

Comrades, Push the Red Button! Prohibiting the Purchase of Sexual Services in Sweden but Not in Finland

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Chapter 9 in *Negotiating Sex Work: Unintended Consequences of Policy and Activism*, edited by Carisa R. Showden & Samantha Majic, University of Minnesota Press, 2014, pp. 95–217. ISBN: 978-0-8166-8959-0.

For scholars of sex work, Sweden's decision to criminalize the purchase, albeit not the sale, of sexual services in 1999 represents a legislative development that has been the subject of considerable analysis. Scholars have presented many explanations as to why Sweden, under the governing Social Democratic Party, became the first state to regard prosecuting the buyer as an effective policy for reducing prostitution. Some accounts stress the importance of feminist policymakers and elites (Ekberg 2004; Östergren 2006), others highlight the significance of Sweden's membership in the European Union (Gould 2001), and still others emphasize the long-term residual impact of Swedish religious traditions in conjunction with a contemporary emergence of feminist ideas (Dodillet 2009). Regardless of one's preferred explanation, there is a deep-seated consensus that Sweden's prostitution model merits considerable attention, not least of all because of the degree to which it is invoked in other states considering prostitution policy reform.

However, scholars have directed comparatively less effort toward analyzing similar reform processes in neighboring Nordic countries, where prostitution policy reform has also been a subject of great public debate in recent years. Beyond similar contentious debates over prostitution policy, neighboring Nordic states share a consensus-oriented political culture, a historically dominant evangelical Lutheran state-church, high levels of gender equality, strong women's organizations, a high or very high percentage of female legislators, and

an advanced social-democratic welfare state. Yet despite these similarities among Nordic states, no overarching Nordic prostitution policy model exists. In 1999, Denmark opted to decriminalize prostitution, stopping short of fully legalizing sex work and granting it legal protection in line with all other professions. In 2006, Finland tightened its laws governing prostitution, making it illegal to purchase sexual services from a knowingly trafficked individual or a victim of pandering. In 2008, Norway criminalized the purchase of sexual services (CPSS) similar to that of Sweden, yet also featuring an extraterritorial component prohibiting Norwegian citizens from purchasing sexual services abroad.

Alongside the Swedish experience, Finland's 2006 revision of its prostitution policies stands out as particularly intriguing. On the face of it, the Finnish reform represented an expanded use of criminalization as a policy tool, with the ban on purchasing sex from trafficked individuals joining existing legislation prohibiting buying or selling sexual services in public places. Yet what makes the Finnish case analytically tantalizing is that Finnish legislators rejected the Swedish prostitution model. Such an outcome was far from a given, particularly given strong support for CPSS among Finnish policymakers in the early 2000s.

Against this backdrop, this chapter examines the paths leading to divergent prostitution policy reform in Sweden and Finland in the 1990s and 2000s. Why did Sweden wind up with a CPSS ban but not Finland? Drawing from literature in comparative politics that examines "ideational turns," our argument is as follows: In the case of Sweden, feminist actors across the political spectrum who supported the ban successfully deployed gender equality ideas as well as causal stories (Stone 1989) characterizing female prostitutes as having abusive life histories in a number of crucial settings, including party congresses, parliamentary debates, official documents, and statements to the press. Pro-ban actors benefited from the degree to which gender equality ideas were more broadly embedded in Swedish political institutions by the early and mid-1990s, the result of long-term efforts by Swedish feminists. No such pervasive discourse involving gender equality ideas existed in Finnish society or its political institutions. While some feminists there pushed for CPSS from the 1990s onward, they were confronted with interest groups, epistemic actors, and policymak-

ers who successfully mobilized ideas concerning the rights of individuals to make decisions regarding their own body and sphere of economic activity without state interference. Of equal importance, the Finnish reform process took place against the backdrop of specific concerns that trafficking in human beings for sexual purposes to Finland was growing rapidly and required a firm policy response. As such, the legislative outcome became centered on the need to ensure Finnish compliance with the 2000 United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the Palermo Protocol).

We draw on multimethod qualitative research to document the differing ideational terrains underpinning the Swedish and Finnish reform processes. Our analysis relies on official documents in the form of parliamentary debate minutes, committee reports, and legislative proposals, as well as minutes from party congress debates, NGO and academic reports, and media statements by key actors. By constructing a narrative based on relevant documents and statements, we demonstrate that gender equality ideas played an unequivocal role in the emergence of the Swedish ban, whereas Finnish policy reflected a sharply more competitive ideational climate with different underlying conditions.

Theoretical Frame

Our analysis is informed by the ideational turn in comparative politics (Béland and Cox 2011; Berman 2001; Blyth 2002; Gofas and Hay 2010), as well as the empirical constructivist literature in international relations (Checkel 1998; Keck and Sikkink 1998; Price 1998; Towns 2010). Broadly, these related approaches have demonstrated how ideas are central to the agenda-setting process, the definition of policy challenges, and how they shape interpretive frameworks held by actors. As such, a focus on the role of ideas allows scholars to highlight an important variable in the policymaking process, one overlooked by literatures chiefly emphasizing actors' interests or institutions. In keeping with the ideational literature, we focus attention on both the ideas that were relevant in each setting and the extent to which actors were able to draw upon these ideas in pushing for policy reform, or

the extent to which competing ideas blocked legislative success (Bucken-Knapp and Karlsson 2008). A central component of this ideational approach is the contention that actors must take into account broader ideational frameworks when seeking to mobilize support on behalf of their policy preferences (Gourevitch 1989; Hansen and King 2001; Kingdon 1995). This is not to argue that ideas are highlighted at the exclusion of other explanatory factors in this chapter. As Thomas Risse-Kappen (1994) has noted, ideas cannot float freely—if they are to “matter,” they require actors embedded in institutions. Thus we share the explicit conviction of scholars such as Vivien Schmidt (2002) that ideas must be nested alongside “institutional and/or interest-based variables” when analyzing the politics of reform.

The idea of gender equality is especially important to the prostitution policy reform processes in both Finland and Sweden. However, gender equality as an idea can vary substantially from setting to setting (as well as over time) and does not reflect one universally shared analysis of social and political problems requiring action. Indeed, even within individual states where gender equality has become broadly supported by elites, political parties differ in their conceptualization as to gender equality goals and the necessary instruments for achieving those goals (Magnusson 2000; Edwards 1991). As such, prior to examining the Swedish and Finnish prostitution policy reform process, it is necessary to detail briefly the contemporary role of gender equality as an idea in both Sweden and Finland.

In Sweden, the dominant contemporary understanding of gender equality reflects a mix of liberal, socialist/reformist, and radical ideational influences (Sainsbury 2004). Reformist feminism shaped ideas about gender equality by emphasizing equality of result (i.e., policy outcomes intended to eradicate gender inequality by focusing on “sameness” in outcomes rather than “equal differences”), by privileging state intervention into more private spheres of life, and by subsuming liberal concerns about equal rights and status. A comparatively weaker radical feminist movement has also shaped contemporary Swedish ideas about gender equality, partially through its emphasis on the personal as political (Sainsbury 2004) and by calling attention to structural violence against women. Moreover, the contemporary Swedish gender equality discourse can, to some extent, be characterized by dis-

tinguishing it from that of the other Scandinavian states. As Trude Langvasbråten (2008) notes, the Swedish discourse “understand[s] and articulate[s] gendered inequalities as a societal problem, deeply embedded in social structures, more specifically a ‘gender-power system.’” This is in sharp contrast to neighboring Scandinavian states, where gender inequality is framed as stemming from individual choices and where policy measures such as affirmative action have been heavily contested (Langvasbråten 2008). Thus the influence of gender equality ideas in the case of Swedish prostitution policy reform will be seen chiefly in the emphasis by policy entrepreneurs on using state policy to alter unequal power/gender relations and to serve as an instrument in bringing about an end to structural violence against women within Swedish society.

Since the 1950s in Finland, gender equality has been obtained within the frame of welfare state policies that aimed to create social equality. Rather than gender equality being an ideological value in and of itself, women’s political and economic participation was closely linked to nation building and to social and economic progress. As a result, the Finnish gender equality debate has emphasized policies that are intended to improve women’s opportunities without explicitly acknowledging the role of structural (male) oppression. Thus in the Finnish debate, many assume that feminism—as a political movement that privileges and promotes gender equality through gender-specific political and social action—is unnecessary. Furthermore, feminism is assumed to create discord because gender equality in Finland is generally interpreted as part of the pursuit of social justice; policy-making to this end has de-emphasized conflict between the genders and placed a premium on developing consensus-oriented solutions (Holli 2003; 1991).

Especially since the late 1980s, Finnish gender equality has become increasingly cast in neoliberal terms in regard to emphasizing individual rights and interpreting the concept of gender equality as one of nondiscrimination. This move toward a formal equality accentuates that regulations and guidelines apply equally for men and women and stresses individuals’ freedom of choice and protecting private lives from interference (Kantola, Nousiainen, and Saari 2012; Pylkkänen 2012). As we detail in the next section, these diverging notions of gender equality in Sweden and Finland regarding where it is acceptable

for the state to interfere legislatively in people's private lives had a significant impact in shaping the debate on criminalization of the purchase of sexual services in these countries.

Sweden: Gender Equality and Victimhood

The adoption of the CPSS ban by the Swedish Parliament in 1998 was a substantial shift beyond existing policy that had criminalized procurement. Yet it was not the first time that prostitution had been on the legislative agenda during the postwar era (Dodillet 2009; Östergren 2006). In 1972, Swedish Social Democratic Labor Party (SAP) Justice Minister Lennart Geijer established the Sexual Crime Investigation in order to achieve what he saw as the need for a greater correspondence between existing laws and shifting sexual norms. The Investigation's final report was released in 1976, and while not focusing exclusively on prostitution, the report highlighted procuring and brothels as features of the commercial sex industry that must be prohibited in order to uphold societal morals. The report was subject to strong criticism from many actors who submitted written statements during the subsequent remiss procedure. The youth wing of the ruling SAP called the investigation to task for not emphasizing the relationship between capitalist society and sexual crimes. The National Federation of Social Democratic Women (SSKF), under the leadership of Göteborg member of Parliament (MP) Lisa Mattsson—who, as president, is formally empowered to speak, but not vote, at party congresses and board meetings—argued that the Riksdag needed to advocate a “societal view of sexuality” and argued on behalf of “contact between equal people” as the precursor for a healthy sexuality (Dodillet 2009, 80; McBride and Mazur 2010). On the basis of the substantial protests voiced during the remiss period, the report was shelved. However, it did lead to the convening of the 1977 Prostitution Investigation by the recently elected nonsocialist coalition.

No less controversial than its predecessor, the work of the 1977 Investigation was marred by sharp internal divisions. Chief investigator Inger Lindquist, whose own analysis focused on individual rather than gender structures, opposed attempts by chief secretary Hanna Olsson and other experts to portray prostitution as stemming from patriarchal so-

ciety. Following the decision by Lindquist to remove these critical voices, her 1981 dismissed criminalization as having undesirable consequences, including pushing the sex trade underground, placing female prostitutes at risk, creating enforcement difficulties, and being unlikely to act as a meaningful deterrent (SOU 1981, 71).¹ Instead, the report proposed the prohibition of public pornographic performances (the only measure enacted), criminalizing the purchase of sexual services from a prostitute under the influence of narcotics, a broader application of existing legal measures against procurement, and prosecuting landlords with knowledge that a property had been let to those involved in procurement.

While no comprehensive prostitution policy emerged, this period did coincide with a broader ideational development among Swedish political elites, epistemic actors, and relevant advocacy groups that contributed directly to the adoption of CPSS. A gradual process unfolded from the late 1960s to the mid-1990s in which the broad Swedish women's movement recategorized women's issues as matters of *gender equality*. While women's issues as a focus of political activity were sometimes constructed so as to formulate cross-class alliances of women, men as potential allies were not targeted. Yet according to Diane Sainsbury (2004, 70), gender equality broadened the possibilities for political mobilization, facilitating the inclusion of like-minded men, irrespective of class or party identification. This "discursive turn" was strategically crucial, in that the Swedish women's movement's goals were no longer regarded as particularistic to women when advanced under the mantle of more general societal norms central to democratic societies—namely, equality and democracy (Sainsbury 2004). Epistemic actors in Sweden contributed conceptual tools that facilitated a gendered analysis of existing conditions preventing the attainment of gender equality. Most prominent among these was historian Yvonne Hirdmann (1988), who in the late 1980s popularized the term *genussystem*, characterized by a dichotomy that keeps male and female attributes distinct and by a logic of hierarchy in which men are considered the societal norm. Governmental activity focusing on gender equality during this period included the appointment of several investigative committees, leading to several major reports, including "Women in State Service" (*Kvinnor i statlig tjänst* [SOU 1975,43]), examining the working conditions of women working within the state; "Steps on the Way" (*Steg på väg*

[SOU 1979, 56]), resulting from the 1975 UN Women's Conference in Mexico City; and "Every Other Seat for a Woman" (*Varannan damernas* [SOU 1987, 19]), charged with identifying strategies for increasing women's political representation.

The impact of gender equality ideas on public policy was certainly slowed (if not halted) as a result of the 1991 parliamentary elections, when the number of female MPs fell from 38 percent to 34 percent. For those campaigning for full numeric equality in the Riksdag, such a reversal was deemed catastrophic. As a result, a broad feminist network of female politicians, academics, and other public figures formed *Stödstrumporna* (Support Stockings), threatening to run candidates in the 1994 election if established parties did not place greater emphasis on gender equality and if female candidates were not more actively promoted. Parliamentary parties took this challenge to the party system seriously, with 40 percent of MPs elected in 1994 being women. Moreover, the Social Democrats, returning to their regular role as the governing party, stressed their commitment to integrating gender issues into the mainstream of party concerns.

Even before the election, the then minister of gender equality, Liberal Bengt Westerberg, announced two measures placing prostitution front and center on the political stage, reflecting the degree to which the party viewed pursuing gender equality policies as politically important. First, in December 1992, Westerberg announced that, given the decade that had lapsed since the 1981 parliamentary report on prostitution, a new investigative committee would be formed to examine the need for policy reform, with the question of "criminalizing the john's activity" falling under the report's remit (*Expressen* 1992). Inga-Britt Törnell, the former (and Sweden's first) ombudsman for gender equality and a then-serving justice on the Supreme Court of Sweden, was appointed as sole investigator for the report. Shortly thereafter, Westerberg also established the Women's Violence Commission (*Kvinnovåldskommissionen*), the mandate of which was "from a women's perspective, to conduct an overview of questions that have to do with violence against women and propose remedies for counteracting such violence" (Regeringens proposition 1997/98:55).

Similar to the preceding investigation, the work of the Törnell committee was marked by internal divisions among staff members and media leaks prior to the publication

of the final report. Professor Sven Axel Månsson, one of the academic experts appointed to the report, resigned in protest following public comments from Törnell questioning the wisdom of criminalization, simultaneously declaring his support for CPSS (*TT Nyhetsbanken* 1994). However, when released, the Törnell report proposed a policy in sharp contrast to that of earlier prostitution investigations: criminalization of both the buyer and seller of sexual services. Törnell maintained that criminalizing both parties would serve an important normative function, bringing about increased gender equality and signaling societal opposition to the sex trade. She argued criminalization would deter both buyers and sellers and saw it as a device for women to resist efforts to get them to enter the sex trade (SOU 2010, 49, 70–71). Reflecting the contentious nature of the investigation's work, two of the assigned experts produced separate dissenting opinions, one calling for no criminalization and the other advocating for CPSS (SOU 1995, 15).

However, Törnell's attempt to portray criminalization of both buyers and sellers as a logical consequence of the desire to achieve gender equality squared poorly with broadly held societal views of women entering the sex trade as the result of abusive life experiences and dependency on drugs and alcohol. To criminalize those who were already oppressed would amount to additional punishment, as the SSKF, then under the leadership of Stockholm MP Inger Segelström, argued:

The majority of prostitutes find themselves in a very vulnerable position. This is reflected in, among other things, the injuries of a physical, psychological and social character that impact female prostitutes to a great extent. Therefore, it should only be the customers' actions that are criminalized. An additional reason [is that] in a situation where both parties are criminal, the police will direct their activities against prostitutes. The risk, in practice, is apparent that it would just be the one party, that is the women, who would be charged and punished. In that sense, an unequal situation would only be reinforced. (SSKF 1995)

Similarly, the National Organization of Women's Shelters in Sweden (ROKS) submitted a written response to the Törnell report arguing, "We propose a criminalization of only the purchaser. [It] is clearly confirmed as to the power relation between the parties: the 'seller's' powerlessness, resulting from drugs and alcohol, sexual assault in childhood—80% to 90% according to research, low self-esteem, etc. If one these adds a gender equality

perspective to the discussion, the logic stops abruptly” (National Organization of Women’s Shelters in Sweden 1995).

Indeed, not only pro-CPSS proponents argued that criminalization of both parties would negatively impact the well-being of female sex workers. At the 1997 SAP congress, party leadership, seeking to block four pro-CPSS resolutions, declared its opposition to the conclusions reached in the Törnell report: “[Prostitution] involves women being exploited and degraded and it counteracts our striving towards equality between men and women...The party central committee considers it out of the question to criminalize prostitutes. That would be inhumane and lead to the women being put on par with her exploiter. Prostitution is one of the most extreme consequences of man’s domination and women’s subordination” (Socialdemokraterna 1997a, 33).

Despite efforts by then Minister of Gender Equality Laila Freivalds to block the congress from overruling the party leadership, nearly all speakers stressed the symbolic importance of the ban in addition to an expected outcome of reducing prostitution. Delegate Carina Brandt implored her fellow members to vote in favor of criminalizing purchasers: “[this vote] goes so far as to a roll call, you should know that the green button stands for continued exploitation of society’s daughters and the red button for stop! Comrades, push the red button!” (Socialdemokraterna 1997b, 202).

Similarly, one of the key architects of the pro-CPSS strategy in the SAP, Inger Segelström, stressed that backing CPSS would show that “the world’s most gender equal party in the world’s most gender equal society...can no longer accept that men can use money to buy women” (Socialdemokraterna 1997b, 196). While such arguments may have overlapped with those of transnational feminist networks opposing prostitution, Gunilla Ekberg, who has served as coexecutive director for the Coalition Against Trafficking in Women (one of the leading NGOs mobilizing against legalized prostitution) stresses that the initiative to see CPSS adopted stemmed from the Swedish feminist movement (2004, 1191).

When the ban came to a vote in the Riksdag in 1998, it did so as one of a series of broader measures designed to counteract violence against women, known as the Women’s

Peace Bill, which had its origins in the Women's Violence Commission of 1992. The SAP, the Left Party, the Greens, and the Center Party supported the proposed CPSS, while the Moderates and the Liberals opposed any form of criminalization. The Christian Democrats backed Törnell's proposal, wherein both parties would be criminalized. Some critics, such as Liberal MP Lennart Rohdin, questioned whether the desire to implement the ban had simply become symbolic politics, noting, "I have a feeling that even if we were in agreement that criminalization was of no help to prostitutes, that the need by many for this moral condemnation is so great that it would still determine the outcome" (Riksdagens snabbprotokoll 1998).

The SAP Labor Market Minister Ulrica Messing admitted the normative components of the legislation but stressed that these would bring about changed attitudes in Swedish society: "We think that prostitution is one of the worst expressions of the uneven division of power between men and women, and that it doesn't just impact prostitutes or those who purchase their services, but all of society. That's why we propose a criminalization of the purchaser. We are convinced that this will result in changed attitudes and decrease violence in society. We are also convinced that this will reduce prostitution" (Riksdagens snabbprotokoll 1998).

When the votes were cast, only the Moderate Party and the bulk of the Liberals voted against the bill, with the Christian Democrats abstaining. On the basis of salient ideas regarding gender equality, coupled with a narrative of female prostitutes as being victims of abuse, feminist actors were able to mobilize backing for a policy wherein Sweden became the first state to criminalize the purchase, albeit not the sale, of sexual services through the Prohibition of Purchase of Sexual Services Act (Swedish Ministry of Justice 1998).

Finland: Competing Ideas and Compromise Policy

For much of the twentieth century, prostitution received little attention in Finland; historically, it was viewed as a problem of morality, health, law and order, youth, or gender equality (Järvinen 1990). In the 1980s, street prostitution was invisible and considered highly

unusual (Häkkinen 1995; Varsa 1986). Police in Helsinki knew of only a few dozen prostitutes, who were believed to work independently. Consequently, when the Vagrancy Act of 1936 controlling prostitutes was repealed in 1986 (Järvinen 1990), only sanctions against pimping remained.

It was not until the early 1990s that Finnish prostitution discourse shifted decisively, when Russian and Estonian women selling sex on streets, in restaurants, and in hotels increased the visibility of commercial sex and directed the public focus toward transnational sex work (Marttila 2009). Observers viewed the causes of prostitution as a result of political and economic changes in the former Soviet Union, improved possibilities for crossing borders, and notable wealth disparities between Finland and neighbors to the east and south (Jyrkinen 2005). Yet the economic recession of the 1990s also increased the number of Finnish women involved in sex work, normalizing commercial sex and increasing the overall number of sex workers (Kauppinen 2000). Such structural factors were far less central in the Swedish case, where pro-ban actors were driven by a general conviction that a sex purchase ban represented an effective practical response to Sweden's rather limited prostitution market, as well as an important symbolic statement about unequal power relations between men and women.

At this time, Finnish public debate on prostitution centered largely on nuisances associated with commercial sex—its connection to violence and international crime and public order disturbances. Helsinki residents demanded parliamentary action against street prostitution and disturbing the neighborhood peace (Koskela, Tani and Tuominen 2000). Yet lacking legislation, law enforcement officials attempted to control prostitution with ad hoc measures, such as restricting night traffic on certain streets.

In response, female MPs throughout the 1990s submitted private member bills demanding the restriction of procurement (KK 590/1993, KK 9/1994, KK 594/1997, KK 868/1997, TA 26/1995). In 1996, MP Paula Kokkonen (National Coalition), together with sixty-two male and female cosignatories, demanded criminalization of attempts to purchase sex in public places (LA 31/1996). According to political scientist Anne Maria Holli, the initiative was a compromise agreed upon in the Network of Women MPs in the

Parliament (Holli 2004, 111).²² The use of criminal law was intended to decrease harassment of ordinary women. In fact, Kokkonen pointed out that prostitution was a large-scale social problem that could not be eliminated by criminal law alone but with social policy measures. The initiative received a mixed response in the initial hearing, as some male MPs preferred criminalizing both customer and seller or reinforcing the Vagrant Act, which also criminalized prostitutes (PTK 93/1996). The initiative was sent to the Legal Affairs Committee where it was later merged with the revisions of the Sex Crime Act (HE 6/1997), in which the government proposed criminalizing the purchase of sexual services from a minor. The Legal Affairs Committee decided in the end not to include criminalization of attempt to purchase sexual services in public places to its revision of the Sex Crime Act (LaVM 3/1998). Consequently, Left Alliance MP Annika Lapintie proposed a Swedish-style CPSS in the final stages of the legislative process, just weeks after the Swedish Riksdag had passed its bill. At the time, most MPs shared the opinion of the Legal Affairs Committee in that street prostitution was a question of public ordinance regulation rather than a topic for the Penal Code. MPs who were against the proposition feared that the Swedish legislation would remain only symbolic, and several of them quoted fellow MP Kokkonen's initiative from 1996 that prostitution could not be erased by criminal law alone (PTK 77/1998). As a result, Lapintie's arguments that a general CPSS was important to Finnish gender equality fell short by eighty-three votes against sixty-two, keeping the initial governmental proposal and making it a crime to purchase sex from a minor only.

Prostitution remained a hot topic and efforts to diminish street prostitution continued on a municipal arena when Helsinki city council passed a municipal ordinance that criminalized the purchase and sale of sexual services in public places in 1999. While Lapintie's efforts to enact CPSS had not been supported by the government in the 1990s, she tried again in 2002, receiving considerable backing from her fellow legislators. Disturbed by the law enforcement's interpretation of the ban to apply to prostitutes only (Holli 2004), Lapintie collected one hundred signatories in the two hundred-person Eduskunta to support her call for the government to adopt CPSS (TPA 178/2002), and a newspaper poll showed that as many as 137 MPs actually supported the call (Helsingin Sanomat 2002).

Simultaneously, Minister of Justice Johannes Koskinen (Social Democrat) appointed a working group to suggest changes to the Penal Code in order to comply with the Palermo Protocol, adopted by the UN in 2000. Among other tasks, the group was commissioned to assess whether CPSS was necessary.

The working group presented its opinion in July 2003, proposing CPSS by a one-person majority (Oikeusministeriö 2003, 5). While advocating CPSS, gender equality ideas did not chiefly guide the working group's analysis. Rather, the report proclaimed prostitution to be socially problematic and connected to mental and physical health problems and drug abuse among prostitutes. The report assumed prostitutes to be highly susceptible to violence, which potentially worsened their already vulnerable social positions. The working group also argued that prostitution was mainly under the control of organized crime and that CPSS would send a powerful signal that prostitution is not accepted in Finnish society.

However, the report also included two dissenting opinions. Jukka Lindstedt, chairman and senior adviser for legislative affairs at the Ministry of Justice; Counsellor Jaakko Haltunen at the Ministry for Foreign Affairs; and Judge Ulla Lahtinen at Helsinki District Court were opposed to criminalization. They proposed new legislation on pandering and trafficking, which, if required, would be limited to cases where the seller is a victim of human trafficking or pandering. In a second dissenting opinion, Haltunen and Lahtinen argued that solely criminalizing the purchase of sexual services was unnatural and artificial, whereas a more efficient and equitable way to combat prostitution would be to criminalize both buying and selling.

In the initial hearing round that followed the report, seventy-two statements from legal experts, law enforcement, feminist actors, and interest groups focused on prostitution in relation to international crime. Regardless of the policy advocated, these actors stressed that their concern was for victims of trafficking and procuring (Oikeusministeriö 2004, 3). For instance, the Helsinki district court stated that neither social nor gender equality would increase by criminalizing the purchase of sexual services. Rather, the court suspected that criminalizing the customers would complicate investigating and ruling on procuring and human trafficking for sexual exploitation (Helsingin käräjäoikeus 2003). Conversely, the

National Council of Women of Finland argued that criminalizing the purchase of sex (rather than sexual services) would have an immediate effect in preventing human trafficking and sex tourism to Finland (Naisjärjestöjen Keskusliitto 2003).

Consultative bodies that submitted statements during the initial hearing round seem to have been influenced by a report from the National Bureau of Investigation (NBI), whose statements estimated that the annual number of people engaged in prostitution was between ten thousand and fifteen thousand and controlled by organized crime in Russia and Estonia (Aaltio 2009). Yet the NBI report, and the statements that cited it, regarded foreign prostitutes as voluntarily and consciously having chosen the sex industry, given the lack of other realistic choices due to the socioeconomical situation in their home country (Leskinen 2003). Therefore, while considered victims, sex workers were simultaneously considered responsible for their actions (Roth 2010).

In April 2004, Minister of Justice Koskinen presented the first part of the working group's proposals on measures to combat human trafficking, pandering, and prostitution (HE 34/2004) to the Eduskunta. CPSS was not included since the government decided to evaluate the effects of an earlier Public Order Act (HE 20/2002), one that addressed a much broader range of activities thought to constitute a public nuisance, including instances where the sale of sexual services resulted in a disturbance of the peace. Further, the government chose to wait for guidelines to emerge from the Council of Europe Convention on Action against Human Trafficking in Human Beings and for more data to emerge as to the impact of the Swedish ban. Once it became clear that the Ministry of Justice planned to leave out CPSS from the 2004 proposal, Lapintie opted to bring forth her own initiative, calling for CPSS as requested in the working group's majority proposal (LA 22/2004). Lapintie, together with eight female cosignatories across party lines, argued that the CPSS would improve both gender and social equality as the ban would work preventively and reinforce the tools to combat trafficking. Several MPs contested Lapintie's proposal, claiming it lacked pragmatism and ignored principles of fairness and sex workers' rights. Social Democrat MP Esa Lahtela stated that he could not understand how it would be possible to criminalize the buying of something but not the selling. He also feared that a one-sided

CPSS could be used to extort men, viewing criminalization of both the selling and buying as a logical sign of true equality (PTK 32/2004).

Therefore, the prostitution policy debate reveals a striking contrast in the depth of ideas about gender equality that had permeated among MPs in the Finnish and Swedish parliaments. In Sweden, an increasingly hegemonic discourse in favor of CPSS spread throughout society, though not without resistance. Many law enforcement officials, administrative agencies, and some policymakers were skeptical of whether CPSS would decrease prostitution. However, an emerging sense among Swedish political elites that gender equality ought to inform policy as a whole provided a supportive and crucial ideational climate, strengthening the hand of those supporting CPSS. Pro-ban actors in Finland also put forward gender and social equality ideas, but these were neither the sole weapon of choice among CPSS proponents nor widely shared by Finnish political elites.

In the next two years, members of the Eduskunta went even further in questioning the assumption that CPSS would increase gender equality in Finland. Lapintie's motion from 2004 had been sent to the Legal Affairs Committee and merged with a government bill (HE 221/2005) put forward by newly appointed Minister of Justice Leena Luhtanen in December 2005, in one of her first official acts. In contrast to the Swedish case, Luhtanen's decision to do so appears to have been poorly anchored within the coalition government, as only the Swedish People's Party had formally decided (in 1999) to support CPSS. MPs in the Eduskunta underlined enforcement difficulties, claiming that a CPSS would push sex trade underground. Several MPs contested whether CPSS really was a question of gender equality, and a few male MPs declared the bill to be insulting toward Finnish men as it portrayed them as exploiters of female victims (PTK 3/2006). Particularly notable is the fact that gender, and not party lines, structured the debate, with many male MPs opposing CPSS. This is in contrast to Sweden, where with only limited exceptions, the parliamentary debate was structured much more along party lines, with only Liberals, Moderates, and one Christian Democrat MP speaking in opposition to CPSS. Female and male MPs were roughly equally represented in terms of speakers opposing CPSS.

And so by 2006, policymakers' support for CPSS had turned sharply more critical

than it was in 2002. This shift was further accelerated by the presence of an epistemic actor who successfully called into question the assumed victim status of sex workers that had guided the initial call for CPSS. Anna Kontula, a prominent prostitution researcher, challenged claims about the number of sex workers in Finland, while also stressing that it was incorrect to portray all sex workers as unwilling participants in the sex trade. The assumed victim status of prostitutes that had previously guided the logic of the proponents of the ban was now under attack from a well-regarded epistemic actor. The Finnish sex workers' interest organization Salli, founded in 2002 to give sex workers a voice in the CPSS debate, largely shared Kontula's opinions, emphasizing sex workers' rights to decide over their own bodies (Kontula 2005). Salli participated actively in commenting on legislation concerning prostitution and was successful in defining prostitution as sex work and comparable to any other profession. According to Salli, government policy should aim to focus on guaranteeing sex workers rights, improving working conditions, and ending the stigma of sex work rather than abolishing sex work (Seksialan Liitto SALLI 2003). Unsurprisingly, Salli portrayed CPSS as bringing more harm to sex workers than good, an opinion also shared by Pro-Tukipiste, a well-regarded civic organization providing assistance to Finnish and foreign sex workers (Oikeusministeriö 2004).

Increasingly substantial opposition to CPSS and a fear that the bill would not pass led the chair of Parliament's Legal Affairs Committee Tuija Brax (Greens) to redraft an alternative compromise bill that strongly resembled the first dissenting opinion in the 2003 working group report. In this new bill, it would be illegal only to purchase sexual services from a knowingly trafficked victim, reflecting the consensus in Parliament on combatting trafficking. Although the compromise proposal was furiously criticized from both proponents and opponents of CPSS, it was passed in June 2006. Even though resistance against the original CPSS was articulated around sex workers' rights, MP Heidi Hautala (Greens) suspected another underlying motive behind the opposition: the male right to purchase sex (Hufvudstadsbladet 2006).

Conclusion

For scholars of comparative politics, the Swedish and Finnish cases of prostitution policy reform not only shed light on two intriguing instances of policy reform but also have value for debates as to the importance of “fit” and “national mood” when considering why policy entrepreneurs succeed in some settings yet fail in others (Kingdon 1995). Central to the broad literature stressing “fit” is the belief that policy entrepreneurs stand the greatest chance of success when arguments and proposals can be embedded in “persuasive ideational frameworks” (Hansen and King 2001). The two cases reviewed in this chapter shed light on this claim. In Sweden, an increasingly powerful discourse in favor of CPSS spread throughout society. While this did not occur without resistance, it nonetheless facilitated the attempt by pro-ban actors to establish a broader “fit” for their desired policy.

Certainly, many Swedish law enforcement officials, administrative agencies, and some policymakers were skeptical of whether CPSS would decrease prostitution. However, an emerging sense among Swedish political elites that a specific variant of gender equality, one in which state policy could be used to alter power relations and reduce structural violence against women, provided a supportive and crucial ideational climate, strengthening the hand of those supporting CPSS. By grafting the call for CPSS to ideas about gender equality that were broadly resonant in most Swedish political parties, pro-ban actors rendered powerless those arguments put forward by opponents, thus securing a decisive legislative victory.

In Finland, prevailing gender equality ideas prevented ban proponents from being able to establish the type of fit between idea and policy proposal that existed in the Swedish case. The notion that commercial sex is violence against women and an expression of inequality between genders (in which the state should intervene with the use of the penal code) was not widely shared by Finnish political elites. Consequently, gender equality was not the sole weapon of choice among CPSS proponents, many of whom identified themselves as feminists. Rather, the Finnish debate over prostitution policy reform was partially driven by concerns over trafficking in women from post-Communist states. Pro-ban actors

advanced gender and social equality ideas, but instrumental arguments stressing the need to adopt CPSS as a means for combating trafficking were especially prevalent. Unlike Sweden, the proposed ban faced a strong challenge within Parliament, as well as from NGOs and epistemic actors. Opponents to the ban emphasized the incompatibility of CPSS with equality norms and the difficulties of enforcement difficulties and questioned whether women in prostitution were victims. Faced with a climate in which no one set of ideas could be invoked to guarantee victory for CPSS, the trafficking compromise emerged.

The notion of fit also has relevance for those following prostitution policy reform debates in other European states such as Denmark, France, Ireland, and the United Kingdom. Our findings suggest that local agents (Acharya 2004) seeking to import the Swedish prostitution model to new settings must be familiar with the relevant ideational frameworks in those states if they are to succeed. Gender equality ideas may have resonated in Sweden, but this does not imply they will have similar influence in all settings, as the power of these ideas is partially conditional on a successful fit. Indeed, Norway's 2008 sex purchase ban confirms this point. There, the key ideas that carried the day did not have to do only with gender equality but with law and order and concerns over the visibility of foreign sex workers in city centers (Bucken-Knapp and Karlsson Schaffer 2011).

Of course, an awareness of the ideational terrain in various states is not exclusive to those seeking adoption of CPSS. Actors looking to block the Swedish model or those seeking to build support for more liberal prostitution policies also need to consider how best to embed their policy proposals in persuasive ideas if they are to add that state to their column on the tote board. To no small extent then, the outcome of the ongoing battle over prostitution policy reform across Europe may reflect how well competing actors can properly read local ideational conditions and whether those can be harnessed in support of one's policy aims.

Notes

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Chapter 9

- ¹ A subsequent parliamentary report on sexual crime was released in 1982. Here too, CPSS was rejected in favor of further measures to combat procurement. See *Våldtäkt och andra sexuella övergrepp* (SOU 1982:61).{~?~AU: Add to reference list. RESPONSE: Reference added.}
- ² The Network of Women MPs was founded in 1991 in order to better influence legislative work. The network works across party lines and includes all w female MPs. It has no official duties, gives no official statements or reports, and holds no votes but agrees on issues unanimously after discussion within the group. (Helsingin Sanomat 2001).