

Prostitution policy reform and the causal role of ideas

A comparative study of policymaking in the Nordic countries

GREGG BUCKEN-KNAPP –
JOHAN KARLSSON¹

1. Nordic prostitution policies at the crossroads

Over the past decade, public policies aiming at regulating and combating prostitution in the Nordic countries have been subject to drastic change, but not convergence. Until 1999, the Nordic countries regulated prostitution similarly: buying and selling sexual services was legally tolerated, with pimping and procuring being illegal. Yet, in that year, Denmark opted for substantial liberalization, while Sweden became the first country in the world to criminalize the purchase of sexual services, though not the sale. This so-called Swedish model has generated global interest and resulted in similar proposals in other countries. In 2006, the Finnish parliament rejected a bill closely modeled on the Swedish law; while in the summer of 2007, the Norwegian justice department presented a draft bill that would ban the purchase of sexual services, increasing the

likelihood that Norway will follow in Swedish footsteps. Against this backdrop, our aim is to account for cross-national differences in prostitution policy outcomes in four Nordic states: Denmark, Finland, Norway and Sweden.

In this study, we focus on the causal role of ideas for understanding how proponents of a given prostitution policy reform are able to secure support from policymakers. Over the past decade, the use of an ideational approach has shifted from the margins to the mainstream in comparative public policy analysis. Ideational approaches emphasize how policy entrepreneurs are able to portray desired reforms as being consistent with broader ideational frameworks held by key decision makers. Thus, by carefully studying how actors use ideas to achieve policy change, the ideational approach is an advance over approaches that have chiefly focused on the strategic resources held by actors within varying institutional contexts. Given that a central feature of the prostitution policy reform process in all four settings has been exceptionally heated national debates in which societal norms, expert knowledge and cultural values have figured prominently, we argue that an ideational approach is particularly fruitful for analyzing cross-Nordic variation in policy outcomes.

Drawing upon diverse public policy, comparative political economy, international relations, and feminist comparative policy scholarship, we employ an ideational approach to account for why it is that only Sweden has prohibited the purchase of sexual services.

1.2 Previous research on prostitution policy reform

The Swedish law prohibiting the purchase of sexual services has received substantial

1 Fil.dr. Gregg Bucken-Knapp är verksam vid Institutionen för ekonomi och IT, Högskolan Väst.
E-post: gregg.bucken-knapp@hv.se
Doktorand Johan Karlsson är verksam vid Statsvetenskapliga institutionen, Göteborgs universitet.
E-post: johan.karlsson@pol.gu.se

attention from scholars across the humanities and social sciences. While certain analyses of the 1999 law have been descriptive and atheoretical (Kilvington, Day & Ward 2001; Munro 2005; Gould 2001; Gould 2002; Dodillet 2005), many focus on the role of Sweden's powerful radical feminist movement in the policy reform process. Some scholars have coupled a description of this role with explicit advocacy for the abolitionist stance, such as Ekberg (2004), who attributes the adoption of the new policy to "feminists and dedicated female politicians (that) understood the importance of and fought for the right of all women to have full control of their bodies." While rich in detail, these studies lack any meaningful connection to theories on policymaking and do not generate conclusions that contribute to a more general understanding of prostitution policy reforms.

Prostitution policy research that has focused on other reform settings similarly lacks an explanatory ambition. Kantola and Squires (2004), who examine debates in the United Kingdom and the Netherlands about prostitution and trafficking in women, conclude that sharply different discourses dominated the debate in these two countries. While noting the distinction between dominant discourses in the UK and the Netherlands, Kantola and Squires (2004: 92) do not provide an explicit account for why such sharply different ideas prevailed, speculating rather that outcomes are "clearly determined by the differing legal and cultural frameworks." Similarly, Allwood's analysis (2004) of French prostitution debates during the period 1997–2002 explores how key actors framed prostitution as a political issue and how prostitutes are constructed within these frames. Yet, Allwood's description of the key discourse

central to the French prostitution debate lacks any explicit methodological guidelines for assessing how prostitution can be successfully reframed in order for policymakers to achieve their desired reforms. Finally, Skilbrei's overview of Norwegian prostitution policy reform in the 1990s focuses on representations of prostitutes in the media and political debates (2001: 63). However, Skilbrei concludes that no real causal pattern can be detected. Rather, the market for sexual services, public perception of prostitutes, and the way in which policymakers "relate" to these perceptions are all mutually constituted.

In contrast to these descriptive accounts, Joyce Outshoorn's edited volume *The Politics of Prostitution* (2004) offers the sole attempt at systematic comparative analysis of prostitution policy outcomes. Scholars contributing to the Outshoorn volume focus on prostitution policy in twelve national settings, drawing upon an explanatory model developed by the Research Network on Gender Politics and the State (RNGS). The RNGS model ambitiously includes a broad range of possible causal factors shaping policy outcomes, including characteristics of the women's movement, the policy environment and relevant policy agencies. However, such a comprehensively detailed model necessarily sacrifices explanatory parsimony. Employing the qualitative RNGS model requires that scholars code data on multiple independent and intervening variables. Such richness in terms of explanatory factors is not matched by explicit methodological guidelines specifying how researchers should assess the relative significance of different variables for understanding prostitution policy outcomes.

Hence, applying the model to each of the national cases results in chapters that can only serve descriptive purposes.

Svanström's (2004: 239-244) review of the 1999 Swedish law provides an example of how this volume fails to live up to its promise when confronted with a crucial case of policy reform. In addressing the role of policy frames, Svanström notes that both supporters and opponents of criminalization were active in the debate. However, the analysis is not developed beyond documenting that differing views existed. Left unanswered is the question of how and why a policy frame in which competing perspectives over the future of Swedish prostitution policy mattered for the eventual policy outcome, if at all.

Thus, existing research has failed to provide a compelling analytical framework for understanding why only Sweden has, thus far, passed a law criminalizing the purchase of sexual services. In the following section, we focus on the broad ideational literature, which has become increasingly central in both public policy and international relations over the past decade. After detailing the core features of this literature, we specify how an ideational approach can fruitfully be employed to analyze prostitution policy.

2. Project description

2.1 Theoretical framework: The role of ideas

Scholars adhering to ideational approaches within political science maintain that successfully translating ideas into policy requires a synergy between ideas and the relevant institutional and cultural features of the polity (Béland 2005, Berman 2001, Cox 2001, Walsh 2000). Thus, ideational scholars do not deny that actors, their level of strategic resources, and institutional design are crucial elements in understand-

ing policy outcomes. Where an ideational approach differs is in emphasizing the need for actors to "embed their arguments in persuasive ideational frameworks" (Hansen & King 2001). 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 (1998) advocacy coalition framework and Baumgartner & Jones (1993) emphasis on punctuated equilibrium. Successfully nesting ideas for policy reform can be regarded as the *mobilization of consent for policy* (Gourevitch 1989). 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 (Price 1998). A complementary argument is put forward by Kingdon (1995), who specifies how policy proposals need to "fit with the dominant values and current national mood" in order to be adopted. Taken jointly, these scholars stress that ideational accounts must demonstrate an explicit linkage between policy ideas and relevant ideational frameworks within the broader polity.

We argue that prostitution policy outcomes can be fruitfully analyzed by focusing on three categories of ideas: policy positions, expert knowledge, and ideational frameworks. Policy positions are relatively narrow in scope and are only intended to capture proposals for policy reform within a single issue area. They specify the content (either generally or detailed) of desired policy alternatives. One should, of course, not expect that actors will succeed in achieving desired reforms simply by de-

tailoring their desire for policy reform or policy continuity. Yet, this does not imply that policy stances are trivial. We maintain that such positions represent a concrete goal held by actors and offer a rallying point around which proponents, allies and reform opponents can mobilize. Our second category of ideas is expert knowledge: the knowledge and information produced by epistemic communities regarded as possessing authoritative claims to expertise within given policy areas (Haas 1992). This category of ideas is not mere “raw data”. Rather, it represents the analysis of different social or physical phenomena, accounts of their possible inter-relationships and claims as to consequences. As such, expert knowledge disseminated by epistemic communities is one strategy in the construction of “causal stories”, in which policy problems are identified, alleged causes are located, and policy solutions are prescribed (Stone 1989). Ideational frameworks form the final category of ideas relevant to this study. Unlike expert knowledge, ideational frameworks are not necessarily specific to policies in one issue-area. Instead, they are the broad cognitive and moral frames held by individuals, facilitating the organization and interpretation of political phenomena such that normative judgments and policy prescriptions for the relevant spheres of society can result.

We hypothesize that actors seeking prostitution policy reform stand the greatest likelihood of success when they are able to graft policy positions onto prevailing ideational frameworks that will resonate with policymakers. As used in the international relations literature, grafting (Price 1998: 628) is a strategy in which policy entrepreneurs explicitly highlight the persuasive force of established norms when they argue that specific policies

should be adopted. Thus, grafting involves demonstrating a suitable fit between policy proposals and the normative content of ideational frameworks within the polity. Grafting also requires that actors strategically deploy expert knowledge. Policy entrepreneurs will use expert knowledge selectively, highlighting specific information most likely to substantiate their claims that a given policy proposal is the only viable option. Yet, attempts at grafting do not take place in a vacuum. Most notably, proponents of competing policy proposals are likely to engage in similar efforts at grafting. Thus, we also hypothesize that actors seeking prostitution policy reform must pursue a complementary strategy of attempting to discredit opponents. Discrediting is a strategy in which alternative policy positions are called into question, on the basis of both the ideational frameworks and expert knowledge used to underpin those positions. In short, prostitution policy reform is a contest of ideas, some of which diagnose a societal problem and justify a given course of action, while others cast doubt on those seeking to persuade policymakers that other reform measures are advisable.

2.2 Process tracing

While existing scholarship on prostitution policy reform tends to be descriptive, or has neglected a systematic exploration of the relationship among variables, we aim to trace the process through which policy entrepreneurs use ideas to further their favored policy position. The technique of process tracing attempts to identify and test causal mechanisms by focusing on how “various initial conditions are translated into outcomes” (George & McKeown 1985), and the approach emphasizes developing “analytical explanation(s)

couched in theoretical variables that have been identified in the research design” (Bennett & George 2001). Process tracing is particularly well-suited for evaluating ideational arguments, as it provides a tool for verifying the extent to which ideas played a crucial role in the arsenal of policy entrepreneurs seeking reform in a given issue-area.

2.3 Data collection and analysis

In order to test our hypotheses, we will gather and analyze a broad range of data from the four different policy reform processes. The analysis will primarily focus on the events of the past fifteen years, as this time-frame covers both the key policy reform debates and relevant mobilization efforts leading up to them.

Our data collection and analysis process relies on two complementary strategies:

- *Qualitative text analyses* of primary and secondary source documents to record how the debates on prostitution policy reform have evolved. We focus on three types of sources: (1) Public documents, such as government bills, official reports, and parliamentary minutes; (2) Internal and public documents from central actors, such as political parties, interest groups and epistemic communities; (3) News, opinion and commentary in the media.
- *Semi-structured interviews* with leading politicians and representatives of key organizations – mainly political parties and interest groups – in each of our cases.

We will analyze the combined data in order to provide answers to the following questions:

Policy positions:

- What prostitution policy positions did policy entrepreneurs favor in each case?

Grafting and ideational frameworks:

- To what extent did policy entrepreneurs attempt to graft their policy position onto a specific ideational framework?
- What was the normative content of the chosen ideational framework?
- How did policy entrepreneurs seek to demonstrate a fit between their policy position and the chosen ideational framework?

Grafting and expert knowledge:

- To what extent did policy entrepreneurs deploy expert knowledge in pursuit of their policy objective?
- What was the content of expert knowledge deployed by policy entrepreneurs?
- How did policy entrepreneurs seek to demonstrate a fit between their policy position and the chosen expert knowledge?

Discrediting

- To what extent did policy entrepreneurs attempt to discredit the expert knowledge and ideational frameworks of policy opponents?
- What arguments were deployed in support of attempts at discrediting?

2.4 Case selection

We will test our hypotheses on the cases of Sweden, Denmark, Norway and Finland. Sharing many essential features, these four Nordic countries offer rich opportunities for employing a most-similar case design. Given their many common traits, it is all the more puzzling why policy entrepreneurs advocating criminalization of the purchase of sexual services succeeded in Sweden, yet not in other Nordic countries.

As the first country to adopt this path-breaking stance on prostitution, the Swedish policy reform process merits in-

depth examination in order to identify those factors crucial to the policy outcome. The case of Denmark is chosen to provide a contrasting outcome concurrent to the Swedish experience. In 1999, Denmark substantially liberalized policies governing prostitution, repealing laws prohibiting prostitution as the sole source of economic subsistence and one banning soliciting, despite the preferences of feminist lobbying organizations.

Norway and Finland offer intriguing possibilities for exploring how ideas matter in prostitution policy debates after the adoption of the Swedish law. The Swedish example has figured prominently in both countries, with policy entrepreneurs advocating the criminalization of the purchase of sexual services. In Finland, the government introduced a bill that would have resulted in criminalization, yet after heated debate, the parliament rejected the bill in 2006. In Norway, a justice department working group rejected adoption of the Swedish model in 2004. The issue resurfaced in 2007 as the Norwegian Labor Party congress passed a resolution in favor of criminalizing the purchase of sexual services. In July 2007, the justice department presented a draft bill which, if adopted, will penalize the purchase of sexual services. Assessing how competing policy entrepreneurs made use of the Swedish policy in their grafting and discrediting strategies will be invaluable for understanding how timing and sequence influenced the adoption of prostitution policy reforms (Pierson 2004).

3. Relevance

Our study contributes to prostitution policy research in particular and more generally, to comparative public policy scholarship. First, we believe that by focusing on the causal role of ideas, we provide a cru-

cial explanatory component for untangling the puzzle of prostitution policy reform processes in the Nordic countries and potentially elsewhere. Surprisingly, a predominantly ideational approach has been absent in previous research on prostitution policy reform, although this approach has been fruitfully applied in other areas of feminist comparative policy analysis (Mazur 1999, 2002). Secondly, our study contributes to the burgeoning scholarly literature on the impact of ideas on economic, social and welfare reform in other policy settings. Specifically, our focus on discrediting augments claims within the ideational literature that support for policy reform is achieved primarily by demonstrating relevant linkages between complementary categories of ideas. Ideas do not simply legitimate, they de-legitimate as well. Thirdly, debates over the regulation of prostitution continue to be salient in the Nordic countries. Our study contributes to an understanding of why prostitution policy has come to be the focal point of intense political controversies in societies that many international observers regard as having relatively homogeneous political cultures.

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