prime example of the signal function of Swedish legislation to moral and social problems. The leader of the Swedish Left Party has described the signal and social engineering function of the prostitution legislation in a parliamentary debate as follows:

“Legislation aims not only at getting hold of criminals and the affectivity of laws cannot only be judged by counting how many delinquents have been adjudged. Legislation is also about the norms and values of society. When beating children was outlawed there were many who argued that this was a meaningless law because it was difficult to control whether it was followed. But this law had standardizing effects and in the same way a law that criminalises the purchase of sexual services will mark how the society shall look on unequal distribution of power between men and women.” (cited in Dodillet, 2005: 6).

The absence of a strong liberal tradition has certainly influenced the outcome of the Swedish prostitution debate. The limits of state power over citizens were not discussed and Members of Parliament had great difficulties arguing in terms of civil liberties during the debate. Moreover, prostitution was not seriously considered as a free choice of independent women. The idea that prostitutes ‘had a right to choose what to do with their own bodies’ was countered by the question whether people ‘had a right to destroy themselves with drugs’, to which the answer was, clearly, no (Gould, 2002: 209). Until the 1990s, the Swedish government had a monopoly of the central parts of the service sector. It provided and decided upon the citizen’s public education, medical health, social insurance and pension systems. In addition, the state had a firm grip on such fields as cultural policy and housing planning (Rojas, 2005: 44). Whereas religion and morality were generally considered private matters in the Netherlands, Sweden’s National Church was closely linked to the Swedish government. Together, these two institutions have for a long time decided upon choices concerning the private life and morals of citizens. Drug users and prostitutes were simply considered unacceptable in Sweden and it is in this atmosphere of far reaching public morality that a radical policy as the criminalisation of punters could be established.

§ 3.5 Origins of Dutch pragmatism and Swedish idealism

The current prostitution policies of Sweden and the Netherlands can be seen as the prime example of their general approach to social regulatory issues, as is shown by the above evaluation of the aspects that seemed to have been of crucial importance to the outcome of the prostitution debate. This raises the following question: what explains the pragmatic approach of Dutch politicians and the moralistic approach of Swedish politicians to social and moral issues? In this section I want to expound that the divergence between the roles ascribed to the state concerning the morality of citizens ultimately results from the level of heterogeneity within traditional Dutch and Swedish society.

The pragmatism and tolerance that characterize the Dutch approach to social and moral issues can partly be explained by the “open and cosmopolitan character of Dutch society” (Outshoorn, 2004b: 180). Compared to other European countries, the Netherlands has been a wealthy and highly urbanized society since the 16th century. In addition, it has for ages been a seafaring and commercial nation with a regular number of migrants entering the country. None of the many groups the Netherlands came to encompass was large enough to dominate the other and since the 1920s, Dutch society has been characterized ‘primarily by vertical divisions between groups based on religion or a secular ideology’ rather than by horizontal divisions based on socio-economic status, as was the case in Sweden (Wintle, 2000: 141).

In order to live together with all these different minorities in a relative densely populated country without disorder and violence, the various political elites did not have a choice but to cooperate and compromise to achieve consensus. The aim of the benevolent and impartial governmental apparatus was to run the country smoothly and ensure that citizens they could live their lives according to the norms and values within their pillar (Wintle, 2000: 142). A variety of strategies has been used by the Dutch political elite to accommodate conflicts arising from the moral diversity of Dutch society, as Arend Lijphart has noticed (Lijphart, 1990). For example, “condoning deviant behaviour, delaying policy action as long as possible, depoliticizing moral issue by redefining these into technical matters for experts to solve, or coming up with procedural, not substantive solutions” (Outshoorn, 2004b: 180).

Apart from the practical impossibility to implement public moral orders, the dominance of Calvinism among the Dutch political elite may explain their reserved interference. In the rather pessimistic Calvinist portrayal of mankind, humans are bound to sin and it is thought to be impossible to reform human nature. Authorities can therefore only try to control the behaviour of people. Political scientist Michael Wintle seems to underline this argument when he states that:

“Dutch tolerance has (...) been shown to be pragmatic rather than principled, and negative rather than generous: it has on the whole been a rather grudging acceptance that, although many people are wrong headed, they are unlikely to go away, and therefore should be incorporated and confined in the socio-political system as an exercise in damage limitation.” (Wintle, 2000: 144).

When the segmented society started to collapse in the 1960s, these informal political rules for dealing with conflict-ridden moral issues were no longer used. As a consequence, it became possible to create legislation for the issues that were prohibited in the Morality Act of 1911, namely the advertisement of contraceptives, the right to choose for abortion and to be homosexual, as Joyce Outshoorn has argued (Outshoorn, 2004b: 181). Yet, the depillarisation of the 1960s did not permanently damage the Dutch political culture of consensus and compromise. A closer analysis of the liberalization of abortion, contraceptives and homosexuality has, in fact, shown that the new laws which superseded the Act were also supported by the opposition, even if the parties at first resisted liberalization. The practice of consensus and compromise therefore continued to characterize Dutch political culture. Once the political elites were convinced of the necessity to take action, they would negotiate until they had found a solution that was acceptable for all parties involved. This tendency to compromise can, according to political scientist Hans Daalder, be explained by the fact that it is generally easier for Dutch politicians to make a concession than to make a choice for one alternative (Daalder, 1966: 219).

Historian James Kennedy notes that with the crumbling of the old system, Dutch politicians took “an increasingly ‘pragmatic,’ consciously anti-moralistic posture toward social issues” (Kennedy, 2000: 15). For this reason, solutions to social problems are since the 1970s generally found in procedural rules, leaving matters purposely vague. According to Kennedy, two factors have very likely contributed to the disappearance of the role of the state as moral taskmaster. First of all, the Dutch state has never had the power to assert a common civil religion. Historically, the Netherlands is a Protestant country, but the sources of true religion remained distinct from the state and they were further developed within the different subcultures. Until the 1960s moral judgments were thus part of the encompassing political ideologies of socialists, liberals and religious groups (Kennedy, 2000: 16 & Boutellier, 1991: 207). With the decline of these subcultures in the 1960s there was little left of the moral systems that the minorities had once constructed, nor was there any substitute state system of traditional values and morality.

Secondly, the Dutch elite tried to prevent a revolution during the 1960s by accommodating to the desire for change. Social change was thus construed as an inevitable but positive phenomenon. The dominant idea prevailed among politicians that they had to be modern and political policy had to keep up with changing times (Kennedy, 2000: 17 & Outshoorn, 2004b: 181). In a reaction to the public hostility toward the interference of the state that became clear in the 1960s, the Dutch political elite chose to avoid social conflict by maintaining a low profile. As a consequence, political policy is since the 1980s in the Netherlands characterized by a maximization of individual choice and minimization of moral regulation (Kennedy, 2000: 18).

By contrast, questions concerning what the Swedish government should do to move Swedish society in the ‘right’ direction have preoccupied the political system since the beginning of the 20th century. However, the high level of state interference of the Swedish state in citizen’s morals is not merely the result of the almost uninterrupted government of the Social Democratic Party, as is often assumed. The optimistic view on humanity, which forms the foundation of Sweden’s moral and social policies, actually originates from the Enlightenment. The idea that human beings can be reformed and developed

in such a way that they will be more inclined to do what is right, has formed the basis of a particular combination of popular liberty and central control that has characterized the relationship between the Swedish state and its citizens since the 16th century (Rojas, 2005: 7).

Although the Swedish farmers were poor, they were landowners and they were less oppressed by the church, the state or a feudal system than farmers in other European countries. The farmers were, to the contrary, sometimes even used by the king to curtail the power of the aristocracy, an alliance that was uncommon elsewhere. When villages were broken up as a result of the consolidation of landholdings, the Swedish central government became the ‘guarantor of unity and equality’ (Eduards, 1991: 167). A relatively egalitarian and democratic culture in which citizens protect their interests by political means has thus been developed in Sweden at an early stage and faith in the benevolence, capability and responsibility of the state has been very strong in Sweden ever since (Eduards, 1991: 168).

In contrast to the many minorities living in the Netherlands, Swedish society has always been ethnically and culturally homogeneous. This may explain why it scores “comparatively low on pluralism,” as historian Hans Fredrik Dahl puts it. By contrast to the Netherlands, Sweden tends to encompass a relatively weak ability to tolerate alternative visions and to allow a variety of groups to flourish (cited in Elman, 1996: 28). The fact that Sweden remained a relatively underdeveloped agrarian country without a strong urban culture until the twentieth century, could explain the absence of a strong liberal tradition. The liberal ideas that developed in Europe during the 19th century may therefore have had less impact in Sweden (Tham, 1998: 410). During the final decades of the 19th century several popular movements have risen up against the dominant state and church, but the mainstream of these new movements was eventually drawn into the political system. The incorporation of alternative views actually became an even more powerful force for uniformity (Rojas, 2005: 20). Interestingly enough, almost the same incorporation and subsequent moderation seems to have happened to the women’s movement during the 20th century.

The all-embracing welfare state Swedish politicians attempted to create during the 20th century has often been referred to as the People’s Home. The idea that the state could substitute traditional ties of family and community can be linked to modern industrializing utopias, but the ultimate base of the expansive welfare state was formed by the ideals of equality and solidarity of the paternalistic order of the rural estates and the distinctive relationship between rulers and the ruled in Sweden. The King, Parliament and the National Church of Sweden had already formed a moral alliance during the 16th century. Yet, Sweden remained neutral during the Second World War and afterwards it was by far the richest countries in Europe. This created, in part, the opportunity for state social intervention. Social engineering turned out to be so successful that almost all criticism on the expansionist state was silenced for decades, as historian Arne Ruth has pointed out. The tight bonds between universities and the state were made even tighter during the 1950s and as a result, the state could claim to represent a superior ‘objective’ reason (cited in Rojas, 2005: 35).

Since the Swedish model was so strongly connected to Sweden’s culture, the crisis of the 1990s has come to encompass much more than a political and economic failure: it has had a direct effect on Sweden’s national identity (Rojas, 2005: 4). “Ethnic homogeneity, a strong nation state, rapid industrial

growth, and technology based on mass production and standardized organization” have all helped to create and sustain the unique Swedish People’s Home (Rojas, 2005: 5). But all these factors were undermined in the late 1980s, early 1990s, by globalization, immigration, economic stagnation and the information revolution. For this reason, it does not seem to be an exaggeration to argue that the crisis of the Swedish model undermined Sweden’s uniqueness. Mass unemployment replaced full employment and due to the severe fiscal consequences, the once generous welfare state had to cut social benefits and public spending. However, the necessary reduction of the impact of the Swedish state has not only been a bad development, according to historian Mauricio Rojas. During the last decade of the 20th century, the paternalistic ‘tutorial state’ has been replaced by a more liberal ‘enabling state’ that “creates possibilities rather than decides about the content of the welfare services people get” (Rojas, 2005: 58).

§ 3.6 Impact of political culture

Not only is the current prostitution policy of Sweden and the Netherlands in line with the general public approach of both countries to social-regulatory problems, they can even be seen as the exponents of the Dutch pragmatic liberal and Swedish idealistic paternalist approach to social and moral issues, as is shown by the foregoing analysis. Because the Netherlands has always been a country of minorities, cooperation and consensus seeking have become central to the Dutch political system. A generous welfare state was established, but sensitive issues, touching on the religious-secular divide within parliament, were depoliticized and tolerated. During the 1960s, the Dutch elite tried to prevent a revolution by accommodating to the desire for change and for this reason they developed an even more pragmatic, consciously anti-moralistic attitude toward social issues and harm reduction became the key solution. Leaving the decision to visit a prostitute, or to sell sexual services, to the personal moral standards of citizens themselves fits perfectly within this approach. Although the religious parties have had great difficulties accepting the anti-moralistic posture, by the 1980s even the Christian Democrats in Parliament recognized that the continuously growing sex sector could no longer be informally regulated.

Because of the high level of cultural and ethnic homogeneity, Sweden has been able to construct a sense of national identity and governmental structure at a very early stage. The strong connection between state, church and citizens would form the foundation of the all embracing welfare state Sweden established in the 20th century. The absence of a strong liberal tradition and the difficulty Swedish political culture encounters with incorporating very radically different views, may explain why the sex work-frame to prostitution was so easily rejected by the majority of parliamentarians. Whereas religion and morality were generally considered private matters in the Netherlands, the Swedish state aimed to educate its citizens. It is in this atmosphere of far reaching public morality that a radical policy as the criminalisation of punters could be established.

Due to the economic crisis, the traditional Swedish model with its active labour market policy and universal welfare system was no longer attainable by the end of the 1980s. The social climate changed considerably and it could be argued that the traditional Swedish economic model was replaced by a cultural model in which the values of Swedish morality, consensus and a fear for foreign influences are

central (Tham, 1998). The fear about the weakening of the traditional paternalistic homogeneous Swedish society may very likely explain why prostitution achieved such high salience in Sweden during the 1990s. Most feminists who were interviewed by Arthur Gould denied that a fear for foreign prostitutes was important in their campaign, since they had started their campaign for the criminalisation of punters before the fall of the Berlin wall. Yet, the influx of migrant prostitutes and the consequent high risk of infection with HIV did certainly play a role in the public debate and it was used as an argument in parliament by Markström, a leading member of the women's section of the Social Democratic Party (Gould, 2002: 205-206). Besides, the criminalisation of punters has been defined as the 'antidote' to liberal practices abroad (Svantröm, 2004a: 240).

Conclusion

At the end of the 20th century, Sweden decided to criminalise the john, whereas the Netherlands repealed the ban on brothel keeping, thereby legalising prostitution. This research aimed to explain why these two very similar countries have implemented such a radically different prostitution policy. The new legislation fulfilled the demands of the Dutch and Swedish women's movement and it therefore seemed at first glance as if their impact could account for the different policy outcome. However, several studies suggested that the demands of the women's movements were implemented because they were compatible with the dominant political discourse on prostitution. A comparative historical institutionalist analysis has been conducted, focusing in both countries on the historical development of the prostitution sector and prostitution policy from the beginning of the 20th century till the 1990s; the openness of the political system to demands of (new) interest groups and the level of liberalism within the Dutch and Swedish political culture.

The historical analysis has shown that although Sweden and the Netherlands implemented similar abolitionist legislation in the beginning of the 20th century, their practical approach to prostitution could hardly have been more different. The ongoing toleration of prostitution by the Dutch political elite, versus the instalment of several state-commission inquiring how to fight prostitution in Sweden, has channelled the future policies on prostitution, as the path dependence theory suggested. However, the different approaches to prostitution did not seem to result from one particular past event. Besides, it was argued that the decision to fight or tolerate prostitution could not be explained by the actual possibility of the two countries to resolve the problem, since the stress both countries laid on solving the prostitution issue did not match the size of the sex sector.

Moreover, the analysis of the openness of the Dutch and Swedish political system has shown that the openness of the political system to new demands partly results from the structure of the political process. Yet, the possible impact of the women's movement on the debate has to a great extent been determined by the compatibility of the framing of the women's movement with the dominant framing of the prostitution problem. According to the large majority of women within Swedish parliament, the demand for paid sex had to be decreased, since prostitution was unacceptable in the equal society Sweden aimed to be. Because of the closed Swedish policy process, established women's movements had the ability to propose and lobby for the criminalisation of punters and parliament could easily neglect the sex work-framing of prostitution, coming from feminists and prostitutes outside the political system. Dutch feminists at first agreed with the radical feminist framing in which prostitutes were seen as victims of the paternalistic society. However, framing sex workers as inactive victims would strengthen the stigmatization of prostitutes, which was seen as the biggest problem. By defining all prostitution as unacceptable, it was further argued, one overlooks the difference between women who may have voluntarily opted to work in the sex sector and the women who have been victims of trafficking and

forced to sell sexual services. In order to improve the position of prostitutes, the Dutch women's movement decided to support the liberal lobby for repeal of the brothel ban.

Since the discourse on prostitution has been of prime importance to the outcome of the debate, we may conclude that prostitution should be considered as a social regulatory policy, based on political cultural assumptions. Two aspects of political culture have been particularly important. Firstly, the general idea of Dutch and Swedish politicians about the role of the state and secondly, the rough distinction they make between collective and individual choices. Both factors are related to the level of paternalism versus liberalism within a state and seem to originate from the level of heterogeneity within society. The Netherlands has always been a country of many minorities, without one 'true' religion. Dutch politicians therefore did not have a choice but to pragmatically tolerate social-regulatory issues and reduce the harm to society and the people involved. Apart from same sex marriage, the ban on brothels was by the 1980s actually the last remnant of state interference in the private life and morals of Dutch citizens. Since the restoration of public order can be defined as the prime rationale behind the legislation, it is perfectly in line with the conservative toleration that has come to characterize politics in the Netherlands.

The cultural and ethnic homogeneous population of Sweden, by contrast, has made it possible for Swedish politicians to create an expansive welfare state, laying out the norms and values of an egalitarian society. However, the economic crisis of the early 1990s has put the unique 'Swedish model' on the defensive. As a consequence, it may have been replaced by a cultural model, which refers to values of traditional (Swedish) morality, consensus and a fear of the foreign. The aim to create a prostitution free society could then be seen as a means to reinforce a threatened national identity. Since the prostitution problem is relatively small in Sweden, it is questionable whether criminalisation would decrease the demand for sexual services and help the women working in prostitution, as the law aims for. It is furthermore surprising that in a country that bases a great deal of its legislation on research findings and expert knowledge of researchers and interest groups, there is no empirical research promoting the criminalisation of punters. Nor have the views of prostitutes themselves been incorporated in the policy process. Therefore, it seems reasonable to suggest that signalling that prostitution is unacceptable in Swedish society has been the most important motive behind the new symbolic law.

Although the repeal of the brothel ban in the Netherlands and the criminalisation of punters in Sweden appear to be radically different policies, they actually have two important features in common. The (de)criminalisation of prostitution is, in the first place, fully in line with the realistic liberalism and idealistic paternalism that has come to characterize Dutch and Swedish political culture. In the second place, the legislation seems rather conservative than progressive, aiming in the Netherlands to restore the public order and in Sweden to restore the public image. For this reason, I want to conclude that not a specific form of feminism, but rather the political cultural approach to morality in general explains why Sweden and the Netherlands have implemented their current prostitution policy.

Being unable to determine the exact impact of different factors is inherent to comparative political science research, and it is also a weakness of the foregoing analysis. It would, nevertheless, be very interesting to achieve more insight in how the broader ideational frameworks of politicians and

policymakers relate to the societal norms and the ideas about prostitution of different interest groups and expert commissions. The research proposed by Gregg Bucken-Knapp and Johan Karlsson, *Prostitution policy reform and the causal role of ideas* (2008), aims to compare the policy-making process on prostitution of the Nordic countries from an ideational perspective. It would be a great contribution to existing research on prostitution policy and the role of ideas and interest groups within different political systems to analyse the findings of the more descriptive research in progress of Yvonne Svanström, on the prostitution policies of Sweden and the Netherlands, within the proposed ideational framework.

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