

Why Norway banned the purchase of sexual services: Ideas and prostitution policy

Gregg Bucken-Knapp, PhD
University of Stirling, Scotland
gregg.bucken-knapp@stir.ac.uk

Johan Karlsson Schaffer, PhD
University of Oslo, Norway
j.m.karlsson@nchr.uio.no

Paper prepared for
the Swedish Political Science Association's Annual Meeting,
Gothenburg, 30 September–2 October, 2010.

After decades of debate, the Norwegian parliament criminalized the purchase of sexual services, but not the sale, in 2008. Proponents and critics of the ban, as well as many scholars, have maintained that Norway followed in the footsteps of Sweden, which in 1999, became the first state to adopt legislation prohibiting the purchase of sexual services. However, as we argue in this paper, the two policies may be broadly similar, yet the underlying rationale for their adoption was quite different.

While the issue of a sex purchase ban has been on the agenda for over three decades in Norway, bringing together a makeshift coalition of radical feminists and Christian conservatives, proponents have consistently failed to achieve legislative success. Yet, since 2006, the presence of Nigerian street prostitutes in Oslo has generated intense media coverage and substantial public outrage. Against this backdrop, entrepreneurs discovered an increasingly receptive environment for calls to criminalize the purchase of sex.

Drawing on a broad range of constructivist and ideational literature in both international relations and comparative politics, we detail how the Norwegian ban resulted from policy entrepreneurs drawing upon especially salient ideas regarding transnational trafficking in order to achieve legislative success. This stands in sharp contrast to the Swedish case, which stemmed from an elite political consensus that viewed a ban as a necessary step in the battle for increased gender equality. While ideas are an important tool for achieving policy change, different ideas are necessary in different national contexts, even when agents seek similar policy outcomes.

THE SEX PURCHASE BAN COMES TO NORWAY

As of January 2009, the purchase of sexual services is legally prohibited in Norway (and, for Norwegian citizens, abroad). Thus, after Sweden, which passed a similar bill in 1998, Norway became the second country in the world to criminalise buying, but not selling, sexual services. So why did Norway adopt a sex purchase ban? Some scholars and commentators have argued that Norway followed in the footsteps of Sweden largely because of the lobbying of a broad feminist movement, which succeeded in construing prostitution as violence against women.¹ However, the sex purchase ban has been on the agenda for decades in Norway, gathering a broad, makeshift coalition of feminists, Christian groups and centrist politicians, which rather raises the question why they achieved the necessary parliamentary support only in 2007.

Drawing on a broad range of constructivist and ideational literature in both international relations and comparative politics, we shall argue in this paper that the decisive shift came as a response to public outrage in mass media over the sudden arrival of Nigerian prostitutes selling sex in the Karl Johan street in downtown Oslo and other cities. While politicians not always explicitly presented the sex purchase ban as a solution to that problem, it provided the backdrop against which policy entrepreneurs discovered an increasingly receptive environment for calls for criminalisation of the purchase of sexual services (CPSS). In the process, the sex purchase ban was re-crafted as a solution to the problems of organised, cross-border trafficking, rather than to domestic problems of gender inequality, which was the dominating frame a decade earlier in Sweden.² While ideas are an important tool for achieving policy change, different ideas are necessary in different national contexts, even when agents seek similar policy outcomes.

The paper is arranged in three sections: First, we position our own, ideational approach to prostitution policy change in relation to alternative explanations, which either focus on how strategic actors deploy power resources in order to further their goals, or on how the problem of prostitution is construed in public discourses. Second, we argue that the window of opportunity for prostitution policy change opened in response to a complex set of factors, stretching from the transnational level down to the street level in Oslo, which fundamentally transformed sex markets, visibly in the form of the Nigerian prostitutes arriving on the scene in 2003–04. Third, we give a detailed account of how key actors in 2006–07 came out in favour of criminalising the purchase of sexual services, where arguments construing the problem as transnational trafficking won out against competing problem frames, resulting in a bill in 2008.

EXPLAINING PROSTITUTION POLICY CHANGE

Over the past decades, prostitution policies in Europe have been subject to dramatic change, but not convergence. As scholars have sought to explain this policy variance, they have tended either to focus on the agents pushing for prostitution policy change, or on the policy discourses in terms of

¹ Strøm, "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway."

² Dodillet, "Cultural clash on prostitution: Debates on prostitution in Germany and Sweden in the 1990s"; Dodillet, "Ideologiska förutsättningar för den svenska och den tyska prostitutionslagstiftningen"; Dodillet, *Är sex arbete? : svensk och tysk prostitutionspolitik sedan 1970-talet*.

which prostitution is construed as a societal phenomenon. This theoretical division of labour is also mirrored in the few studies that have addressed the case of Norway's recent prostitution policy shift.

The first category of research explains policy change as a process driven by rational actors seeking to further their self-interest: "policy outcomes are determined by negotiations between powerful actors, each trying to advance its agenda."³ This so-called power-interest model partially overlaps with a certain line of feminist research on the so-called critical mass thesis, which starts from the assumption that mobilising and representing women politically is crucial for achieving women-friendly policies.⁴ In the context of prostitution policy reform, some feminist scholars, activists and policymakers have attributed the adoption of sex purchase bans in Sweden (and subsequently) Norway to "feminists and dedicated female politicians [who] understood the importance of and fought for the right of all women to have full control of their bodies."⁵ Such studies usually tell linear narratives of success, where the strategic action and coalition building efforts by a "velvet triangle" of feminist activists, politicians and academics result in a series of women-friendly policies.

While this explanatory model usefully draws our attention to the interplay among political actors, it is insufficient as an account of prostitution policy change. First, a general problem with the power-interest model and the associated critical mass thesis in feminist scholarship is that they tend to take interests for granted. But the real puzzle is often to explain why certain actors define their policy preferences in the first place, and why similarly situated actors in different national contexts often come to take such different stance. Especially, second, another line of feminist scholarship questions the very notion that women as such share certain interests which get translated into policy once they gain sufficient political standing. Gender, these critics argue, is not a fixed, pre-political identity: it is constructed through the practices of politics.⁶ Hence, thirdly, in its crude form, the power-interest model and the critical mass thesis is not precise enough to explain the sharply diverging prostitution policy outcomes in European countries, where women and feminists have increased their parliamentary representation across the board.⁷

Another category of research instead turns its focus to public discourses. For instance, a number of studies discuss how the phenomena of prostitution, prostitutes and their clients are constructed in public discourses and how such discourses are mirrored in public policies. Prominent examples on the case of Norway include Skilbrei's overview of Norwegian prostitution policy reform in the 1990s, which focuses on representations of prostitutes in the media and political debates, and Stenvoll's analysis of how cross-border prostitution in the northern Finnmark region was described in the media in the 1990s.⁸

³ Bleich, "Integrating Ideas into Policy-Making Analysis: Frames and Race Policies in Britain and France."

⁴ Wängnerud, "Women in parliaments: Descriptive and substantive representation"; Celis and Childs, "Introduction: The Descriptive and Substantive Representation of Women: New Directions."

⁵ Ekberg, "The Swedish law that prohibits the purchase of sexual services"; Eduards, *Kroppspolitik: Om moder Svea och andra kvinnor*, 174; Strøm, "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway."

⁶ Childs and Krook, "Analysing Women's Substantive Representation: From Critical Mass to Critical Actors"; cf. Towns, "Understanding the Effects of Larger Ratios of Women in National Legislatures."

⁷ See, for instance, Dodillet, "Cultural clash on prostitution: Debates on prostitution in Germany and Sweden in the 1990s."

⁸ Stenvoll, "From Russia with Love?"; Skilbrei, "The rise and fall of the Norwegian massage parlours: Changes in the Norwegian prostitution setting in the 1990s."

This category of research often gives detailed, descriptive accounts of how prostitution is framed as a problem in public understanding. What's missing in these studies, however, are explicit, explanatory accounts of how public discourses affect prostitution policy. While it seems likely that changes in mass media discourse, responding to changes in prostitution markets, do influence policy, describing that shift is only half the story. It needs to be complemented with a careful assessment of how policy entrepreneurs were able to draw on the discursive shift in order to achieve legislative success. While the outcome, in retrospect, might seem over-determined, it is produced by active, purposive agents. Policy makers might seek to resist changes in the broader ideational framework or selectively draw on available information in order to maintain their preferred stance.

In this study, we draw on both of these approaches within an over-arching ideational framework. In international relations, comparative politics and related sub-fields, scholars who are engaged in ideational research share a broad interest in understanding what factors account for the increased salience of new ideas, the mechanisms through which ideas become embedded in various features of the polity, and the impact that ideas have on political processes.⁹ Successfully deploying ideas in support of policy objectives requires a synergy between ideas and the relevant institutional and cultural features of the polity.¹⁰ Thus, ideational scholars do not deny that actors, their level of strategic resources, and institutional design are crucial elements in understanding policy outcomes. Where an ideational approach differs is in emphasising the need for actors to “embed their arguments in persuasive ideational frameworks”.¹¹ Indeed, placing ideas alongside more traditional explanatory variables, such as actors' resources and the institutional framework, is a defining feature of contemporary integrated approaches to public policy, including Sabatier's advocacy coalition framework and Baumgartner & Jones's emphasis on punctuated equilibria.¹² Successfully nesting ideas for policy reform can be regarded as the mobilization of consent for policy.¹³ Within the field of international relations, the concept of grafting is used to describe a similar attempt at achieving policy change: entrepreneurs graft their reform idea onto existing international norms in order to improve the odds that governments will enact their proposals.¹⁴ A complementary argument is put forward by Kingdon who specifies how policy proposals need to “fit with the dominant values and current national mood” in order to be adopted.¹⁵ Taken jointly, these scholars stress that ideational accounts must demonstrate an explicit linkage between policy ideas and relevant ideational frameworks within the broader polity. An ideational approach thus augments mainstream perspectives on public policy reform, which focus on actors strategic capabilities and institutional constraints.

⁹ Berman, “Ideas, Norms, and Culture in Political Analysis.”

¹⁰ Beland, “Ideas and Social Policy: An Institutional Perspective”; Berman, “Ideas, Norms, and Culture in Political Analysis”; Cox, “The Social Construction of an Imperative: Why Welfare Reform Happened in Denmark and the Netherlands but Not in Germany”; Walsh, “When Do Ideas Matter?: Explaining the Successes and Failures of Thatcherite Ideas.”

¹¹ Hansen and King, “Eugenic Ideas, Political Interests, and Policy Variance: Immigration and Sterilization Policy in Britain and the U.S.”

¹² Sabatier, “The advocacy coalition framework: revisions and relevance for Europe”; Baumgartner and Jones, *Agendas and instability in American politics*.

¹³ Gourevitch, “Keynesian Politics: The political sources of economic policy choices.”

¹⁴ Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.”

¹⁵ Kingdon, *Agendas, Alternatives, and Public Policies*.

FROM FAILURE TO SUCCESS

In Norway, criminalising the purchase of sexual services has been on the agenda for decades. From the late 1970s and a decade onwards, the Joint Action Against Pornography and Prostitution gathered a broad, heterogeneous coalition against pornography and prostitution. Initiated by the Women's League of the Centre Party (SP), the Joint Action included seemingly strange bedfellows: radical feminist groups such as the Women's Front, far left parties such as the Maoist Worker's Communist Party (AKP), Christian Democrats and church parishes, trade unions and the Norwegian Housewives' Union. At its peak, it gathered some 30–40 organisations claiming a total membership of ca 500,000 people and local groups across the country. Eventually dominated by the Women's Front, the Joint Action combined awareness-raising campaigns and political lobbying with militant, direct action directed against porn shops and assumed clients of prostitutes.¹⁶

In response to such activist demands in the 1980s, criminalising the purchase of sexual services was considered twice by the Department of Justice, in 1982–83 and again in 1986–87, the latter occasion including a broad consultative hearing.¹⁷ But whereas legislators in the mid-1980s heeded the Joint Action's demands for sharpening the anti-pornography laws, criminalising the purchase of sexual services never gained the necessary political support. The Joint Action disbanded due to internal tensions in the early 1990s, but both pornography and prostitution continued to stir political controversy in Norway.¹⁸

In the early 2000s, the issue of CPSS again rose on the agenda. In 2000, parliament criminalised the purchase of sexual services from minors, and the bill (Ot.prp. 28, 1999–2000) stated that a general sex purchase ban would be considered anew after two years. In the centre-right minority government from 2001–05, only the Christian Democrats (KrF), leading the coalition, were in favour of criminalisation, unlike their Conservative (H) and Liberal (V) allies.

Still, in 2003, the Department of Justice appointed a working group to gather information and provide a broader knowledge base for deciding whether or not to criminalise the purchase of sexual services. Led by law professor Ulf Stridbeck, the working group visited Sweden and the Netherlands and met with social agencies, police and other actors involved in implementing the two countries' sharply diverging prostitution policies. Delivering its report on 8 October 2004, the working group advised against CPSS and Stridbeck publicly disputed the Swedish sex purchase ban in both Swedish and Norwegian press.

Opening the window of opportunity: Palermo, Schengen, Oslo

In the meantime, however, Norway had ratified the Palermo Protocols on human trafficking (St.prp. 58, 2002–2003). Adopted in 2000 by the United Nations in Palermo, Italy, the Palermo Protocols, as they are popularly called, signal what one scholar calls the meteoric rise of trafficking on the agenda of European countries.¹⁹ They also represent an interesting example of a so-called two-level game.²⁰ At an earlier point in time the Palermo Protocols, too, were the results of political negotiations where both state representatives and various non-governmental organisations

¹⁶ Strøm, "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway"; Nilsen, "Når man gir seg ut for horekunde, får man finne seg i karakteristikkene": Kampar mot prostitusjon 1981–1991."

¹⁷ Justis- og politidepartementet, *Ot.prp. nr. 48 (2007–2008)*, 1.

¹⁸ For instance, NOU 1997:23, *Seksuallovbrudd (Straffelovkommisjonens delutredning VI)*.

¹⁹ Askola, *Legal responses to trafficking in women for sexual exploitation in the European Union*.

²⁰ Putnam, "Diplomacy and domestic politics: The logic of two-level games."

struggled to have their preferred stance on trafficking written into the protocols, in order to allow them, at a later stage, to pursue their preferred policies domestically.²¹ Hence, as these protocols oblige states to undertake a variety of measures to combat the alleged increases in trafficking in human beings, yet are ambiguously and vaguely worded, they open up for both confusion and political manoeuvring as the protocols are supposed to be implemented nationally.²²

In the Nordic countries, the Palermo Protocols triggered revisions of domestic policies toward trafficking and prostitution. Moreover, the increased focus on trafficking in Europe around the turn of the millennium was further fuelled in Norway and the other Nordic countries by their full accession to the Schengen Area in 2001, and the eastward enlargement of the EU in 2004 and 2007. While the Nordic Passport Union had facilitated intra-Nordic travel for decades, the Schengen area in principle (if not in practice) removed internal border controls with more than 20 other European countries. The increased freedom of movement in Europe seems to have triggered changes in prostitution markets, thus creating both opportunities and constraints for political actors to pursue prostitution policy change.²³

While these developments at the transnational and European level drew attention to the issue of trafficking, the situation also changed substantively at the street level in Oslo, as Nigerian women arrived on the scene in 2003. While street prostitution had long been dominated by foreign women, the number of Nigerian prostitutes increased from two in 2003 to 128 the next year and approximately 400 by 2006.²⁴ Additionally, partly in response to increased police presence in the traditional prostitution area, street prostitution moved from the backstreets in Kvadraturen, near Oslo Central Station, to the Karl Johan street.²⁵ A boulevard stretching past the parliament, Oslo university, the national theatre up to the royal castle, Karl Johan street is a national monument in itself, a site for tourism, shopping and night life, but also for parades on the 17th of May, Norway's national holiday.

A handful of studies have sought to analyse how Norwegian press covered the sudden arrival of Nigerian prostitutes in the main cities of Norway. Synnøve Økland Jahnsen argues that media narratives revolved around three conflicts: the 'Norwegian prostitution market', emphasising competition between women of different ethnic origins offering sexual services; the 'Norwegian lines of tolerance and decency', describing a conflict between prostitutes and 'regular citizens' in the use of public space; and 'a global sex market', which emphasises unequal relations between women and men and between Norway and Nigeria.²⁶ Nigerian women in prostitution were portrayed, paradoxically, as both illegal aliens exploiting Norwegian men and as victims of cynical networks of trans-border crime.²⁷ May-Len Skilbrei, too, discusses how recent public and political debates, both

²¹ Doezeema, "Now You See Her, Now You Don't: Sex Workers at the UN Trafficking Protocol Negotiation."

²² For instance, Article 9.5 of the protocol reads as such: "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."

²³ Holmström and Skilbrei, *Prostitusjon i Norden*.

²⁴ However, fieldworkers claimed that the number of prostitutes had not increased: it was their attitude and skin colour that made the Nigerian prostitutes such a salient problem. For instance, Liv Jessen of the Pro-Senteret claimed that according to their estimates, the number of prostitutes had modestly increased from 562 to 704 in the course of 15 years. *Aftenposten* Aften 2006-06-29, *Halve Oslo vil forby sexkjøp*, cf. Stridbeck, "Prostitusjon i Norge: Realiteter, politikk og regulering," 54; Jahnsen, "Women who cross borders," 1.

²⁵ Jahnsen, "Women who cross borders," 45.

²⁶ Jahnsen, "Women who cross borders."

²⁷ cf. Simonsen, "Ubehaget i journalistikken: Verden midt i blant oss," 305f.

nationally and locally, have dealt with the phenomenon of Nigerian prostitutes in the streets of Oslo.²⁸ Skilbrei notes that while traditional discourses victimise prostituted women, the terms of debate shifted in these years, casting “regular Norwegian men” as victims of aggressive marketing of sexual services, while the Nigerian women were singled out and blamed for pushing their trade in the wrong place (Karl Johan street) and in the wrong way (too aggressively). In effect, prostitution by Norwegian women, if not simply neglected, was construed as more orderly and less disturbing. As Simonsen argues, mass media rarely sought to provide nuanced, multi-faceted narratives, but rather downplayed the complex character of the problem.²⁹ And as Jahnsen, Skilbrei and Simonsen all note, it’s hard to overestimate the symbolic importance of the Karl Johan street in the national context of Norway, and thus, public discourses not only construed prostitution as a nuisance for Norwegian men, but also as a taint on the pride of the capital and the nation.³⁰

In 2006, the issue of the Nigerian prostitutes surfaces on the political agenda. In April, Christian Tybring-Gjedde, MP of the Progress Party (FRP), suggested to reinstate paragraph 378 of the Penal Code, which banned “unambiguous exhortation or lewdness”. This, he argued, would mandate the police to target prostitutes and beggars on the streets of the capital, while safeguarding “the right of Norwegians to walk undisturbed on the Karl Johan”.³¹ In the ensuing debate, MPs Marit Nybakk (AP) and Ågot Valle (SV) sharply rebutted that the focus of debate should be on sexual slavery and how organised criminal networks kidnap, violate and kill women. Moreover, in the summer of 2006, the city’s governing coalition proposed to Oslo City Council to prohibit by local ordinances “the offering of sexual services in an aggressive or embarrassing way or in any other way that disturbs public peace, order and traffic.”³² After minor changes, the Progress Party, Labour, and the Conservatives (H) voted in favour, to the opposition of the Socialist Left Party (SV) and the Liberals (V). However, the Police Directorate eventually refrained from implementing the decision.³³

Thus, this is where the decisive shift in the surrounding ideational framework occurs: It locks the political focus to the twin complex of transnational trafficking and the Nigerian prostitutes in the streets, which eclipsed alternative problem constructions. But policy entrepreneurs yet had to take advantage fully of the opportunity provided by this sea change in the political environment, and present the sex purchase ban as the proper solution.

BUILDING SUPPORT FOR THE BAN

At the same time as mass media increasingly reported on the Nigerian prostitutes in the streets of Norway’s main cities, the CPSS policy proposal passed critical landmarks. In 2006, the Norwegian Confederation of Trade Unions (NCTU) congress decided to support a CPSS law, a decision which, as expected, had a strong impact on the centre-left coalition government, and the Centre Party came

²⁸ Skilbrei, “Nigeriansk prostitusjon på norsk: Feil kvinner på feil sted.”

²⁹ Simonsen, “Ubehaget i journalistikken: Verden midt i blant oss.”

³⁰ Skilbrei, “Nigeriansk prostitusjon på norsk: Feil kvinner på feil sted,” 174.

³¹ Skilbrei 176, Simonsen 307f.

³² Skilbrei 170.

³³ Interestingly, the Oslo police seem to provide expert knowledge useful to policy entrepreneurs while also actively advocating criminalisation. Throughout the process of policy change, police spokespersons publicly argued that a ban would reduce the extent of prostitution and the associated disturbances of public order, and make Norway a less attractive destination for cross-border trafficking (Aftenposten Aften 2006-06-29, *Halve Oslo vil forby kjøp av sex*; Dagsavisen 2007-04-01, *Politiets hallikjegere vil forby sexkjøp*). Agnete Strøm also describes how the Women’s Front met high-ranking police officers###.

out in favour of criminalisation. A year later, after intense debates where the parties' leadership faced harsh defeats, the congresses of the Socialist Left Party (SV) and the dominant Labour Party (AP) decided to support a sex purchase ban. Hence, by April 2007, criminalisation had gained the necessary support by the government parties, and could pass the final hurdle in parliament. However, this turning of the tide in 2006–7 raises the question whether this sudden change was triggered or related to, explicitly or implicitly, a corresponding sea-change in the broader public discourse. As we shall see, while policy proponents not always referred explicitly to the phenomenon of Nigerian women selling sex in the streets of Oslo, they almost exclusively presented the sex purchase ban as a solution to the problem of cross-border trafficking.

The NCTU and the Centre Party come out in favour of CPSS

In the 1990s, trade unions became a battle ground for prostitution policy in Norway. In 1992, the recently founded Prostitutes' Interest Organization in Norway (PION) marched with the 8 March International Women's Day demonstration under the parole "Whores are madonnas too", which stirred controversy in the women's and workers' movements.³⁴ Radical feminists, sprung out of the Joint Action, countered by lobbying trade unions to "take a stand against prostitution and against legalizing prostitution as 'work'."³⁵ However, from the 1990s onward, the issue of trade unions and prostitution seems to have been debated primarily in terms of conventional categories of gender equality and (sex) workers' rights, whereas the transnational dimension was less salient.

In 2006, the NCTU decided to support criminalisation. In her 1 May speech, NCTU president Gerd-Liv Valla publicly endorsed criminalisation, arguing that Norway should follow Sweden's example.³⁶ In September, the NCTU gathered a national conference on prostitution and trafficking, where Valla stated that the union declined recognising sex work and organising prostitutes. While she argued that Norway had become an open and attractive market for the "sex industry", she underlined that the NCTU supported criminalisation not in order to clean the streets, but as an expression of the equal worth of women and men.³⁷ Other proposals circulating at the same time suggested that the trade unions should fire representatives and employees who, in Norway or elsewhere, pay for sexual services (one trade union eventually decided on such a policy).³⁸

The next obstacle was passed in June 2006, as the eleven MPs of the Centre Party (SP), the smallest party of the governing red-green coalition, came out in favour of a sex purchase ban. Inga Marte Thorkildsen (SV), a critic of an outright sex purchase ban, had proposed to follow the Finnish example and criminalise only the purchase of sexual services from victims of trafficking.³⁹ In response to Thorkildsen's proposal, Erling Sande, SP's criminal policy spokesperson, argued that "nobody can deny that prostitution had increased in Oslo" and that a wholesale ban of the purchase of sexual services would more efficiently curb trafficking:⁴⁰

³⁴ Renland, "Fra medsøstre til ofre, horer og streikbrytere." Interestingly, the Labour Party's women's league in Oslo eventually decided to walk under the same banner "in order to show support for the girls."

³⁵ Strøm, "A glimpse into 30 years of struggle against prostitution by the women's liberation movement in Norway."

³⁶ Klassekampen 2006-05-02 *Noreg må forby kjøp av sex*

³⁷ Klassekampen 2006-09-08 *Vil kriminalisera*

³⁸ Aftenposten 2006-10-08 *Vil sparke sexkjøpere*, Aftenposten 2006-11-09 *Forbyr sexkjøp*.

³⁹ In 2005, Finland's Centre-Social Democrat coalition government had introduced a bill that would have resulted in criminalisation, yet after heated debate, parliament rejected the bill in the summer of 2006, instead penalising only the purchase of sexual services from victims of human trafficking.

⁴⁰ Aftenposten 2006-11-06, *Har ikke flertall*

“The Centre Party has decided to support the criminalisation of the purchase of sexual services. We do so because trafficking in human beings is increasing. In our view, it is double standards to condemn, on the one hand, human trafficking, while on the other hand having a legal market for it in Norway.”⁴¹

Press commentaries saw the decision as a response to the Nigerian women selling sex in the Karl Johan Avenue.⁴² But as the other coalition partners were bound by decisions at their congresses to reject criminalisation, and, moreover, as the party leadership and government ministers of both SV and AP were outspoken opponents, time was not yet ripe for adopting a sex purchase ban.⁴³

The SV congress in 2007

At the SV party congress, CPSS turned out to be one of the most contentious issues. At the two previous congresses (2005 and 2003), CPSS had been turned down, with narrow margins. The pro-CPSS wing was fronted by the Socialist Youth and its leader, Kirsti Bergstø, as well as the party branch in Hordaland county. Deputy Chairman Audun Lysbakken also strongly favoured CPSS. On the other side, MP Inga Marte Thorkildsen, a lone voice who had gained majority against CPSS on the past few congresses, was backed by party Chairman Kristin Halvorsen, and other influential female politicians, such as MP Karin Andersen.

Interestingly, while arguments about trafficking figured in the debates, the opponents of criminalisation seem to have insisted on debating prostitution in general terms, focusing for instance on the need for social policy measures to help women out of prostitution. Proponents of CPSS, by contrast, seem to have mainly construed the problem to which they presented criminalisation as a solution, as transnational trafficking. Bergstø argued that the absence of a ban made Norway attractive for trafficking.⁴⁴ “We are in favour of criminalising whore customers, in order to curb trafficking”, a regional party leader argued.⁴⁵ Similarly, Lysbakken:

“We must, as a society, say what we think of buying another human being and of selling women and children across national borders. Criminalisation of sexual purchases is one of the measures we can take.”⁴⁶

Halvorsen also referred to the new forms of street prostitution in the past few years:

“Many people witness prostitution that is much more aggressive and visible in several Norwegian cities. Many women experience it as offending, and wishes it to go away.”⁴⁷

While Halvorsen also referred to the experiences of prostitutes and social workers she had talked to and argued that their opinion should be given the greatest weight, Bergstø claimed that Halvorsen and Thorkildsen had been duped by the ProSenteret, a field work centre in Oslo, the leader of which

⁴¹ Aftenposten 2006-06-16, *Sp vil forby sexkjøp*; Aftenposten Aften 2006-06-29, *Halve Oslo vil forby kjøp av sex*

⁴² Klassekampen 2006-06-16, *Fri eller tvungen*.

⁴³ In response to SP's decision, Anne Marit Bjørnflaten (AP) and Olav Gunnar Ballo (SV) underlined that their respective parties had rejected criminalisation (Aftenposten 2006-11-06, *Har ikke flertall*).

⁴⁴ Klassekampen 2007-03-24, *Slåss om kriminalisering*

⁴⁵ Ola Huke, fylkesleder, Sør-Trøndelag SV.

⁴⁶ Audun Lysbakken, Dagsavisen 2007-03-24, *Kamp om sexkjøp*

⁴⁷ Kristin Halvorsen (SV), Dagsavisen 2007-03-24

Liv Jessen consistently argued against criminalisation.⁴⁸ They also disagreed as to whether the Swedish experience supported criminalisation or yet needed to be thoroughly evaluated.

Proponents of the ban, such as Lysbakken, also referred to the upcoming AP congress as a strategic opportunity not to miss.⁴⁹ With NCTU and SP already in favour, SV taking a stance for CPSS would influence the congress of the internally divided AP, too, and provide SV an opportunity to change the coalition government's policy.

After a long debate extending into the night, a majority of the 205 delegates voted in favour of CPSS, and the statement framed criminalisation of clients as a means to curb trafficking: "As long as the purchase of sexual services is allowed, Norway will be a coveted destination for trade in human beings [menneskehandel] and trafficking of foreign prostitutes."⁵⁰ The decision was reported as a victory for Lysbakken and the youth wing, and a defeat for Chairman Halvorsen, supported only by 74 (78?) delegates.⁵¹

Afterwards, a columnist in Dagsavisen claimed that the reason that the SV congress had turned in favour, was plain to see for anyone taking an evening stroll through Oslo city: "There, young Nigerian women walk from man to man in their hunt for a new whore customer. Trade in human beings [menneskehandelen] no longer takes place in the dark alleys around the Bank of Norway or in lugubrious basement brothels, but in the Karl Johan."⁵² Likewise, the left-wing daily Klassekampen, favouring criminalisation, commented that current domestic and international measures had done little to reduce street prostitution.⁵³ All in all, the trafficking discourse was dominant in the SV's internal debate. With the SV then in favour of CPSS, two out of three parties of the governing coalition were in favour, and the CPSS proposal just had one final hurdle to pass: The Labour Party.

The AP congress in 2007

The tipping point was the Labour Party congress in mid April 2007. Two years earlier, the congress had turned down criminalisation. This year, too, party leadership argued against the proposal, suggesting instead to give government more time to consider the issue, in a debate that stretched over several days.⁵⁴ Among those who entered the podium during the debate were party heavyweights such as Knut Storberget (Minister of Justice), Dag Terje Andersen (Minister of Industry), Helga Pedersen (Minister of Fisheries and deputy party chairman) as well as Anniken Huitfeldt, leader of the women's network, who all endorsed postponing the decision.⁵⁵ Prime minister and party leader Jens Stoltenberg, however, did not declare a public opinion.

⁴⁸ Klassekampen 2007-03-24, *Slåss om kriminalisering*. Dagsavisen 2007-03-24, *Kamp om sexkjøp*.

⁴⁹ Audun Lysbakken: "Ap kommer til å ta dette opp på sitt landsmøte. Nå har vi muligheten til å gå foran. Tiden er moden for at SV tar dette standpunktet." (Dagsavisen 2007-03-24, *Kamp om sexkjøp*)

⁵⁰ Aftenposten 2007-03-25, *Vil kriminalisere horekunder*. However, the statement might also have proposed other measures than CPSS, such as working to change public attitudes and zero-tolerance for the PSS of civil servants (Klassekampen 2007-03-26, *Lovforbud*).

⁵¹ Aftenposten 2007-03-25, *Vil kriminalisere horekunder*; Dagsavisen 2007-03-25 *Kristins nederlag*

⁵² Dagsavisen 2007-03-25 *Kristins nederlag*

⁵³ Klassekampen, 2007-03-26, *Lovforbud*

⁵⁴ Before the congress, MPs Eirin Sund and Marianne Agdestein proposed to create a "red light district", with health controls, taxation, audit and social rights for sex workers, in Oslo, Stavanger and other cities. Unsurprisingly, the proposal was dwarfed by the controversy on the sex purchase ban (Dagbladet 2007-04-19 *Bobler under Jens*).

⁵⁵ Previously undecided, Minister of Health Sylvia Brustad also publicly rejected criminalisation in the run-up to the congress, arguing that a ban would "force the business underground and lead to more brutal violence." Foreign Minister Jonas Gahr Støre sought to mediate between the opposing camps, suggesting that the congress should initiate a process intending for a ban, while also considering other options (Dagbladet 2007-04-15 *Tviler*)

Storberget argued that while trafficking was already criminalised, a prohibition of the purchase would have little effect and would be difficult to enforce. Moreover, he feared that prostitution would move indoors, making prostitutes more vulnerable and dependent on traffickers, and said that no firm, unequivocal conclusions could be drawn from the Swedish experience.⁵⁶ Minister of Equality Karita Bekkemellem also passionately opposed criminalisation. In an interview, Bekkemellem said she feared that “the girls concerned would disappear under ground” and wished to wait until the Swedish experience had been thoroughly investigated.⁵⁷ She also said that regardless of what the congress decided, “it is very important to work with other measures against prostitution and trafficking.” Eva Kristin Hansen (MP and ex-leader of the youth wing) voiced strong worries over the ban, but also acknowledged that many party members felt increasingly frustrated “that this problem just keeps growing and growing, and look for means to stop it”.⁵⁸ Two days before the congress decision, Anniken Huitfeldt met with prostitutes at Prosjenteret, and said that

“it is a good social-democratic principle to listen to the people we wish to help, before we decide. In my view, the arguments for a prohibition fall short when meeting the girls who would be affected by such a prohibition.”⁵⁹

Proponents of the ban included the youth wing AUF, the influential local branches in Oslo, Bergen, Trondheim, Sør-Trøndelag and Hordaland, and, as already noted, the influential Confederation of Trade Unions. In Dagsavisen, Jan Böhler, of Oslo AP (but also a former member of the AKP), said that the shifting stance within the party was due to the increasing visibility of prostitution over the past couple of years, arguing that trafficking and prostitution had “gained a whole new volume” and that a prohibition would reduce the market.⁶⁰

“The situation is more difficult than ever in Oslo and other major Norwegian cities. We must use legislation to draw the line. We don’t want it to be such that you can buy victims of human trafficking in downtown Oslo.”⁶¹

Similarly, ex-MP Ane Tømmerås claimed that the situation was “worse than ever” in Oslo:

“It is more international, more organised, it occurs in more places and is more general. ... Norway has become a haven for international prostitution.”⁶²

During the congress, trade union representatives also argued for criminalisation, arguing that purchasing sex equals human trafficking, discrimination and abuse.⁶³

Interestingly, the internal division did not follow the traditional left-right dimension, as, for instance, some MPs associated with the party left were outspoken critics of the ban.⁶⁴ Moreover,

seg til kompromiss). Storberget similarly sought to modify his opposition to the sex purchase ban, endorsing Støre’s compromise (Dagsavisen 2007-04-17 *Benekter klar motstand mot sexkjøp-forbud*).

⁵⁶ Dagsavisen 2007-03-29 ###.

⁵⁷ Dagsavisen 2007-03-27 *Ap-kamp om sexkjøp*

⁵⁸ Dagsavisen 2007-03-27 *Ap-kamp om sexkjøp*

⁵⁹ VG 2007-04-20, *Sier nei til å forby sex-kjøp*

⁶⁰ Dagsavisen 2007-03-27 *Ap-kamp om sexkjøp*

⁶¹ Dagsavisen 2007-04-16 *Böhler irritert på Støre*

⁶² Dagbladet 2007-04-20 *Norge et fristed for sexhandel*

⁶³ Klassekampen 2007-04-21, *LO-kvinner går for forbud*

⁶⁴ Klassekampen 2007-03-27 *Åpen Ap-kamp om forbud*

many regional branches of the party had not discussed the issue, let alone taken a stance, in preparation for the congress, and even among those branches that had decided in favour of criminalisation, congress delegations were internally divided.⁶⁵ “It’s an important topic, but it’s far away from us, and we haven’t discussed it in the regional branch”, said Ingalill Olsen of Finnmark AP.⁶⁶ Hence, prostitution was mainly construed as city problem, even though the Finnmark district was the scene of a similar media focus on cross-border prostitution in the 1990s.⁶⁷

Outsiders also sought to influence the debate before the AP congress. Oslo City’s tourism manager Tor Sannerud endorsed criminalisation by reference to Nigerian street prostitutes, saying that “tourists do not expect to face such a city scene when they come to Norway’s capital, and many are very puzzled that this happens in one of richest cities of the world.”⁶⁸ Oslo police department also publicly criticised Storberget for resisting criminalisation and argued that a ban would reduce the extent of prostitution and the associated disturbances of public order, and make Norway a less attractive destination for cross-border trafficking.⁶⁹ Gunilla Ekberg, an adviser to the former Swedish government and a spokesperson for the Coalition Against Trafficking in Women, stated in an interview that “the difference in the volume of sales and purchases of Nigerian women shows with great clarity the difference between Sweden and Norway.”⁷⁰ Ekberg also implied that Norway was obliged by the Palermo Protocols to take measures to reduce the demand for sexual services. Mona Sahlin, then newly elected leader of the Swedish Social Democratic Party, who visited the congress, dismissed the way opponents to the ban drew on the Swedish experience: “We are very satisfied with the result”, she said, although she refrained from advising the AP what decision to take.⁷¹

Opposing the ban, by contrast, Proseneteret’s Liv Jessen argued that the sex purchase ban had done little to rid Sweden of the problem of trafficking, and that the number of people selling sex per capita was the same as in Norway.⁷² Meanwhile, female prostitute ‘Gitte’ reportedly gathered 200 signatures from prostitutes urging the AP to reject criminalisation, but MP Marit Nybakk (AP), a proponent of criminalisation, refused to accept the petition and ‘Gitte’ was denied entry to the congress.⁷³ In an interview, Nybakk said “There is no right to be a prostitute. We cannot allow sex slaves to be ravaged just because a Norwegian girl should have the right to sell herself.”⁷⁴

Eventually, though, 184 out of 300 delegates voted in favour of criminalisation, and both proponents and opponents rejected a compromise proposal from the editorial committee (which was internally divided too).⁷⁵ Press reported the decision as a victory for the youth wing, for influential regional branches of the party, including Oslo AP, and for certain members of

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⁶⁷ Stenvoll, “From Russia with Love?”

⁶⁸ Aftenposten 2007-04-16 *Rent og pent?*

⁶⁹ Aftenposten Aften 2006-06-29, *Halve Oslo vil forby kjøp av sex*; Dagsavisen 2007-04-01, *Politiets hallikjegere vil forby sexkjøp*.

⁷⁰ Klassekampen 2007-04-18 *Følg Sveriges eksempel*

⁷¹ Dagsavisen 2007-04-21 *Slakter Aps sexkjøp-notat*

⁷² Dagbladet 2007-04-18 *Kriminalisering er for lett vint*; Dagsavisen 2007-04-21 *Proaktiv*.

⁷³ Aftenposten 2007-04-17 *200 underskrifter fra prostituerte*, Aftenposten 2007-04-23 *Lederskap og feiltrinn*

⁷⁴ VG 2007-04-21 *Fanget i sin egen felle*

⁷⁵ Klassekampen 2007-04-23 *Stort flertall for forbud*

parliament, who managed to win the support of the congress.⁷⁶ Bøhler interpreted the decision as a means to solve the problem of Nigerian street prostitution in Oslo:

“The congress wanted to take charge. It’s a matter of decency. It is a moral crisis that we have 700 Nigerian prostitutes in Oslo who are victims of degradation and exploitation.”⁷⁷

Presenting the bill

With all three coalition partners endorsing criminalisation (as had, previously, the Christian Democrats), a broad parliamentary majority now supported a sex purchase ban. A year later, in April 2008, Storberget presented the bill (Ot. Prp. 48 [2007-2008]) and the responses to the bill during the consultative hearing largely fit the dominant framing: Regardless of their stance on the issue of criminalisation as such, most instances seemed to regard the ban as a solution to the problem of cross-border trafficking, rather than other problems, such as gender inequality, social exclusion, etc.

And when the law was passed, finally, proponents justified it almost exclusively in terms of trafficking. Justice Minister Knut Storberget (AP), one of the fiercest critics of criminalisation only a year earlier, stated that the bill’s purpose was to make Norway less exposed to trafficking:

“[h]uman beings are not a commodity and criminalizing the purchase of a sexual act will make Norway less attractive for the traffickers. Our goal is to change attitudes, reduce the demand and thus reduce the potential market for the traffickers. Criminalizing shall not make the situation for women in prostitution worse; therefore the government will develop alternatives of livelihood for women in prostitution.”⁷⁸

In sum, throughout these debates, the trafficking discourse seems to have eclipsed alternative understandings of what the of prostitution is. While opponents to CPSS seem to have relied more on alternative conceptions of prostitution, this is not to say that construing of prostitution as a social problem which has domestic roots, too, or as a problem of gender inequality, leads one to reject CPSS – it could well have been justified in those terms too, just as rejecting it could have been justified in terms of trans-border trafficking. But the fact that the debate actually took this path and that proponents achieved political and legislative success with such arguments, indicates that policy entrepreneurs could make use of the shift in public discourse and present the sex purchase ban as a solution to the twin problems of transnational trafficking and the Nigerian prostitutes in the streets of Oslo. Hence, the political discourse left little doubt that the purpose of passing the bill was to address the problem of trafficking as indicated by the presence of Nigerian street prostitutes in the Karl Johan.

CONCLUSION

In this paper, we have sought to explain why Norway recently decided to ban the purchase of sexual services. While some have suggested that this policy outcome was the result of the successful

⁷⁶ Recognising the role of policy entrepreneurs outside political parties, Klassekampen praised the efforts of women’s organisations such as the Women’s Front and Ottar, who had met resistance from “Prosenderet and PION, who fight for the prostitutes’ economic interests.” Klassekampen 2007-04-23 *Historisk*.

⁷⁷ Nationen 2007-04-23, *Vedtøkt sexkjøp-forbud*

⁷⁸ Cited in Strøm, “A glimpse into 30 years of struggle against prostitution by the women’s liberation movement in Norway.”

lobbying of radical feminists in the so-called women's movement, our account of the process sheds some doubt over such a narrative. For certain, women's groups were an important actor in the process, lobbying trade unions and parties from within to endorse criminalisation and prompting the police with information. However, our analysis of the debates show that conventional feminist arguments were largely sidestepped in the process leading to the adoption of the ban. Instead, policy entrepreneurs re-tailored the sex purchase ban as a solution to the problem of transnational trafficking, of which the public had grown acutely aware after the arrival in 2003 of Nigerian prostitutes in the streets of Oslo and other main cities in Norway, and the related mass media coverage.

Moreover, our study complements previous studies by pointing out that there was in fact a direct linkage between the shift in public discourses and the policy stances of key actors, most notably the political parties in the governing coalition. While several studies have concluded that public perceptions of prostitution changed substantively after the arrival of the Nigerian prostitutes, such conclusions would be corroborated by a more detailed account of prostitution policy debates prior to 2003. Additionally, a few puzzles remain to be solved. For instance, we have only cursorily discussed the role of expert knowledge in these debates. Proponents of a sex purchase ban drew on police sources, who also entered the debate in their own right, while opponents chiefly made use of knowledge provided by Prosenderet, a social outreach centre working closely with prostitutes in Oslo, and both sides sometimes seem to have attempted to discredit the other side's expertise. Moreover, we have only briefly discussed the ways in which proponents and opponents struggled over how to interpret the Swedish experience: as a successful model to be followed or as a discouraging case in point. But even some sceptics argued that if other countries in the region would follow in Sweden's steps, Norway might have to introduce a sex purchase ban too, so as not to be increasingly targeted by transnational trafficking.

Perhaps our analysis also demonstrates that, contrary to what proponents and opponents alike seem to believe, the sex purchase ban as such has no inherent meaning. It can be justified and challenged in many diverse ways, and the ways in which it is justified, in turn, is likely to set the terms for its implementation and enforcement. On the other hand, some argue that the Swedish sex purchase ban, too, has adapted to a changing discursive ecology: While policymakers passed the law with reference to prostitution as an expression of men's violence against women, it has increasingly become the solution to new, different problems as well, such as trans-border trafficking. As Petra Östergren argues, the sex purchase ban as such is empty; "it can be filled with different, context-specific meanings, wishes and expectations."⁷⁹ Unsurprisingly, this is especially true when it travels abroad, to a different national setting such as the Norwegian, for all its similarities with Sweden.

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⁷⁹ Östergren, "Dubbelmoral, feminism och sexköpslagen."

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