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Morality politics and the governance of prostitution

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Sweden's Ban on Sex-Purchase

Morality politics and the governance of prostitution

PETRA ÖSTERGREN

SOCIAL ANTHROPOLOGY | FACULTY OF SOCIAL SCIENCES | LUND UNIVERSITY

Svensk författningssamling

Lag om förbud mot köp av sexuella tjänster;

utfärdad den 4 juni 1998.

Enligt riksdagens beslut¹ föreskrivs följande.

Den som mot ersättning skaffar sig en tillfällig sexuell förbindelse, döms
– om inte gärningen är belagd med straff enligt brottsbalken – för köp av sex-
uella tjänster till böter eller fängelse i högst sex månader.

För försök döms till ansvar enligt 23 kap. brottsbalken.

Denna lag träder i kraft den 1 januari 1999.

På regeringens vägnar

GÖRAN PERSSON

MARGOT WALLSTRÖM
(Socialdepartementet)



SFS 1998:408

Utkom från trycket
den 16 juni 1998



Sweden's Ban on Sex-Purchase

THE 1999 SWEDISH BAN on sex-purchase has been hotly debated in politics, the media, and academia. This study focuses on the attention the ban has received as an unprecedented approach to governing prostitution, the highly polarised political environment in which it exists, and the multiple political-legal contradictions it displays. Using material gathered through a multisited method from 2009 through 2019, social anthropologist Petra Östergren shows that the offence is a variant of traditional anti-prostitution laws and argues that its distinctive and puzzling features are comprehensible within the framework of morality politics.

THE THESIS REFINES the concept of morality politics, offering new insights into how issues like prostitution, homosexuality, abortion, and drug use are perceived, discussed, and governed in liberal democracies. Östergren suggests these are 'consensual crimes' rooted in religious notions of sin and seen as risks to social order. These issues are typically addressed by repressive, restrictive, or integrative policy models that seek either to reform those engaged in marginalised practices or to grant them civil rights. The study demonstrates that Sweden's ambivalent civic and legal stance toward sex workers reflects an exclusionary logic, linking it to the historically subordinate status of women's labour and state punishment of 'sinners'.



Sweden's Ban on Sex-Purchase

Sweden's Ban on Sex-Purchase

Morality politics and the governance of prostitution

Petra Östergren



DOCTORAL DISSERTATION

Doctoral dissertation for the degree of Doctor of Philosophy (PhD) at the Faculty of Sociology at Lund University to be publicly defended on 13th of December at 9.00 in G:a köket, Allhelgona Kyrkogata 8, Lund.

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Abstract:

This essay thesis examines Sweden's 1999 ban on purchasing sexual services, considering the attention it received as an unprecedented approach to governing prostitution, the highly polarised political environment in which it exists, and the multiple legal contradictions it displays. Using material gathered through a multisited method from 2009 through 2019, the study shows that the offence is a variant of other anti-prostitution laws directed at sex workers and their clients. Moreover, the thesis argues that the highly charged emotions surrounding the ban, as well as its conflicts and contradictions, are comprehensible if analysed within the framework of morality politics.

The thesis contributes empirically to studies of prostitution policy, theoretically to the conception of morality politics, and methodologically to the anthropological analysis of law and policy. It proposes an empirically grounded typology of prostitution policies: the repressive, aimed at eliminating the sex industry through punitive measures; the restrictive, permitting the trade to operate under strict conditions, regulated by both criminal and civil law; and the integrative, which does not criminalise consensual sex work but regulates the industry and protects sex workers through sector-specific labour and trade legislation. Its major theoretical contribution is a refinement of the concept of morality politics that offers new insights into how issues such as prostitution, homosexuality, abortion, and drug use are perceived, discussed, and governed in liberal democracies. These all involve 'consensual crimes' rooted in religious notions of sin and regarded as posing a risk to social order. They are typically addressed by the three distinct policy models, while the governance agenda either seeks to reform those who engage in these marginalised practices or to grant them equal civil rights. Empirically, the thesis demonstrates that the ambivalent legal and civic status of sex workers in Sweden is based on an exclusionary logic inherent in all anti-prostitution law, suggesting a link to the historically subordinate position of women's work, as well as to the discriminatory treatment of 'sinners' and other social outliers.

These conclusions are the result of following the sex-purchase ban over a long time and across four related socio-legal domains: established law, political discourse, policy implementation, and impact, including a close scrutiny of how the ban relates to general legal principles and rules according to the source of law. The thesis consists of six introductory and summary chapters, two published articles, and two essays that have not yet been published.

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Morality politics and the governance of prostitution

Petra Östergren



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MADE IN SWEDEN 

In memory of my father, Leif

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Abstract

This essay thesis examines Sweden's 1999 ban on purchasing sexual services, considering the attention it received as an unprecedented approach to governing prostitution, the highly polarised political environment in which it exists, and the multiple legal contradictions it displays. Using material gathered through a multisited method from 2009 through 2019, the study shows that the offence is a variant of other anti-prostitution laws directed at sex workers and their clients. Moreover, the thesis argues that the highly charged emotions surrounding the ban, as well as its conflicts and contradictions, are comprehensible if analysed within the framework of morality politics.

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Key words: morality politics, prostitution policy, sex-purchase ban, Sweden

Abbreviations

DemandAT	The research project Demand-Side Measures Against Trafficking
Jämy	The Swedish Gender Equality Agency (Jämställdhetsmyndigheten)
LGBTQ+	Lesbian, Gay, Bisexual, Transgender and Queer/Questioning, plus other sexual orientations and gender identities not covered by the letters in the acronym.
NGO	Non-Governmental Organisation
NMT	The Task Force Against Prostitution and Human Trafficking (Nationella metodstödet mot prostitution och människohandel)
RFSU	The National Association for Sexuality Education (Riksförbundet för sexuell upplysning)
RFSL	The National Association for Sexual Equality (Riksförbundet för sexuellt likaberättigande)
Roks	The National Organisation for Women's Shelters (Riksorganisationen för kvinnor och flickor i Sverige)
S-kvinnorna	The Social Democratic Women's Association

List of papers

Paper I

Östergren P (2018) Sweden. In: Jahnsen SØ and Wagenaar H (eds) *Assessing prostitution policies in Europe*. Routledge, pp. 169–184.

Paper II

Östergren P (2020) From zero tolerance to full integration: Rethinking prostitution policies. In: Davy Z, Santos AC, and Bertone C, et al. (eds) *The SAGE handbook of global sexualities*. SAGE Publications, pp. 569–599.

Paper III

Östergren P (manuscript unpublished) At the crossroads of destruction and civilisation: Morality politics and the Swedish ban on buying sex.

Status: Revising for submission.

Paper IV

Östergren P (manuscript unpublished) ‘What if it were your daughter?’ Ambivalence and belonging in prostitution law.

Status: Revise and resubmit.

Preface: My research trajectory

I first heard that Sweden was about to criminalise the purchase of sexual services just a few months before the bill was presented in Parliament in 1998. Like most Swedish feminists at the time, I believed prostitution was a bad thing, although I lacked actual knowledge of the sex trade. Yet, I thought there was something peculiar about the offence and the discourse around it. Only the act of paying for sex was to be criminalised. The politicians and civil society actors who advocated the ban sought to punish men who purchased sexual services for the unjust gender order that prostitution epitomised, without negatively affecting women who sold sex. That assertion did not seem correct. If the customers were criminalised, surely the women would also be affected, since the police would monitor and hinder their business. I wondered, what did the women themselves think?¹

When I looked into the issue, I discovered that the views of sex workers were not represented in the legislative preparatory work for the ban or in political and public debate. Although the proposed law was criticised by major consultative bodies because they feared it would complicate the women's situation, it was nonetheless adopted by Parliament. The Social Democrats, the country's largest party, endorsed the ban, and with the Left and Green parties they had a parliamentary majority.

I brought up the question with an acquaintance, Anna. We had socialised in queer settings, and she had been open about her experiences. She sighed and laughed at my naivety. Things would get worse for the women who sold sex when the ban was introduced, she said. Did I not understand what it was like to be a 'whore' in Sweden? 'Here, it doesn't matter what a prostitute says and what impact the laws have on us', she declared.

The puzzling features of the ban and of its approval piqued my interest in the country's prostitution policy, an engagement that has continued for over two decades.

¹ All translations of works originally published in Swedish are my own, unless otherwise indicated.

As an author who was identified with feminism and taught self-defence to women, I was a public figure who had access to the media, especially as so few came forward to oppose the sex-purchase ban (see Gould 2001). Both as an individual and together with sex workers, I wrote articles and participated in TV and radio debates where we appealed to politicians to reconsider their position and allow sex workers to participate in the decision-making process about a policy that directly concerned them (see, for example, Andersson and Östergren 1998a, 1998b). It soon became apparent that our effort was futile. The political direction was set. Sex workers began to organise for the first time in Sweden since the 1970s, and I became more interested in understanding the ban itself and its hegemony in the Swedish debate. As my acquaintance had suggested, there was significantly more political leeway in other countries for sex workers' voices to be heard. Additionally, countries such as Germany and the Netherlands were moving to decriminalise aspects of the sex trade. Most Swedish legislators strongly opposed the idea, being convinced the ban would help to counteract what they saw as 'the destructive forces' in society (SOU 1995:15, 227). They described prostitution as 'evil', a threat to a modern, 'civilised', and egalitarian society because it is associated with poverty, drugs, and violence, consists of an unequal transaction, and harms the relationship between men and women in general (Messing and Wallström 1999; RP 1997/98:55, 100; Sahlin 1995).

Resuming my studies in social anthropology, which I had paused a few years earlier, I examined the equality premises that were the stated reason for such a one-sided penal provision and the arguments about sex, gender, and prostitution expressed in the preparatory works that formed the basis for the sex-purchase ban (Östergren 1999). In another study, I explored the inherent paradoxes in Swedish prostitution policy (Östergren 2003). Why did policymakers advocate for the criminalisation of buying sexual services in the name of feminism, despite the policy negatively affecting sex workers? And why did Sweden tighten its anti-prostitution policy while other countries liberalised theirs? Here I examined policy material for the period 1997–2002, including parliamentary motions, party manifestos, and other texts by the parliamentary parties, public bodies, and NGOs in the field; and statements by politicians, officials, and NGO representatives and by the ban's advocates, such as intellectuals, psychologists, and scholars. I also interviewed some 15 sex workers in Sweden to gauge how the sex-purchase ban and other legislation and policies affected them and to elicit their views on Swedish prostitution policy. I went on to explore these questions in a book for a

general audience (Östergren 2006). By then, I sought to understand the emotionally charged nature of the debate and the breadth of support for this measure. In addition to prostitution policy, this study encompassed the debates about pornography and other forms of sex commerce from the mid-1970s to the mid-2000s and included more interviews with sex workers as well as authorities and politicians.

Previous findings and conclusions

I identified three major waves of grassroots movements against pornography and prostitution since the mid-1970s that were not only influential discursively, but also led to strict regulation of sex clubs, harsher punishment for procuring, and bans on violent erotica, as well as the ban on sex-purchase. The first wave in the mid-1970s was led by leftist and women's organisations, as well as many Christian groups, and criticised all forms of commercial sex. The second wave, which emerged in the mid-1980s, focused primarily on pornography, and included both sexual health advocates and radical feminist organisations. The third wave, in the early 2000s, aimed to eradicate both prostitution and pornography. In contrast to earlier campaigns, this wave was led by women in high official and political positions.

Despite some differences in emphasis and rhetoric, the same arguments against porn and prostitution recurred: they lack the emotional components good sex ought to have, or are based on violence and the degradation of women; they have damaging consequences, as women are harmed, relationships between men and women deteriorate, and equality in gender relations is hindered; they are caused by social ills, as women who sell sex have a troubled past, or are forced to do so by economic necessity; they are a consequence of a capitalist and unequal society that commodifies women; and the sex industry itself involves exploitation, coercion and abuse and is a large, profit-hungry enterprise.

Drawing on Gayle Rubin's (1992) well-known contribution to anthropological and feminist research on sexuality, I showed how these arguments could be understood as expressions of axiomatic ideas that, according to Rubin, tend to reappear in both conservative and radical political contexts. While their rhetoric may differ, the core ideas are based on the same principles and tend to reproduce existing norms. For instance, 'hierarchical systems of sexual value' protect and

privilege some sexualities, while others are rendered invisible, stigmatised, and prohibited by 'sex laws'. Rubin identifies sexual essentialism, the belief in a natural sexuality differing for men and women; 'sex negativity', which judges all forms of non-normative sexual behaviour by its worst examples; and a 'domino theory of sexual peril', the notion that something seemingly harmless can escalate into chaos, necessitating strict boundaries between sexual order and societal disorder.

These ideas permeated Swedish anti-porn and anti-prostitution discourses. For instance, 'good' sexuality is linked to love, intimacy, and genuine human connection, requiring mutuality and responsibility, rather than a temporary transaction between strangers. Behind what the politicians who supported the ban considered to be a new ideology of gender equality lay traditional notions of gender and sexuality, which feminists have long challenged. The same applies to the perceived need to strengthen the repression of prostitution to combat the threat posed by other countries' more liberal legislation.

I demonstrated that the exclusion of sex workers' critical voices helped to establish a consensus opinion favouring the ban. Sex workers' views were either not represented or were distorted. As social psychologist Gail Pheterson (1996) noted, the pervasive stigma surrounding prostitution led policymakers and feminists to fail to stand in solidarity with sex workers or even recognise the harms being done to them. Furthermore, policymakers justified the Swedish policy by invoking a radical feminist definition of prostitution as a form of male violence against women. This ideology regarding commercial sex was presented as self-evident, effectively marginalising alternative viewpoints and rendering them incomprehensible.

Instead, I argued that we should understand the Swedish policy on commercial sex in terms of its symbolic meanings (Shore and Wright 1997). I suggested that the prostitution policy was used to reinforce a sense of Sweden's national identity as morally superior to the rest of Europe, a view articulated by anthropologist Don Kulick (2003) in his parallel work on the sex-purchase ban. Finally, I proposed that the policy, as well as the long-standing grassroots resistance to commercial sex, could be seen as a means of creating security for women. Anthropologist Carol Vance (1992b) has argued that the essentialist understanding of male sexuality as aggressive, uncontrollable, and easily provoked leads the women's movement to control public expressions of male sexuality by emphasising women's vulnerability. For many Swedish feminists and women policymakers, this approach resulted in calls to repress all forms of commercial sex. These strong

symbolic values, rather than practical considerations, rendered the policy's contradictions irrelevant, and the harm it causes to sex workers and its lack of concrete results seemed beside the point.

As one of the few Swedish feminists to openly present a critical analysis of the sex-purchase ban and national prostitution policy, my work gained attention at home and abroad. I was interviewed and spoke at meetings and seminars in Sweden and elsewhere. While that was satisfying, it was also exhausting. Prostitution and its governance are highly charged issues, which are academically interesting, but what anthropologist Susan Dewey (2013: 4) describes as a 'hotly contested political and ideological terrain' can become burdensome, as many feminists at the 1982 Barnard conference on sexuality had experienced (Vance 1992a; but see also Hammond and Kingston 2014; Ward and Wylie 2014). I vowed never to engage in the issue again. Yet things took a different turn because my book gained attention in the academic world.

A professor who reviewed the book wondered why I had not produced it as a PhD thesis. I responded that I doubted that any university would accept work that was so controversial and that funding would be available. He assured me that admission and a grant would be available. And so it was.

Studying prostitution policy again

Given the attention my work had received and the antagonism expressed by policymakers in Sweden, I thought it best to examine what happened in other countries. In 2008, Norway and Iceland voted to introduce a similar criminal offence, while Finland had introduced a ban on buying sexual services from people subjected to human trafficking in 2006. Several studies were underway in the Nordic region (see Bernstein 2010a; Bucken-Knapp et al. 2009; Danna 2012; Dodillet 2009; Erikson 2011; Holmström et al. 2008; Mattson 2015; Scoular 2015; Skilbrei and Holmström 2016). I intended to focus on what happened when the ban was considered far beyond its geographical, cultural, and political origins in Nordic countries.

My research plan was to examine how the offence was framed and changed when it was proposed in new cultural settings, a strategy that was common in legal and policy anthropology at the time (see Clark et al. 2015; Merry 2006a; Shore et al. 2011). It turned out that the countries I investigated – Australia, Italy, New

Zealand, Taiwan, and Spain – rejected the idea as a national policy. It was not until 2014 that a country outside the Nordic region, Canada, introduced client criminalisation (followed by Northern Ireland in 2015, France in 2016, Ireland 2017, and Israel in 2018). Why so few countries adopted the Swedish policy was not a suitable research question. I needed a new approach.

‘You’ve gone native!’

Ever since the sex-purchase ban was introduced, Swedish legislators and its proponents have made much of its uniqueness, claiming it was the first time a one-sided anti-prostitution law was introduced in the world.

It is a unique day, wrote two Social Democratic ministers in an opinion piece in the country's largest evening newspaper, *Aftonbladet*, when the ban came into force on January 1st 1999. This law was something the world had never seen before, they said. That was particularly important to Swedish leaders at the time, given the inherently unequal and immoral nature of prostitution and the worrying, liberal policy trend elsewhere in Europe (Messing and Wallström 1999). They touted Sweden's policy as an exemplary advance.

This sentiment was continuously repeated by state authorities and civil society actors engaged in the struggle against commercial sex, especially as sex workers began to openly demand legal change and more feminists allied with them.

In the winter of 2007, I wrote an article together with five other feminists (Bankier et al. 2007), published in the country's second major evening paper, *Expressen*. We wished to draw attention to an upcoming court case involving a sex worker who had brought charges against her former partner for procuring. We were concerned that she might not receive a fair trial, given that her ex-partner was a police officer who was acquitted some years ago in a domestic violence case. At that time, the court believed what he claimed, that they were not in a relationship but that she had manipulated him to have sex with her a couple of times and he acted in self-defence when he tried to make her leave his home one morning (Göteborgs Tingsrätt 2002). This raised doubts about whether the legal system would recognise a sex worker's right to resist harm. We asked if a 'whore' ever can win against a police officer, and called on feminists to stand in solidarity

with sex workers and to collectively advocate for a new prostitution policy that safeguards sex workers from abuse.²

In response, a counter article was published in *Expressen*, which interpreted our goal as normalising prostitution in order to dismantle the ban on purchasing sex. This push for 'legalisation' had to be stopped, it said. The unique ban had to be defended because of its normative effects; it deters Swedish men from purchasing sex. The forty signatories included representatives from all the political women's associations and major trade unions, as well as well-known researchers, business figures, police officers, sports leaders, writers, artists, and pop musicians (Andersson et al. 2007).

Nearly twenty years after the ban's inception, the sentiment was punchily articulated by a well-known feminist opinion maker, Nina Rung.

Our sex-purchase ban is unique in its design because the legislature aimed to protect the most vulnerable individuals. And this is the beauty of it. The sex-purchase ban not only addresses the highly skewed situation where older, wealthier men buy their right to climax from younger, vulnerable, and impoverished women. It also focuses on the safety of these women and their opportunity to receive help. The sex-purchase ban acts as a tool, a Swiss army knife, if you wish. (Rung 2017)

Here Rung, a consultant to authorities on matters of abuse, describes women sex workers in childlike terms, as if they are innocents who are vulnerable to predatory men and in need of rescue, also a common belief among the ban's proponents. But the Swiss army knife that is supposed to shield them is wielded by the police who enforce this criminal law, increasing their vulnerability.

Claims about the uniqueness or necessity of a proposed criminal law are a time-worn way for politicians to gain public support. From a research perspective, assertions about the uniqueness of a penal provision are more troubling. Researchers also talk of the law's exceptionality, regardless of their stance on client criminalisation (see, for example, Eduards 2007; Gould 2001; Kulick 2003; Svanström 2006a). Indeed, I formerly did so myself. Even some years into my doctoral research, when asked what kind of law the ban was, I unhesitatingly responded, 'The sex-purchase ban is unique'. I was a critic of the repressive policy,

² The police officer, who had met the sex worker when he was working in an anti-prostitution unit, was acquitted this time as well, although the chairman of the court wanted him convicted (Göteborgs Tingsrätt 2007).

but I was just as convinced as the Swedish political establishment and research community that this law was unprecedented. When I mentioned this to my supervisor, he leaned back in his chair, shook his head, and said I had ‘gone native’.

Trying to understand a social phenomenon from within, based on ethnographic material gathered during an extended period of fieldwork, is central to a social anthropological analysis. Instead of observing from a distance, observers should live with whatever may initially seem peculiar or odd and at least empathise with why people act as they do. The goal is to understand the logic behind the social phenomena we study, but also to find the universal in the exceptional (Agar 1986). Understanding worldviews and moral universes is an anthropologist’s task, but so is avoiding uncritically adopting their subjects’ views, in this case the government’s and majority society’s description of reality.

Brought up short by my supervisor’s laconic remark, I had to acknowledge the importance of questioning the uniqueness of the Swedish ban. In fact, there are many penal provisions directed only at the clients of sex workers, such as the offences of kerb crawling (driving slowly along the edge of the road to contact a sex worker), or communicating about sex in exchange for payment, which were in place in countries such as the UK, Canada, and some US states long before the Swedish ban (Bernstein 2001; Campbell et al. 2018; Weitzer 2012). If the Swedish ban on sex purchases was not unique, then what did this criminal offence exemplify?

A new direction

To find answers, I had to change my perception of the ban’s field, which guided me toward legal and social scientific studies of prostitution policy and scholarly work on morality politics, a specific class of controversial issues that includes sexual and other behaviours related to the body which carry a high emotional charge.

Rather than concentrating on the reasoning of those who supported the ban and its impact on sex workers, I recognised the opposite and equally potent forces in the ban’s field, which affected all those involved. Widening my focus, I explored the entire controversial terrain, which was filled with moral and political conflicts, differing narratives, and a set of social actors that spanned victims, perpetrators, and witnesses as well as supporters and critics. The interactions in this field were dialectical, not merely oppositional, but the issues remained curiously unresolved despite the sense of urgency that animated them.

What could be seen was on one hand a strengthened and increasingly national political commitment to combat prostitution by penal provisions, whose severity was sharpened after the ban's passage. On the other hand, intellectuals, social commentators, and politicians began to criticise it, and sex workers engaged in more organised resistance. The once dominant anti-porn, anti-prostitution movement faced significant pushback, and though Parliament and the establishment rallied behind the ban, popular opposition emerged and spread. International interest in the ban did not lead many countries to adopt it. Instead, the law seemed to trigger a critical international countermovement, as sex workers, human rights organisations and researchers openly articulated their criticism of the 'Swedish model' and their support for the rights of sex workers. Moreover, by this point, several countries had partially or fully decriminalised prostitution, including the Netherlands (2000) and Germany (2003). In 2003, Aotearoa New Zealand revoked all previous prohibitions on prostitution-related activities and passed the Prostitution Reform Act (PRA), a comprehensive regulatory framework under existing labour and business law, complemented by specific laws and measures to provide domestic sex workers with protection from potentially exploitative situations.

This dual policy trajectory led me to draw parallels to other political issues in the 'morality politics' of democratic societies. There are few opposing trends toward the criminalisation and decriminalisation of domestic labour or the recreational, entertainment, and hospitality sector, but they are rife in the governance of drugs, abortion and commercial sex. By looking more closely at the field as whole, I became more aware of the intense emotions triggered by these issues and the opposing political developments, resulting in a better understanding of what is at stake in morality politics. I saw these dynamics being played out with regard to the ban on purchasing sex and recognised the similarities with other offences related to sex work, such as the ban on procuring, as well as other issues related intimately to the body.

Developing a policy typology

The first theoretical step toward understanding what I was observing was the development of a refined typology of prostitution policies, which I later realised helped to delimit the definition of morality politics.

In 2012, I was asked to lead a Swedish sub-study for a European project on policy measures directed at the demand side to counter human trafficking in a range of sectors, Demand-Side Measures Against Trafficking (DemandAT 2014–2017), which was merged with some researchers' doctoral projects, including my own.³ The Swedish research aimed to compare demand-side measures in various prostitution policies. I immediately encountered a problem: there were no convincing categories or classification systems on which to base systematic comparisons. Using data from our own and others' ethnographic studies, I proposed a three-fold typology of repressive, restrictive, and integrative policy regimes (Östergren 2017a), which yielded policy recommendations (Östergren 2017b) and insights into how clients seek to prevent sex workers from being exposed to crimes by third parties when sex purchase is illegal (Johansson and Östergren 2021).

Although the typology is an instrumental rather than interpretive approach to anthropological policy (Shore et al. 2011; also Yanow 2011), it reveals similarities in how issues such as prostitution, drugs, homosexuality, and abortion are governed, which shaped the direction of my thesis and brought clarity to one of the puzzles inherent in my observations. While the 'peculiarities' of anti-prostitution legislation such as the Swedish ban make sense in terms of morality politics, which some scholars define as 'a unique political category' (Mooney, 2001: vii), how do we know morality politics when we see it? However illuminating and relevant the concept might be, it is necessary to delimit the field in order to avoid the risk of generalising from a series of unique cases. My observations from the ban's field, in conjunction with legal scholarship, could alleviate this problem.

Turning to law

Turning to law, in the dual sense of jurisprudence and established law, proved essential for the direction this thesis has taken. Even though I was acquainted with some of the early legal studies of the ban, I had little fundamental understanding of what constituted the source of law (*rättskällan*), its significance for established law (*gällande rätt*), how the ban on purchasing sex operated legally, or the detailed criticisms that legal scholars made of the ban.

³ DemandAT was an EU 7th Framework research project.

For a doctoral student in social anthropology without legal training, jurisprudence can be daunting. This high-status discipline spans a wide range from the legal system of a single country through the systems of laws characterised as Roman and continental to legal philosophy. Legal systems and their foundational principles are complex, so the resulting legal analysis can be equally complicated (see Latour 2013). Once I found a way into the literature, thanks to the lawyer Paul Pascalau (2018) who contacted me while he was working on an MA dissertation on the ban, it revitalised my research.

I learned how the Swedish legal system is structured and how the ban on purchasing sex relates to adjacent and relevant regulations, whether it adheres to or violates legal principles, and how the sources of law have handled discrepancies. Those discrepancies constitute valuable ethnographic material when discussing the legal status of sex workers in Sweden and elsewhere and assisted me in finding one of the missing links to a refined theory of morality politics: that this class of issues concerns ‘consensual crimes’ which are rooted in religious notions of sin and regarded as posing a risk to social order. Hence, in this study, the sources of law are fundamental ethnographic material, while jurisprudence has been crucial not only for interpreting this data but also for highlighting the ban’s intra-legal conflicts and contradictions. Moreover, it helped me to understand police practices. Anna and other sex workers had told me that police would yank open car doors while they serviced their clients and even film the raids, a practice that clashed with the political purpose of helping the women. It turned out that the judiciary needed witnesses or technical evidence to arrest and convict their clients, since according to established law the offence of buying sex turns on consent and is not intended to protect sex workers, but rather public order.

Taking my time

As policy anthropologist Susan Wright (2011: 29) recognise, in anthropological research ‘the research problem’ typically arises late in the study. When they find no explanations for their field observations in the empirical and theoretical literature, anthropologists identify the problem the remaining fieldwork and analysis should focus on. This has been my experience in this study, where extended time has been essential.

While building on insights from my previous work, the articles and chapters in this thesis are based on my observations within the field of the sex-purchase ban

between 2009 and 2019. I have ‘followed’ (Marcus 1995) the ban and ‘studied through’ (Reinhold and Wright 2011) the field’s different domains of law, discourse, implementation and impact. Just as I previously employed a multisited methodology, this time I approached the ban as surrounded by a field of activity where people feel, think, and act, which can be observed in statements, tangible actions, and law and policy measures.

The materials on which this thesis is based come from politicians, government officials, social agencies, legal experts, NGO representatives, and sex workers. I had informal conversations with many of them and conducted semi-structured formal interviews with those who were willing to speak with me on the record. I collected their statements as expressed publicly in meetings, articles and commentaries; legislative and other law and policy documents; and government inquiries, official reports and juridical opinions. The material is primarily from Sweden, and it is compared with similar material from other liberal democracies. I analysed this voluminous body of material by focusing on patterns and contradictions, contextualising and comparing them with other prostitution laws and policies, as well as seeing them in connection with the governance of other issues of morality politics.

A comparative perspective turned out to be crucial to this project. My fieldwork in Aotearoa New Zealand, which had decriminalised prostitution and brought sex workers under the civil laws that apply to all working people as well as specific occupational regulations to shield sex workers from harm, made it possible to conceive of a way of handling prostitution that neither treated it as a necessary evil nor sought to abolish it. Interviewing people from the national sex workers’ organisation, which had a hand in shaping the policy, as well as politicians, public officials, police, social workers, lawyers, and academics helped me to understand concretely what an inclusive approach looked like and how it worked in practice. This research inspired the concept of an integrative prostitution policy in the typology of prostitution policies I developed and in the analysis of the legal status of sex workers.

My experiences in New Zealand cast a bright light on Sweden’s policies and practices, revealing their exclusionary nature and how much they had in common with other regimes that criminalised the act of selling sex. This diverse Pacific island nation gave me a window on another reality, and its just and reasonable way of handling sex work enabled me to see more clearly the injustice that marked policies in Sweden and other countries and subject them to analytical scrutiny. It

made me consider the relationship between morality politics and a country's image of itself. Policy decisions might be indicative of broader discourses surrounding notions of belonging and marginalisation, inclusion and exclusion within the national body, particularly when policymakers approach the law as it relates to 'sinners' and other social outliers in terms of moral systems centred on imagined familial relationships.

A 'long-term cumulative research trajectory' (Falzon 2009: 17), even when it was not planned in advance but has resulted from pursuing a subject through a variety of activities, is especially valuable when studying legislation because legal processes are slow-moving. It can take decades for a parliamentary bill to reach a vote, become law, come into effect, and be established in practice. It takes time for legal dilemmas to show themselves, their effects to be evaluated, and potential corrections made, all of which may reveal the problematic or self-contradictory premises and consequences of the original legislation.

Being part of the debates and studying Swedish prostitution policy ever since the sex-purchase ban's adoption have yielded significant insights into the processual dynamics and features of morality politics. Paternalistic policies, which criminalise what consenting adults do in private, rarely achieve their aim of eradicating the behaviour they define as an offence. The individuals targeted will not only find ways to continue their practices, but they and others will take offence against the policy's intrusions and effects. When a paternalistic policy does not have the desired results or meets resistance, its proponents react by attempting to impose further prohibitions and punishments, which are also doomed to failure. 'Consensual crimes', such as prostitution, drug use or abortion, generate especially fierce, never-ending conflicts, not only because they involve core values but also because resolving them is inherently impossible since they generate an escalating, emotional spiral.

Twenty years after the law was introduced, I attended a seminar in central Stockholm organised by the Swedish sex worker association Fuckförbundet, together with the International Committee on the Rights of Sex Workers in Europe. The theme was '20 years of the Swedish model: What have we learned?' with the aim to share knowledge and discuss the effects of models seeking to 'end demand', particularly regarding the health and rights of sex workers. I presented my typology at the seminar. The 150 participants included sex workers, lawyers, researchers, service providers, public health professionals, policymakers, and advocates. Among the community and academic reports presented and discussed

was Fuckförbundet's report on the issues faced by sex workers in Sweden (Fuckförbundet 2019). But Swedish politicians and officials did not attend. They had been invited but either did not respond or declined, some at the last minute. Instead, the political establishment celebrated the supposed success of the sex-purchase ban at another event a few weeks later; no sex workers or critics were invited. This was the first time an international conference that supported sex workers' rights was conducted in Sweden, and it was also the first time sex workers marched through the streets demanding their rights. Nonetheless, no mainstream media reported on the event.

The seminar concluded my observations of the sex-purchase ban's field of activity. It was clear that, even though the twenty years since its passage had generated broad and powerful criticisms, Swedish policymakers chose not to heed them. Just as Anna had observed when we met in the winter of 1998, the politicians did not care about how the laws affected 'a whore', yet another example of the typical characteristics of morality politics.

The results of the thesis

By analysing the ban's political and legal course in depth and over time, this thesis shows that the offence is a variant of other anti-prostitution laws directed at sex workers and their clients, and that the highly charged emotions surrounding the ban, as well as its political-legal conflicts and contradictions, are comprehensible if analysed within the framework of morality politics. This means we can understand the Swedish sex-purchase ban as an example of the repressive measures that contemporary liberal democracies direct at what consenting adults do with their own bodies, particularly concerning their sexuality, reproduction, and end of life, as well as how they choose to enjoy themselves. These 'consensual crimes' have roots in religious notions of impurity and prohibitions against 'sin' and are an outgrowth of what were previously offences related to vice and violations of public decency. In addition to anti-prostitution laws, they include anti-gay, anti-drug, anti-abortion, and anti-gambling laws. Prohibitions such as these seek to reform those who engage in these undesirable activities, in order to fit into national conceptions of what constitutes morally acceptable behaviour in their own 'civilised' society, rather than to reform societal structures so that these activities can be conducted safely and securely.

Finally, in this thesis, I invite readers to change their perceptions of how to study and approach the governance of prostitution, as I have done. Instead of studying the governance of sex commerce as a special case, analytically linking it only to sexuality and gender, as is most common and is exemplified in my earlier work, we should also situate it in relation to the governance of other issues of morality politics. I hope scholars studying the governance of drugs, abortion and other contentious issues can also find benefits in bridging these issues empirically and analytically. Doing so has the capacity to transform our research questions. For example, why are prostitution and drug use still subject to repression in Sweden, while abortion and homosexuality have been recognised as rights? How is a country's morality policy choices indicative of its notions of 'civilisation' and destruction, of who and what are to be included in or excluded from the national body? This thesis offers a conceptual framework for exploring such matters.

Furthermore, approaching the issues raised by commercial sex through the lens of law in a liberal democracy may help us to avoid being caught up in the intractable sex wars that characterise public debate. Several decades of social scientific research and abstract arguments have not led to ideological or political shifts, or even facilitated coming to grips with the concrete issues involved. Arguments that can be dismissed as experiential or contrasted with other experiences, or discussions about which feminist or humanitarian understanding of the sex trade should take precedence – is it oppression or gainful work? – are unlikely to be resolved. In contrast, arguments in favour of the liberal Rechtsstaat's brand of defensive criminal justice are indisputable. It is possible to cut the Gordian knot of prostitution policy by debating legal principles over substantive issues. Should a Rechtsstaat use law to criminalise the actions of consenting adults in private that are not injurious to other interests? Or should it use the law to give vulnerable groups access to the protections other citizens enjoy from its enforcement? Ultimately, it all comes down to whether people who engage in the sex trade are to be incorporated into or marginalised by the nation's social and legal fabric.

1. Introducing the study: Research questions and key terms

The Swedish ban on purchasing sex, which came into force on 1 January 1999, makes it illegal to obtain, or try to obtain, a temporary sexual service in exchange for payment. The criminal acts include sexual acts where at least one of the parties' genitalia touches the other's body. Besides money, payment can consist of other things agreed in advance by the person selling sex and the one purchasing it, such as drugs, meals, or gifts. The law also applies when someone else pays for the sexual service or when the sex worker and client have ongoing contact, where each purchase is considered a temporary sexual liaison (RP 1997/98:55; RP 2004/05:45). When the ban was introduced, it was framed as a special law (SFS 1998:408) and later incorporated into the Penal Code under sexual offences (*köp av sexuell tjänst* 6 §11). However, the offence is based on the seller having given consent, and the ban's object of protection – what it is designed to protect from harm – is not the sex seller but public order (Högsta Domstolen 2001).

Initially, the penalty for the offence was a fine or imprisonment for up to six months, which in 2010 was raised to a fine or imprisonment for up to one year. In 2022, fines were phased out and the minimum punishment was set at twelve months in jail (Riksdagsskrivelse 2010/11:251, 2021/22:433). The number of reported and convicted crimes varied from year to year according to police priorities, but between 1999 and 2019, 9234 people were reported and 3594 convicted. As in other countries, the Swedish prostitution sector consists of many gender constellations of sellers and buyers (men, women, and transgender people), and the sex-purchase offence is gender neutral. But, with a few exceptions, the reported and convicted perpetrators have been men who purchased sex from women (Fjelkegård et al. 2022).

The proposal to prohibit men from paying for sex was pushed by a broad coalition of civil society actors and members of Parliament from the early 1980s,

and it featured in the widespread grassroots movement against pornography and prostitution during the mid-1970s. First to advocate for the proposal in Parliament were women from the Liberal and the Centre Party, and gradually women from all the other parties except the Moderates agreed (see Chapter 5 for a more detailed history of the ban). When the bill came to a vote in the spring of 1998, the Left and the Green parties fully supported the ban, as did the governing Social Democrats. The Centre and Liberal parties were divided; the Christian Democrats believed that both buying and selling should be prohibited; and the Moderates remained entirely opposed (Riksdagens protokoll 1997/98:112). When the Moderates formed a coalition government with the other centre-right parties in 2006, however, they all backed the one-sided ban. The government expanded existing efforts to influence other countries to adopt similar legislation, facilitated by the significant international attention the ban had received as a novel, feminist anti-prostitution measure (Regeringens skrivelse 2007/8:167).

Ever since its inception, the Swedish sex-purchase ban has been hotly debated in politics, the media and academia. It has been both applauded and contested by policymakers and civil society actors, both nationally and internationally, as either an inspiration or a negative example for others. An extensive body of scholarship has considered its effects, meanings, and the reasons why Sweden was the first country to adopt a ban on purchasing but not selling sexual services. This study focuses on the attention the ban has received as an unprecedented approach to governing prostitution, the highly polarised political environment in which it exists, and the multiple political-legal contradictions it displays.

In this introductory chapter I first detail the peculiarities and contradictions that form the basis of my overarching research question: What does the ban exemplify? Next, I summarise the study's aim, methodology, and results, and its position within anthropology. I then provide an outline of the thesis: the chapters that present the study (called the Kappa) and the four articles' research questions, methodology, and results. Finally, I define and discuss the key terms used throughout the thesis.

Peculiarities and contradictions

Some people both in and outside of Sweden regard the ban on buying sex as a step forward. They perceive it as a modern gender equality measure, where the state directs its strictest instrument of governance, the criminal law, at clients, who had not previously been targeted by anti-prostitution legislation. The fundamental idea behind this approach is that prostitution is a form of male violence and structural oppression of women, so the sex trade should be eradicated, and only the men who pay for the services should be punished. Prostitution is also commonly equated with human trafficking, and the ban is said to reduce sex commerce without any adverse effects. This is the perception expressed by Swedish legislators (RP 1997/98:55; SOU 2010:49; RP 2021/22:231) and by NGOs and researchers informed by a radical feminist ideology (Ekberg 2004; MacKinnon et al. 2011; Raymond 2004; Waltman 2021; CATW n.d; EWL n.d.). The legislators also regard the ban as an important instrument in counteracting the proposal to decriminalise prostitution and give the sector and its participants legal status, which is supported by social movements and has been enacted by some countries (RP 1997/98:55; Le Drian and Wallström 2019).

Those both in and outside of Sweden who oppose the ban believe it worsens the situation of sex workers without reducing the market for sexual services. This critique has been formulated by sex workers' organisations and other human rights groups and has gained traction as Canada, France, Northern Ireland, Norway and others have introduced variants of a sex-purchase ban inspired by the Swedish legislation. Opponents argue that prostitution encompasses a diversity of experiences, and that the vulnerable situation of sex workers is best alleviated by decriminalising the sector and bringing sex workers under the provisions of labour, business, and other civil laws (Amnesty International 2016a; ASIJKI 2015; ASWA and RA 2011; Fuckförbundet 2019; HRW 2019; ILGA 2018; NSWP 2018; UNAIDS 2012; UNDP 2012; WHO et al. 2013). They regard the New Zealand Prostitution Reform Act (PRA), enacted in 2003, as the best alternative to punitive measures. With the explicit objective of upholding the human rights of sex workers, shielding them from exploitation, and improving their occupational health and safety, PRA is the only national prostitution policy that fully decriminalised the trade and integrated it into sector-relevant employment, contract, and civil law. These conclusions are shared by a majority

of social scientific studies of sex work (see Benoit et al. 2018b; Bruckert and Hannem 2013; Dewey et al. 2015; Fitzgerald and McGarry 2018; Goodyear and Weitzer 2011; Harcourt et al. 2010; Holmström and Skilbrei 2017; Kilvington et al. 2001; Lyon 2014; Platt et al. 2018; Scoular 2004; Sexhum 2020; Vanwesenbeeck 2017; Wagenaar et al. 2017). The PRA retains some discriminatory elements, however, particularly the exclusion of noncitizens from its provisions.

The fact that these opposing views have remained much the same from the 1990s to the present is profoundly puzzling. What is it about the Swedish ban that elicits such strong, diametrically different reactions and opinions and engages so many people in so many countries over such a long time? How can we understand these two opposite policy trends, as some democracies impose repressive measures, such as criminal laws against purchasing sex or both parties agreeing to exchange sex for money, while others have decriminalised sex work? And how can we make sense of the idiosyncrasies of the Swedish offence relative to its political aims and legal environment?

One obvious contradiction lies in the political versus legal purposes of the ban. Politicians and legal authorities claim it is intended to protect women who sell sex, as they are the 'weaker' party being 'exploited' for the satisfaction of someone else's sexual desire (RP 1997/98:55, 104). Yet the law presumes that both parties have given their consent to the transaction, and the object of protection is not women who sell sex but public order, meaning the general public's perception of morally acceptable behaviour. The ban is also gender neutral, although it is mostly applied to men. Another, though disputed, idiosyncrasy is the ban's effect on women who sell sex. While politicians argue that the ban protects these women at least indirectly because it leads to a reduction in prostitution and trafficking, this claim is difficult to substantiate. Indeed, research indicates the opposite. Moreover, since the offence is based on mutual consent, the police and judiciary rely on monitoring sex workers to enforce the ban, and they remain excluded from the civic status and rights applicable to other working citizens (see Article IV).

The offence itself clashes with the legal principles that are accepted in a liberal state. Under defensive criminal law, as articulated by the Swedish government and legal doctrine, criminalisation is a last resort for the most reprehensible, blameworthy acts. Since punishments represent society's most 'intrusive and degrading sanction' (Jareborg 2001: 36) and are 'the ultimate expression of state power' (SOU 2013:38, 479), the state should aim to influence behaviour without

repressive measures, but rather through information and education. The philosophy of law has developed this precautionary principle, formulating the various guidelines and criteria to which legislators should adhere when considering new laws or extensions of existing criminal provisions (SOU 2013:38, 423-501). A Rechtsstaat – a constitutional state in which the government is constrained by the rule of law – should not use criminalisation to prevent behaviour that is regarded merely as immoral; such legislation is considered costly without demonstrable effects and can lead to human suffering, which goes against its ethical principles. Introducing a penal provision just because the legislator wants to ‘make a statement’ that society takes the matter seriously is thus not enough; there must be more substantial reasons, such as preventing harm. The punishment for a crime must also have the desired effect without unintended consequences. The penalised behaviour should decrease without innocent individuals suffering from the enforcement of the law (Jareborg 2001; Asp et al. 2010; Lernestedt 2003; SOU 2013:38).

Swedish jurisprudence that employs a critical legal positivist analysis – comparing the ban’s alignment with legal principles – argues that it violates several fundamental principles and rules of defensive criminal law (Asp and Ulväng 2007; Lernestedt and Hamdorf 1999–2000, 2000–2001; Lernestedt 2003, 2004, 2010; Träskman 1998, 2005, 2009a, b; Ulväng 2009). The ban conflicts with the ideological legal principle that the state should tolerate citizens’ behaviour and respect individual privacy and self-determination. It also contradicts the principle that penal provisions should target individual wrongful or ‘evil’ acts rather than socio-structural issues. When the ban was introduced, it lacked essential legal justifications, such as specifying what it aimed to protect and its relation to ideological principles and other penal provisions. Additionally, the ban lacks legal legitimacy because Parliament has not proven that criminalisation is the only possible means to achieve its goal and the ban has resulted in adverse consequences for innocent people. Because the ban hinges on consent, the offence exemplifies paternalistic, moral legislation (see Chapter 2 for their detailed critiques).

While acknowledging that the ban is a legal anomaly, some Swedish feminist legal scholars still defend it, arguing it is valid because prostitution violates human dignity, which transcends individual self-determination. The very idea that a woman can consent to selling sex is also questioned. Moreover, the ban provides a welcome shift from shaming women involved in prostitution to holding the

purchasers accountable for the harm caused by prostitution (Leijonhufvud 2009, 2011; Westerstrand 2008; Yttergren and Westerstrand 2016).

It is not uncommon for new legislation to collide with legal principles and rules, and the philosophical question of free will and consent is complicated. Some legal scholars also conclude that the sex-purchase ban can be legally justified from a gender perspective (see Dempsey 2005). Yet, legal collisions still occur, and we must acknowledge that it is quite unusual to introduce new prohibitions on sexual acts between consenting individuals in a liberal democracy. Thus, the Swedish ban on sex-purchase is not only surrounded by political conflicts but also in conflict with key principles of the Swedish legal system.

Aims, central questions and conclusions

The overarching question explored in this thesis is how the controversies, contradictions, and peculiarities of the sex-purchase ban can be understood. It does so by challenging the notion of the ban's uniqueness and contextualising the law in relation to other types of prostitution legislation and regulatory measures, both in Sweden and in other countries. Additionally, the study examines the governance of prostitution in relation to political issues that exhibit similar peculiarities and spark similarly irresolvable controversies.

By drawing on the analytical conceptual framework of 'morality politics', I connect the issue of prostitution with other issues that are subject to similarly contradictory views, such as drug use, abortion and euthanasia, and display similar features, evoking intense emotions that make ordinary policy compromises unthinkable. Ultimately, this study aims to understand what sort of politics the Swedish sex-purchase ban exemplifies, as well as what such prohibitions – and their opposites – offer to society and their proponents.

The thesis shows that the Swedish offence is a variant of other anti-prostitution laws directed at sex workers and their clients and therefore part of a common repressive prostitution policy. It also argues that the highly charged emotions surrounding the ban, and the associated conflicts, contradictions, and diverging policy trends, are comprehensible when analysed within the framework of morality politics, which is a 'unique' class of politics in Western societies (Meier 1999; Mooney 2001).

Although the definition of this class of issues is still disputed (Euchner 2019a; Mourão Permoser 2019), morality politics is characterised by the types of substantive issues it engages and by their governance. Issues regarding commercial sex, homosexuality, drug use, gambling, euthanasia, and abortion are united by their capacity to evoke emotions of a socio-existential nature and are examples of ‘consensual crimes’. The governance of these issues is unified by their movement along a spectrum between repressive, restrictive, and integrative policies, reflecting a society’s decision either to reject the phenomenon and reform the individuals engaging in what has been seen as sinful behaviour, or to integrate them and reform society so that these individuals are not treated as deviant or even antisocial. In the case of prostitution, integration means that people selling sexual services and others engaged in the sector have similar civic and legal status as citizens in other occupations and are subject to appropriate regulations. This conceptual refinement of morality politics, which is one of the major contributions of this thesis, raises new questions about countries’ policy choices and facilitates comparisons within and between nations.

These conclusions are drawn from the research questions posed in the thesis’s four articles and based on observations within the field of the sex-purchase ban between 2009 and 2019. The study employed a multisited methodology, ‘following’ (Marcus 1995) and ‘studying through’ (Reinhold and Wright 2011) the field’s domains of law, discourse, implementation and impact. The material comes from informal and semi-structured interviews with sex workers, NGO representatives, politicians and other policymakers, such as government officials and social and legal authorities; their statements as expressed publicly in meetings and texts, such as articles and commentaries; legislation and other law and policy documents, such as government inquiries, official reports and juridical reasoning. The material is primarily from Sweden, and it is compared to similar material from New Zealand and other liberal democracies.

Although paying customers are the most obvious group affected by the sex-purchase ban, and I have gathered material on them and written about the issue (Johansson and Östergren 2021), I have not included this material in the thesis, as I have had to impose reasonable limitations on the scope of this study. Anti-trafficking law is also set to one side, since in legal terms it is understood as non-consensual. However, I recognise that prostitution and trafficking are discursive linked, and anti-trafficking law is used to target the consensual sex trade (see Articles II and IV).

The thesis's anthropological approaches

Since the subject of this thesis is a law, it might seem self-evident that my study would reside in the subcategories of legal anthropology or anthropology of law. But that is not the case. Nor does it neatly fit within the parameters of policy anthropology. Although it draws from theories and methods of both these traditions, it is not contained by them.

Law is anthropologically relevant because it codifies the majority society's norms. It deals with its organising, cohesive factors: how right and wrong are defined, questioned, and changed. These foundational pillars are studied from many anthropological perspectives, including 'legal', 'moral', 'governance', 'political' and 'policy' anthropology, each of which has its own key concepts, theoretical and empirical traditions, and canons.

For example, when legal anthropologists investigate power mechanisms in semi-autonomous fields (Moore 1972) which are not legally sanctioned, the study might as well fall under the anthropology of policy or governance. When we study norms and justice, moral anthropology is equally fitting, especially if the legal anthropologist Sally Falk Moore's 'social fields' (1972) can also be understood as 'normative fields' (Roberts 1998). And when a study pertains to how concepts and laws about issues such as human rights or biopolitics are 'assembled', 'translated', and implemented, this might as well belong to legal anthropology as to policy anthropology (Clarke et al. 2015).

Overlaps like these are common and understandable. The social phenomena that subfields of social anthropology encompass, such as the economy or religion, belong to more than one genre. Their classification depends on how the categories are defined and what is counted within them (von Benda-Beckman 2008). For legal anthropologists, this approach has been an active, strategic decision. The hope was that transcending genre boundaries would rejuvenate legal anthropology (Starr and Collier 1989) after a period that legal anthropologist Mark Goodale has called 'fermentation, transition and critique' (2017: 19). More recently, John Borneman (2016), also a legal anthropologist, has suggested that policy studies within anthropology may greatly benefit from Sally Falk Moore's approach to the study of law and the state. Indeed, Goodale's (2017) own understanding of contemporary legal anthropology as a response to and critique of the 'neoliberal world order' is close to policy anthropology, whose understanding of power,

norms, rules, and governance can also be said to be ‘legally pluralistic’ (see Shore and Wright 1997; Shore et al. 2011).

My study draws on these related disciplines primarily because neither legal nor policy anthropologists study a law or offence per se, especially not over an extended period. I also rely on the theoretical framework of morality politics, which developed within political science. Nonetheless, the study is firmly anchored in ethnographic methods.

As I observed a social phenomenon that seemed peculiar and asked what kind of criminal offence the ban on sex-purchase is, I have found a field charged with political and legal conflicts, followed what happened to the law over time and in different locations, and tried to make sense of these contradictions and changes. I have looked at the ban’s history, how it relates to other laws, and the ideological principles that are supposed to guide its legal environment. As Michael Agar (1983) described the traditional ethnographic method, the anthropologist enters a relatively small field, notices something that seems odd, tries to understand the logic, and then seeks patterns and the universal in what seems singular and exotic. Political anthropologist James Ferguson (2011) explains the similarity between the multisited method and the traditional focus on a single site: phenomena become comprehensible by connecting and establishing relationships between different practices, creating ‘systems’ of relations among them that only become legible in relation to each other.

Outline of the thesis

This essay thesis consists of six introductory and summary chapters, two published articles, and two articles that have not yet been published. What follows is a description of the chapters and a summary of each article, its research questions, content, materials and methods, and conclusions, as well as an explanation of how the articles are linked. This chapter ends by defining the key terms used throughout this work.

The chapters

The second chapter, ‘Understanding the ban: Disciplinary and political contexts’, reviews previous scholarship, discussing commonalities and differences between

this study and the relevant work in anthropology, other social sciences, and specific studies of the sex-purchase ban that has been helpful in formulating this thesis.

The third chapter, 'Morality politics and prostitution law: Theoretical frameworks and concepts', summaries the thesis's theoretical framework and discusses its relationship to the scholarship, including some useful literature that was not consulted for the articles. Moreover, the chapter explains the analytical process, justifying my choice of concepts and frameworks and differentiating them from those that are otherwise common in studies of the regulation of prostitution.

The fourth chapter, 'To "follow" a law: Method and materials', introduces multisited ethnography and explains how the thesis developed its key concepts by 'following' the law over an extended period. It defines the 'activity field' of the sex-purchase ban, its extent, and what material has been gathered and why.

The fifth chapter, 'Banning sex-purchase in Sweden: The historical regulation of prostitution and the development of the new offence', provides a historical background to the introduction of the sex-purchase ban and an overview of how Swedish prostitution policy evolved during the ban's first two decades.

The final chapter, 'Conclusions: Toward an anthropological theory of morality politics', reflects on the conclusions of the four articles, discusses the responses they have evoked, and outlines future research. It explores how this study of the Swedish ban advances the study of the governance of prostitution, as well as the study of similarly controversial and highly charged political issues, and can lead toward an anthropological theory of morality politics.

The articles

Article I: Sweden

The first article has been published as a chapter in the anthology *Assessing prostitution policies in Europe* (Jahnsen and Wagenaar 2018). It describes Swedish prostitution policy: its legislation, implementation, and impact, as well as the prevailing discourse around it. What governing instruments are used, and how is the policy actually enforced by the authorities? What impact has the policy had on the sex work sector? What discourses prevailed in shaping the policy and continue today?

The article begins with a brief historical overview, demonstrating that the sex-purchase ban, far from being a major departure, is an extension of a long-standing,

far-reaching commitment to eliminating commercial sex. I contend that the discourse about the ban facilitates the condemnation of prostitution through a lens of progressive gender equality, which diverges from traditional conservative perspectives. It enables Sweden to position itself as a modern, advanced country while maintaining its deeply rooted opposition to prostitution.

The material in the article consists of legislation and government documents concerning commercial sex and material from sex workers' organisations and other NGOs in Sweden; public statements by Swedish politicians and government representatives; and empirical research on the policy's consequences from the mid-1990s until 2016. Since no single document describes the Swedish policy in its entirety, key governance instruments have been identified based on my empirical research in Sweden, mainly through direct contacts with sex workers, their clients, and policymakers.

Situating and analysing the ban in its policy context illuminates its legal and historical similarities with other state measures intended to combat the sex trade. This finding represents a crucial analytical break from the common understanding of the sex-purchase ban as a 'unique,' gender-equitable law. The ban and other policy measures directed at the sex work sector in Sweden exemplify a repressive prostitution policy, which is shown concretely in Article II. The article also demonstrates that the ban's object of protection is public order, not the person selling sex, which also is crucial for the analysis and overarching conclusions of this thesis. The object of protection has theoretical implications, which I extend in Article III to the ban's implementation, which in turn impacts the legal and civic status of sex workers in Sweden, as I show in Article IV.

Article II: From zero tolerance to full integration: Rethinking prostitution policies

The second article, which has been published as a chapter in *The SAGE handbook of global sexualities* (Davy et al. 2020) asks: How should the sex-purchase ban be understood in relation to Swedish prostitution policy? How do we assess a particular prostitution policy, and how can it be understood in relation to how other countries regulate prostitution? How are we to categorise these various policies?

The article presents an empirically grounded, tripartite typology of prostitution policies, remedying the previous lack of a coherent system for classifying prostitution policies across national contexts. I distinguish between repressive prostitution policies, aimed at eliminating the sex industry through punitive

measures; restrictive policies, permitting the trade to operate under limited conditions regulated by a combination of criminal and civil law; and integrative policies, which do not criminalise consensual sex work but instead regulate the industry and protect sex workers through sector-specific labour and trade legislation. Significantly, the governance of other matters of morality politics, such as homosexuality, abortion, and drugs, can be classified similarly.

The typology serves as a tool for assessing, evaluating, and comparing prostitution policies, even in cases where they seem to contain contradictory or incoherent elements. To assist such work, the article presents an assessment protocol consisting of four components to be investigated: the intentions, instruments, implementation, and impact of a policy. Using the cases of Sweden, Germany and New Zealand, I show that the Swedish prostitution policy can be characterised as a predominantly repressive regime, given its aim to abolish the sex industry and its reliance on criminal law. The German policy is predominantly restrictive on the national level, but on the local level the policy has both repressive and integrative elements. The policy in Aotearoa New Zealand is an integrative regime, where all consensual sex work is legal for its citizens and the trade is regulated with sector-specific legislation as well as general laws.

This article is incorporated into the thesis for analytical and theoretical reasons. As comparative, cross-national policy studies make clear, the Swedish sex-purchase ban is only one of many variants of repressive measures directed toward the clients of sex workers. While the offence is often described as ‘unique’ or the ‘first’ to express a modern, feminist outlook and is justified as promoting gender equality, the Swedish prostitution policy directs many penal provisions against the act of purchasing sex. My methodological point is that when researching laws and other policy measures that politicians, as well as researchers, view as extraordinary, it is important to move away from all these statements about the object of study and instead make our own observations and analysis. In this case, closely examining what the ban actually does and comparing it with other similar prohibitions is essential for generating the thesis’s overarching research question: If the Swedish ban of buying sex is not unique, then what sort of law is it?

The article’s typology is developed through an inductive empirical method, a classification processes that takes its point of departure in my own and others’ empirical studies of how prostitution is actually governed. This method is similar to the inductively formed ‘indicator level classification’ (K.D. Bailey 1994), that is, a process combining empirical analyses and theoretical knowledge (see also

Kluge 2000). The research material consists of legislation and government documents concerning prostitution from Sweden, Germany, and New Zealand; interviews and public statements by politicians, government representatives, NGOs, sex workers and their clients in these countries; and existing empirical research on prostitution policy in these and other countries. Moreover, guiding both the typology and the suggested assessment protocol is the key question: What does the policy seek to accomplish? That requires an analysis of policy as expressed through both symbols and social actions, since policy both 'says' and 'does' things that defy simple evaluations (Rabo 1997). This approach exemplifies the method of 'studying through' policy processes, as the anthropologist attempts to grasp the interactions and disjunctions between different sites and levels (Shore and Wright 1997), including political discourse as well as legislation and its implementation and impact.

We can understand the Swedish ban as a typical repressive anti-prostitution measure, and in that sense it is what Gayle Rubin (1992) refers to as a 'sex law'. Furthermore, the typology provides an empirical and theoretical link between prostitution policies and morality politics, indicating that we should also understand the ban in relation to this particular class of issues.

Article III: At the crossroads of destruction and civilisation: Morality politics and the Swedish ban on buying sex

The third article (status: revising for submission), suggests that the theoretical framework of morality politics best comprehends the idiosyncratic and contradictory aspects of the sex-purchase ban.⁴ The article defines this concept in a clear and concise manner. It asks: What does the ban on purchasing sex offer its supporters? Then it explores the new questions this framework raises for the study of prostitution policy.

In the article, I depart from the only previous anthropological work on the sex-purchase ban, an article by Don Kulick (2003). I question his use of the ban as an example of Sweden's 'harsh' sex laws and the result of a 'moral panic', but I continue his effort to make sense of its peculiarities. Considering how issues such as prostitution, homosexuality, abortion, and recreational drugs are perceived, discussed, and governed in liberal democracies, I show that these issues all involve

⁴ The editor of the journal to which this piece was submitted asked me to make specific minor changes before sending it out for external review.

‘consensual crimes’ and are portrayed as posing a risk to civilised society. The issues of morality politics are rooted in religious notions of sin and impurity, and today they are typically addressed by the three distinct policy models, while the governance agenda is either to reform marginalised citizens or to grant them equal civil rights.

I argue that considering prostitution policy in relation to the cluster of other issues of morality politics, especially from the perspectives of the actors involved in social movements, provides theoretical insights into the distinctive features of this class of controversial issues. For example, morality politics generates such fierce, never-ending conflicts because paternalistic moral law provokes intense reactions. While offending or worrying those directly targeted, the policies’ intrusions into the private life of individuals also arouse objections from the public. And when a paternalistic policy does not have the desired effects, its proponents respond by attempting to impose further prohibitions, generating an escalating, emotional and political spiral.

On the other hand, if and when an integrative policy takes precedence, it is an indication that a society has shifted its understanding of what constitutes a ‘civilised’ community: it integrates groups and actions it may consider undesirable or unpleasant, rather than suppressing and prosecuting them. In sum, the concept of morality politics raises new questions about countries’ policy choices and facilitates comparisons within and between nations.

The analysis is based on legislation and government documents describing the development of prostitution policy in Sweden and other liberal democracies countries from 1999 to 2019; reactions these changes have elicited among supporters and opponents of the policy as expressed publicly in the media and during meetings, as well as in interviews I conducted; and existing empirical research on Swedish prostitution and drug policy. The method represents a multisited ‘long-term cumulative research trajectory’ (Falzon 2009: 17) where I have ‘followed’ the sex-purchase ban across its different domains, observing and identifying patterns which I then compared with the governance of other issues of morality politics in Sweden as well as in other countries subscribing to the liberal rule of law.

Methodologically, the article shows how an anthropological analysis of a criminal offence such as the sex-purchase ban benefits when the material is broadened in scope and the analysis engages with jurisprudence. The conclusions of the were drawn by observing the ban’s trajectory over an extended period,

examining the source of law and learning from critical work by legal scholars, rather than focusing only on the campaign to adopt it and on the discourses of its proponents. The merits of a multisited study of a criminal offence, where the source of law provides a significant portion of the material, is illustrated in the fourth and final article, which provides deeper insights into the logic of morality politics.

Article IV: ‘What if it were your daughter?’ Ambivalence and belonging in prostitution law

The fourth article, which has been submitted (status: revise and resubmit), asks how the ambiguous legal and civic status of Swedish sex workers can be understood, especially in relation to New Zealand sex workers’ coherent status as individuals with access to the same rights as citizens engaged in other occupations. What is the underlying moral logic of nation-as-family in these countries? What parallels are there to the socio-legal treatment of other marginalised or stigmatised groups, historically and today?

This article compares the legal standing of sex workers in Sweden and Aotearoa New Zealand. In Sweden, political discourse, established law, and policy implementation cast sex workers in multiple roles, oscillating between victim, consenting individual, witness, entrepreneur, criminal, and sometimes as collateral damage—or nothing at all. While this ambivalence expresses social ambiguity and an exclusionary logic intrinsic to all anti-prostitution policies, the article argues that the malleable legal status of sex workers also helps to perpetuate these stigma-based discriminatory practices, providing authorities with a ‘strategy of ambivalence’ (Koch 2020). Conversely, the legislation in New Zealand expresses an inclusive logic and adherence to the liberal rule of law where individuals are not precluded from civic membership based on their occupation.⁵

⁵ Yet, as scholars and the NZPC have argued, the PRA contains discriminatory elements in its language and regulations, such as the demand for mandatory condom use, the ability of local authorities to decide the location of enterprises, and remnants of a moralising and stigmatising ‘risk’ discourse (G. Abel 2019; Bruckert and Hannem 2013; Harrington 2012). The most blatant and widely criticised discriminatory provision is that foreign individuals are not encompassed within the law’s protective framework, even for those whose legal status allows them to work in other sectors (Armstrong et al. 2020; Bennachie et al. 2021). Instead, any suspicion of involvement in the sex trade forms grounds for visa denial and deportation (PRA, clause 19).

The article suggests that research and debates on the governance of prostitution can benefit from focusing on legal principles, while recognising the historic parallels to the regulation of female labour as well as to the discriminatory treatment of ‘sinners’ and other social outliers.

My comparison of Sweden’s and New Zealand’s prostitution policies emphasises government representatives’ reasoning about the status of sex workers in their respective countries as expressed in interviews and public meetings, and sex workers’ understanding of their legal status as articulated in interviews. The status of sex workers has been traced to the different layers of the two countries’ prostitution policies and legal systems.

The previous articles situate and analyse the ban on purchasing sex in broader empirical and theoretical contexts, as a part of the repressive Swedish prostitution policy and as an instrument of morality politics. This article shifts the research perspective as it turns to what the ban means according to established law.

By considering the Swedish source of law, including legislative histories, official government enquiries, evaluations and statements, case law, and legal doctrine, the article investigates the relationship between the ban, its object of protection, and the general principles that apply to the Penal Code. Thus, the article is linked to the thesis empirically and methodologically as it ‘follows’ the ban into its national legal system, providing insights into the ambiguous status of sex workers and how the offence has negatively affected them. When the object of protection is ‘public order’, law enforcement must gather evidence by surveilling sex workers and raiding their workplaces. The article elucidates the legal status of sex workers under two opposite policy regimes, using the nation-as-family metaphor to illustrate how one policy expresses an inclusionary logic and the other an exclusionary logic.

Key terms

I use various terms to denote my field of study, the laws and policy that regulate prostitution, sex work or commercial sex, alternating between equivalent phrases such as the sex trade, the sex industry, and the sex work or prostitution sector. When I refer to the people targeted by these regulations, I use sex workers and sellers, sex buyers and clients, and third parties such as managers or business owners.

The term stakeholder is used to encompass all people involved in and affected by prostitution policies, such as government agencies, experts, civil society organisations, and sex businesses, as well as the target group, sex workers and their clients. I follow political scientist and public policy scholar Hendrik Wagenaar's (2017) definition of stakeholders in his discussion of collaborative governance, that is, the formal, consensus-oriented process that relies on all stakeholders having sufficient capacity, organisation, status and resources to participate (see also Ansell and Gash 2008). Interestingly enough, this term can also correspond with ideological positions. When political scientists Josefina Erikson and Oscar Larsson (2022) apply Wagenaar's concept of collaborative governance to analyse the development of Swedish prostitution policy from 2008 on, sex workers are referred to solely as 'victims' and none of their organisations is included in their research material.

For the people who write, pass, and uphold these laws, I use the terms legislators, lawmakers and policymakers. When I speak of neo-abolitionists, I follow political scientists Eilís Ward and Gillian Wylie's (2017) definition: radical feminists, faith-based lobbyists and politicians who equate prostitution with male oppression and propagate the criminalisation of the purchase of sex, without the seller being subjected to legal punishment.

Sex work or prostitution?

Scholars are rightly expected to explain why we use 'sex work' instead of 'prostitution', but I am also wary of the risk that if researchers endlessly reproduce lengthy justifications, we will reproduce the anxiety surrounding the issue itself. Moreover, debates over terminology are often proxies for more fundamental matters that the discourse does not come to grips with. In my terminology, I take a slightly more relaxed approach, while still being precise.

Although sex work has been part of the English language since the early 1930s and sex worker has been in use since the early 1970s (OED 2024a, b), it was sex worker Carol Leigh (1997) who popularised the term in the early 1980s, as activists in the US sex workers' movement asserted that their occupation should be recognised and accorded rights similar to those of other working people. Other activists and scholars were quick to discuss and apply this phrase (see Chapkis 1997; Kempadoo and Doezema 1998; Nagle 1997; Perkins et al. 1994; Rubin 1992). Since then, the choice between sex work or prostitution and sex worker or

prostitute has been contentious and part of the struggle to define meanings in the feminist ‘sex wars’ (Snitow et al. 1983; Vance 1992a). In Sweden, when the term sex work was first used, social commentators likened it to ‘The invasion of the body snatchers’, the 1970s movie where the earth was insidiously invaded by aliens (Ohlsson 2002). Today, in upholding, defending and expanding Sweden’s policy, the government sees it as one of its tasks to counteract the use of the term ‘sex work’ (Socialdepartementet 2017; Regnér et al. 2016).

In social science research, the choice of terminology has largely reflected divisions between differing understandings of commercial sex. Sex work and sex workers are used mainly by those with a multifaceted approach, and prostitution and prostitutes by those with an oppression paradigm (for these different approaches, see Chapter 2). Today, there are signs of a more relaxed use of ‘prostitution’, but ‘prostitute’ is rarely used because this term signals passivity, reflecting a person’s social and psychological state rather than their actions and choices (see Kempadoo and Doezema 1998).

As anthropologists Susan Dewey, Treena Orchard and Tiantian Zheng (2015) say, using emic terminology presents challenges when even the use of the phrase ‘sex work’ ignites debates. Moreover, as researchers studying sex work reflect on our conversations with others, we realise that people have vastly different experiences of and attitudes toward selling sexual services. Some embrace the terms sex work and sex worker, while others distance themselves from this terminology because of its political or Western connotations. Still others regard the distinction between sex worker and prostitute as irrelevant; they see the activity as a practical way of securing drugs, housing, or money to meet their basic needs (Dewey et al. 2015; Lakkimsetti 2020; Östergren 2006, Skilbrei 2019).

I alternate between these terms to respect the diversity of experiences within and perspectives on the sex trade. As Susan Dewey, sociologist Isabel Crowhurst, and anthropologist and social work scholar Chimaraoke Izugbara (Crowhurst et al. 2021) say, I seek to account for the differing positions along the field’s political spectrum, not to dilute those differences but to encompass them. Another reason to alternate terms is that they reflect how different legislatures define the sex trade and the legal status of individuals selling sex in their jurisdictions. While it is possible to talk about sex work and sex workers in law and policy terms in the New Zealand context, this is not the case in Sweden.

‘Transactional sex’ is a rather common term, but one that I do not employ. It describes the many realities in the field, as it denotes all forms of encounters where

a sexual service is rendered in return for some form of compensation, which can range from running a full-time prostitution business to an interaction where sex is traded for a night's housing or a meal. That kind of temporary, non-market transaction is a matter of social, rather than legal, concern.

Given the many stereotypical perceptions and negative connotations of 'the sex industry', trying out different terms has some benefits. It can challenge our own perceptions as researchers and bring analytical clarity to our thinking. Taking inspiration from the studies and policy recommendations regarding domestic work in the DemandAT project, I have sometimes used the term 'sector', which highlights the relationship between state power and the market. Just as speaking of the 'domestic labour sector' opened up the discussion to include how the state could regulate this sector in order to prevent people from being exploited in a market that occupies a grey area between the formal and informal economies, adopting a similar perspective on the sex sector facilitated my analysis of the main ways in which prostitution is regulated (see Article II). It also enabled me to consider which market sectors and actors are regulated in conventional ways and which are exempt—and why (see Articles III and IV).

Some nuances need to be considered when using the term sex work. In general, sex work is taken as an umbrella term for what is legally considered prostitution and other forms of commercial sex, such as pornography, striptease dancing, and private posing, where sexual services or performances are being traded for money and other forms of compensation. In truth, sex work encompasses all services and acts that have sexual meanings for the buyer. Not all interactions involve bodies or genitals touching, result in the buyer's sexual climax, or are perceived as erotic or sexual by those who are not the customer. Examples include sadomasochistic sex or role-playing and voyeurism. The boundaries between the myriad forms of sexual labour are often fixed by law, but in reality are much more fluid.

Another terminological aspect to note is that prostitution is not used in the Swedish statutes, as the term is considered too abstract and too vague to be one of the central criteria for defining a criminal offence (RP 2004/05:45, 105). Criminal provisions aimed at what is colloquially called prostitution are instead limited to those forms of commercial sex that fall within the scope of 'sexual acts', which include 'intercourse and other sexual acts of both a heterosexual and homosexual nature' where at least one of the parties' genitals touches the other's body (RP 2004/05:45, 30–31). In 'striptease' the sexual acts are performed in front of a limited group of people in an indoor locale without any physical contact occurring

between the dancers and customers, and the customers are not allowed to touch themselves sexually. 'Private posing' includes only seller and buyer, and the customer may satisfy themselves during sessions. Pornography refers to the performance of sexual acts in front of a camera.

These legal boundaries may or may not reflect what goes on in real life. Each form of commercial sex has its own dynamics, and those who provide the service possess special skills and knowledge. Yet posing can transition into what is considered prostitution, and what counts as pornography may involve nothing more than posing.

Consent in law versus life

The understanding of consent is central to my research questions and analysis. According to Swedish political discourse, prostitution is a non-voluntary act, whereas the anti-prostitution laws (both the ban on purchasing sex and the ban on procuring) depend on consent. Yet, according to legal principles, the state ought not to prohibit what consenting adults do in private and does not do harm. Contradictions such as these made me curious enough to pursue this research. Moreover, I argue that a defining feature of the issues belonging to morality politics is that they constitute 'consensual crimes'.

What consent entails is a central legal and feminist discussion, and different interpretations of what consent means in relation to commercial sex are closely linked to how the phenomenon is perceived and how it should be legally addressed. Aware of the complexity that consent entails in real life, I refer to consent as it is understood in legal terms. That is, if a person expresses consent to an act, that is what applies legally. In that sense, the issue is therefore simple and would not need to be discussed further in the thesis. However, since it is such a contested subject with varying understandings, even among Swedish legislators and legal authorities, I summarise the perspectives I have found most useful.

Examining the philosophical and legal debates on sexual exploitation and objectification in relation to ethnographic data, scholars have found that in sex work, the matter of consent varies depending on multiple conditions (Blanchette et al. 2021; Olivar and Farias 2021, Tremblay 2021). In her discussion of these and other studies on consent and coercion, sociologist Cecilia Benoit (2021) offers a conceptual framework that understands prostitution in terms of a continuum of social-economic exchanges between the seller and buyer that range from more or

less forced to free. Thus, 'commercial sex' should be studied 'as an income-generating activity where labour exploitation is possible, both within the work relationship and at the structural level' (2021: 2). Criminologist Belinda Brooks-Gordon and criminal justice recovery worker Euan Ebbitts (2021) propose the idea of a 'consent ladder' in their study on male-to-male 'chemsex', sexual activities while under the influence of drugs. An experience can begin willingly, be pleasurable and controllable, but the line of consent may become blurred and result in harm and exploitation. Yet they also suggest that under some circumstances and with certain skills and capacities, the sex worker can become empowered and exercise more control over what ensues.

As Benoit (2021) pointed out, a binary understanding of consent and coercion does not reflect reality. Politically, the conflation of consensual sex commerce with exploitative sex trafficking enables state actors to target people who sell sexual services through laws prohibiting trafficking. In their historical account of the theoretical development of sex work research, sociologists Helen Rand and Jessica Simpson (2023) question the binary formulation of coercion versus consent posited during the 1970s by radical feminists' theory of male dominance, which later became central to international legal frameworks on sex work and trafficking. Empirical studies show that this binary does not accurately reflect the more complex realities of many sex workers' lives, they argue, but this legal confusion nevertheless shapes the position of sex workers.

In their study of sex, crime and the law, criminologists Alexandra Fanghanel, Emma Milne, Giulia F. Zampine (2021) explain the challenges of understanding and applying the concept of consent. Since those who request or offer consent are rarely equal in their degree of autonomy and power, they may well have differing capacities to meet all the criteria for consent, such as the capacity to consent, the freedom to say no, and information about what they are consenting to and the consequences of that decision. Informed consent is not always easy to establish and may never be established, which generates 'some of the difficulties in determining, interpreting and communicating consent' (Fanghanel et al. 2021: 202).

Claes Lernestedt, a Swedish legal scholar who has analysed consent, maintains that the gender perspective rightly criticizes how law has treated male violence against women, as well as its critique of societal structures that systematically subordinate women. In his discussion of the ban on sex-purchase in relation to conceptual understandings of freedom and voluntariness on the levels of society, law, and legal application, Lernestedt (2004) concludes that these oppressive

structures might make women feel pressured to have sex even when they do not want to. What is 'voluntary' and what is not is difficult to determine. He credits the gender-based critique for a much-needed questioning and revision of the language and assumptions of sex-offence legislation and the application of these laws, for example, when the victim's behaviour prior to a rape unduly influences the assessment of a sexual offence.

The problem, Lernestedt (2004, 2010) explains, is that when legislation and the application of law is influenced by the structural forces and societal thinking about voluntariness, it departs from the liberal legal principles of freedom in a state governed by the rule of law. When both the public and the legal understanding assume, for instance, that a young woman feels social pressure to 'consent' to sex with a man even though she does not want to, the law will deem her unfree in such a way that the man is held responsible for sexual exploitation or rape. Even though the source of the problem in this case is structural oppression, and both parties are caught up in this oppressive social construction, this situation should not lead to criminal liability on an individual level.

Repressive – restrictive – integrative

Using the terms 'repressive', 'restrictive' and 'integrative' to categorise the varied legal regimes that govern commercial sex could be perceived as value-laden or provocative, which is hardly useful in an already charged and polarised political arena. However, I carefully chose these terms in order to reflect how the sex trade is regarded and treated, and to outline the kinds of policy options that are pursued in various countries, regions and cities. Legal scholar Jenny Westerstrand (2008), who conducted a detailed analysis of the models used to organise international prostitution discourse, has drawn a similar conclusion. The key question, she argued, is to ask is whether a particular discourse views prostitution as something that should be accepted and normalised, or whether it should be discouraged and 'not be allowed to seep in as a normalised part of society' (2008: 127). In her model, Westerstrand focused on discourses rather than policies. She named the two positions 'normalised' and 'abolitionist' and added subcategories within each of them, but the logic underlying her classification is the same as mine: a distinction based on whether commercial sex is dealt with as something to eliminate or to integrate into society.

The terms might instructively be compared to how language policies are classified. These policies prefer or deter the use of a dominant language or a set of minority languages, and are linked to more overarching governance of ethnic minority groups. In a discussion of language policy, linguist and educational scholar Terrence Wiley (2015) expanded on a similar taxonomy. Restrictive policies constrain or even penalise the use of minority languages and make various social, political and economic rights and benefits contingent on knowing and using the dominant language. Repressive policies involve an overt attempt to eliminate minority languages and are linked to deculturation or linguistic genocide. Thus, the terminological revision that I propose can be understood as descriptive and not value-laden. Finally, we need to remember that classifications and concepts are scientific tools that help us organise data and how we think about the world. As political scientist Alberto Marradi (1990) puts it, concepts may be judged as more or less appropriate, but as tools they are neither scientific nor unscientific.

2. Understanding the ban: Disciplinary and political contexts

This review of the scholarship discusses commonalities and differences between my study and the relevant work in anthropology, other social sciences, and specific studies of the sex-purchase ban. It is especially important to survey the richness and breadth of understandings of sex work in anthropological research and other social scientific studies on the topic, since a narrow, anti-prostitution discourse is more prevalent in Sweden than it is elsewhere.

We must acknowledge that studies which question this paradigm are in the minority and have been critiqued by other scholars for ‘bias’ and ‘disinformation’ (Yttergren and Westerstrand 2016; Waltman 2011, 2021), and even reported as based on fraudulent research (Månsson and Westerstrand 2009). Politicians have also dismissed empirical research on sex work as substandard because sampling and interpretations are said to be skewed, or as biased because researchers and the sex workers they interview are ‘pro-prostitution’, ‘sponsored by the sex industry’, ‘duped by the prostitution mafia’, or ‘pimps’ (Aquilonius 2021; Sveriges Radio 2015; Hjelm et al. 2013; *Världen Idag* 2015). These attacks are directed at the research of Susanne Dodillet, Charlotte Holmström, Isabelle Johansson, Don Kulick, and May-Len Skilbrei, to mention but a few, as well as my own previous publications. Work that does not assume the superiority of repressive laws to the decriminalisation of prostitution has been criticised in the media for the same reasons. This context is important to mention, not only to counter these misconceptions for a Swedish audience but also to explain the political situation in Sweden for an international audience.

Swedish studies of prostitution have predominantly been conducted within the discipline of social work. Social workers engaged in the field as professionals and scholars have sought to combat prostitution and rehabilitate sex workers and their clients (see Dodillet 2009; Månsson 2017; Östergren 2006). In recent years, the

discipline has focused less on rehabilitation and more on the discourses and meanings of prostitution, the practices of social agencies and legal authorities, and the health and safety of sex workers (see, for example, de Cabo y Moreda 2018; Grönvall 2024; Holmström et al. 2020; Hulusjö 2013; Kuosmanen and de Cabo y Moreda 2021; Kuosmanen and Starke 2015; Olsson 2021). But these and most other Swedish studies are still characterised by an uneasy relationship between a supposedly ‘neutral’ academic approach and the state’s anti-prostitution politics, reflected in cautious choices of research topics and terminology, as well as anxieties about keeping their research from being interpreted as ‘taking sides’ or criticising the sex-purchase ban. Neo-abolitionist academics, along with politicians, state authorities and journalists, have attempted to stop studies which they fear might criticise the ban, a situation I discuss in more detail when considering the methodological impact of this political climate (see Chapter 4). Given the Swedish academic and political context, I position my work within the international and anthropological research field, where approaches and studies like mine are acceptable.

Another important component of my research is the law and policy perspective and the theoretical framework it brings to studies on the governance of prostitution. As legal anthropologist Fernanda Pirie (2013) writes, the law plays multiple roles in society and culture. It offers a language to articulate what is regarded as right and just, creates categories of social phenomena and persons, and defines relationships between the state and individuals (see also Coombe 1998; Mundy 2002; Pottage and Mundy 2004). However, anthropological and other socio-legal studies tend to focus on ‘law in action’ rather than ‘law on the books’ to such an extent that they may exclude regulatory and legal texts, says Pirie (see also R.L. Abel 1995). Significantly, this critique applies to studies on the governance of prostitution, including the Swedish sex-purchase ban.

In my view, there is much to gain when we engage with the source of law – that is, legal texts, interpretations, evaluations and assessments – as well as with jurisprudence, a discipline that anthropologists tend to avoid because of its normative orientation (von Benda-Beckman 2008). As legal anthropologist Raúl Márquez Porras (2021) argues, legal documents are central to empirical research because they are the primary means of communication between the parties and institutions, and what may appear to be minor technical details can have major implications for how an offence is interpreted and the law defining it is implemented (see Article IV). In this study, I treat the sources of law as

fundamental ethnographic material, and jurisprudence has been crucial not only for finding and interpreting this data but also for highlighting the ban's internal conflicts and contradictions. Moreover, through this engagement with law and jurisprudence I have been able to apply and refine the concept of morality politics. As suggested by legal anthropologists (Donovan and Anderson 2003), importing legal concepts with their more precise definitions into anthropological thinking can advance our critical analyses. The legal concepts of 'consent' and 'paternalism' are particularly important to this study (see Chapter 3 and Article III).

This chapter reviews the anthropological literature on sex commerce and discusses the relatively few anthropological works that bring law and policy to the forefront, as well as the only study that has dealt specifically with the sex-purchase ban. Then it examines other social scientific research on prostitution, which is a much broader field. Next, the chapter surveys the main legal studies of the Swedish ban on purchasing sex, as well as studies from other disciplines that deal specifically with the ban. Since this research field is characterised by two diametrically different understandings of sex commerce, I consider them separately and then compare them. I conclude by discussing the commonalities and differences between my study and the relevant work in anthropology, other social sciences, and specific studies of the sex-purchase ban.

Anthropological studies of sex work

Anthropological studies provide a range of insights into sex work and prostitution. Detailed ethnographies show how cultural notions of sex and gender can be disrupted or reinforced, sometimes in surprising ways, when sex and money are exchanged (Brennan 2004; Koch 2020; Kulick 1998; Prieur 1998; Wardlow 2006). They also demonstrate that class, ethnicity, national governance, economic trends and globalisation shape and interact with the local sex trade (Kelly 2008; Kempadoo 2004; Gregory 2006; Lindquist 2009; Williams 2013; Wilson 2004). Some studies examine the innovative approaches to safety adopted by sex workers and their clients and explore how they manage to operate and resist when the sector is partially or fully criminalised (Day 2007; Koch 2021; Kotiswaran 2011; Zheng 2009). Recent studies have highlighted tensions and gains when sex workers' rights-based struggles overlap with those of other legally marginalised groups, such as gay and transgender activists (Lakkimsetti 2020; Vijayakumar 2021).

Anthropologists have taken great interest in the issue of trafficking for sexual purposes, but trafficking is not part of my research project since in legal terms it is understood as non-consensual. These studies are not reviewed here, but they challenge conventional notions of consent and exploitation, so they are mentioned when they reveal the ambiguity of key terms in the common understandings of prostitution. They also offer important insights into the complexity of what is labelled 'trafficking' and show how anti-trafficking policy under the banner of 'human rights' can adapt to different surroundings, influencing the situation of local sex workers as well (see Åsman 2018; Mahdavi 2011; Merry 2006a; Vance 2012).⁶

From a law and policy perspective, valuable conclusions can be drawn from anthropological and other ethnographic studies. For example, they demonstrate that sex work is a multifaceted social phenomenon that spans a range of experiences and interpretations (Kempadoo and Doezema 1998; Bernstein 2010a; Dewey and Kelly 2011; Jeffrey and MacDonald 2006). Most agree that criminalisation has an adverse impact on sex workers' lives and safety, whereas policies that decriminalise commercial sex work and give sex workers access to civil law and social programmes have positive effects (Dewey et al. 2015; Rottier 2018; Stewart 2014; Vuolajärvi 2019).

Bringing together their long-standing ethnographic research in China, Canada and the United States, Susan Dewey, Treena Orchard and Tiantian Zheng (2015) discuss the operations and effects of what they call 'exclusionary' prostitution regimes. These regimes consist of 'a dense coalescence of punitive forces' that involves both governance in the form of the criminal justice system and other state agents and 'dynamic interpersonal encounters in which individuals both enforce and negotiate stigma-related discrimination against sex workers' (2015: v). These coauthors show that, despite the significant cultural and socioeconomic differences between their field sites, criminalisation and stigma result in similar systemic harms and social exclusion of women who sell sex. Exclusionary regimes force them to work in dangerous areas and result in general mistrust of authorities, which limits their access to safety and support. They make it more difficult for individuals to change their lives on their own terms, as well as inhibiting sex workers' day-to-day solidarity and collective, rights-based organising.

When prostitution is not explicitly illegal, but the conditions under which a sex business can operate are vague and sex work is not formally recognised as

⁶ For a thematic review of anthropological studies on trafficking and sex work, see Dewey (2012).

labour, this regime is characterised by what Gabrielle Koch (2020) calls a legal ‘greyness’. In her ethnography of the Japanese sex industry, Koch suggests that this ambiguity can benefit the state through ‘strategic ambivalence’ that allows authorities to crack down on the industry when it is perceived to flout the law or repressing it is politically convenient. As Thaddeus Blanchette and Cristiana Schettini (2017) show, the legal situation is similarly ambiguous in Brazil. Prostitution is not publicly condemned or criminalised, but the law specifies a diffuse offence of ‘sexual exploitation’, leaving it up to local law enforcement to make decisions regarding sex work. That discretionary power allows police to apply ‘their own personal understandings, prejudices, and interests to the situation in accordance with whatever fashions are current in the surrounding society’ (2017: 515). In these grey and ambivalent regimes, it is the women who sell sex who are harmed and socially excluded.

The Swedish sex-purchase ban presents a somewhat different puzzle, since its stated political rationale is to prevent women from being harmed by prostitution, even though the ban, like all anti-prostitution laws, worsens conditions for sex workers, diminishing their bargaining power, subjecting them to greater police surveillance, and making their workspaces more unsafe (de Cabo y Moreda and Hall 2021; Holmström and Skilbrei 2017; Levy and Jakobsson 2014; see also Benoit et al. 2018b). In the only previous anthropological work on the Swedish ban, Don Kulick (2003) takes this peculiarity as one of his analytical starting points. Why, he wonders, when feminists are confronted with the results of the ban, do they respond that the ‘message’ of a prostitution-free Sweden is more important than sex workers’ well-being? Asking what else the ban signals, Kulick suggests we should understand it as a response to Sweden’s 1995 accession to the European Union (EU). Swedes sought not only to protect their country from the threat of being engulfed by its more populous and powerful neighbours but also to appear as a shining moral example to them. Thus, for Swedes the criminalisation of purchasing sexual services functioned as both national projection and moral positioning in the new multinational community. In a later article, Kulick (2005a) sees the offence, other sex laws, and the discourse about sex buyers as signs of an ongoing reorganisation of Swedish sexuality. The ban and the pathologisation of the sex buyer, he believes, serve the Swedish state’s determination to entrench a healthy national sexuality, which is twosome, egalitarian, and free.

Social science scholarship on prostitution

For decades, the sex trade has interested researchers from virtually all social science disciplines, and each discipline investigates the phenomenon according to its own theories and methods. Situated in a wide range of places, these studies examine various constellations of people, based on their abilities, age, class, ethnicity, gender and sexuality, to explore how prostitution is experienced and understood by sex workers, their clients, families and third parties, civil organisations, policymakers and the general public. Researchers have investigated how history, culture, notions of sex and gender, economics and politics affect participants, the trade, and policymakers, often scrutinising changes over time. Many projects are multidisciplinary, with contributors from anthropology, sociology, history, and geography, women's and queer studies, criminology, political science and policy, as well as public health and social work (see, for instance, Campbell and O'Neill 2006; de Cabo y Moreda et al. 2021; Dewey and Kelly 2011; Gangoli and Westmarland 2006; Hardy et al. 2010; Kempadoo and Doezema 1998; Munro and Della Giusta 2008; Outshoorn 2004; Phoenix 2009; Sanders et al. 2009; Showden and Majic 2014; Skilbrei and Spanger 2018; Ward and Wylie 2017; Weitzer 2022).

Recently, scholars have come together to explore specific aspects of sex commerce, such as the production and effects of stigma (Bjønness et al. 2022), how exploitation in consensual sex work can be understood and countered (Benoit 2021), how 'third sector organisations' providing support services to and advocacy for sex workers both participate in and are subject to normative power (Crowhurst et al. 2021), international perspectives on postsecondary students' participation in sex work (Jones and Sanders 2022), and historical comparisons of how prostitution has been practiced, perceived by the public, and regulated around the world (García et al. 2017). Others enrich the scholarship by exploring how central, but previously unexamined concepts such as 'human dignity' are invoked by different sides in the social, political, and legal debates (Cunningham 2021), and sex workers' own understandings of concepts such as health, care, and 'ideal' practices (Macon et al. 2023).

In this vast array of studies, the governing of prostitution holds an important place, although, as Hendrik Wagenaar (2018: 2) notes, few have analysed 'the more mundane' aspects of prostitution policy, which include the rules and procedures that make a national policy a feasible administrative programme. Instead, the

literature is mainly devoted to discussing how the sex trade is shaped by discourse and by external influences, such as national and international policy regimes and shifts in economics and governmentality. In social scientific studies on the governance of prostitution, as in anthropological studies, few have engaged directly with the instruments of policy, including specific legislation. Wagenaar and his colleagues have contributed to an increased focus on law and policy (see Wagenaar and Altink 2012; Wagenaar et al. 2013; Wagenaar et al. 2017; Wagenaar 2017; Jahnsen and Wagenaar 2018). The connections these scholars make between prostitution and morality politics has been especially significant for my study, and I will return to their work in the next chapter when I discuss the thesis's conceptual and theoretical frameworks. Morality politics is also the main topic of Article III.

Previous studies of the sex-purchase ban

According to Swedish legal scholars, the sex-purchase ban fails to meet the minimum standards of legal consistency, coherence and legibility. This set of arguments shapes my critique of the ban and my suggestions for an alternative approach, so it must come first in the analysis of previous studies of this law.

Legal studies of the ban

Several legal studies have analysed how the Swedish sex-purchase ban relates to fundamental criminal legal principles and other legal rules through a critical legal positivist analysis (Tuori 2002), which examines how well the 'surface' law corresponds with the 'deep level' of legal principles. Those who have scrutinised the ban from this perspective have found it seriously wanting.

Per Ole Träskman discusses the ban in terms of the interaction of sexual morality and criminal law (1998) and the ban's relationship to the principle of legality and *ultima ratio*, the idea that criminalisation and the use of force should be the last resort in combating unwanted behaviour (2005). He also examines the comprehensibility and clarity of the criminal provision (2009). Claes Lernestedt and Kai Hamdorf (1999–2000, 2000–2001) have explored the purpose of the ban based on its object of protection. In other works, Lernestedt has used the ban on purchasing sex as an example of legislation that is justified by the 'multitude of interests' at work in the criminal law (2003) and the general legal evolution of

a shift in understandings regarding freedom and voluntariness in penal law (2004). Ten years after the ban was instituted, he found that legal perceptions of sex purchase and the seller have evolved into a two-sided understanding: as a structural crime unrelated to a physical reality, and as an actual crime that causes individual damage (2010). Petter Asp and Magnus Ulväng (2007) analyse the ban in relation to fundamental legal principles of what ought to be criminalised, especially testing what they consider its premise: that buying sex involves undue exploitation. Ulväng (2009) has also discussed the penal provision as an example of the gradual shift in criminal law from a blaming to a controlling function. From these works, I summarise what I consider to be the most compelling critiques, which provided me with important insights that are especially valuable for scholars without formal training in law.

When the ban was introduced, it was unclear what lawmakers meant by key terms, such as what was included in 'sexual relations', what was to be considered 'temporary', and how to prove that someone was 'trying to obtain' a temporary sexual relation. These terms had not been discussed in the preparatory works, as is usually done. While the terminological ambiguities were resolved relatively easily in a state inquiry (RP 2004/05:45) and court case (Högsta Domstolen 2001), it was more troubling that the ban lacked a clear purpose (*straffbudsintresse*) and its object of protection (*skyddsobjekt*) was not defined, according to the scholars (Asp and Ulväng 2007; Lernestedt and Hamdorf 1999–2000, 2000–2001; Träskman 1998, 2005).

The purpose of a penal law should ideally be clear and well-defined, but the bill had had so many disparate goals, which were not ranked by priority, that Lernestedt (2003) has likened it to a 'smorgasbord of reasons'. While the ultimate goal is an equal society, the purposes of the prohibition include combatting the sex trade, deterring men from paying for sex, helping and protecting those who sell sex, and counteracting their social exclusion. The prohibition is also intended to prevent economic crimes, drug offences, and violence. Furthermore, it aims to 'signal' (*markera*) how Swedish society views the sex trade both to its own people and internationally, as well as to support those who wish to introduce a ban in their own countries (RP 1997/98:55, 104–105).

A multitude of objectives arise when there is no single predominant interest that supports a penal provision, Lernestedt explains, or when there is no single sufficiently strong argument for criminalisation. The legislators seek to pre-empt anticipated criticisms of the bill's shortcomings with a multiplicity of arguments.

This situation arises either because the legislators are attempting to conceal the true basis for criminalisation, Lernestedt suggests, or because they do not quite know why something should be criminalised – only that it must be done (2003: 171). This suggestion correlates with the critique that the law was passed despite the warnings of leading official bodies (see Dodillet 2009 and Kulick 2003). Träskman (2005) agrees with this criticism and points to other unusual features of the criminalisation process.

At the committee stage in Parliament, the arguments for and against the bill were not discussed in the customary ‘factual, objective and unprejudiced way’, and the decision was not made in accordance with the kind of rationality that is considered an absolute requirement, especially for new criminalisations, Träskman (2005: 78) maintains. Instead, like the public debate, the parliamentary discussion was dominated by a hegemonic discourse that dismissed critical voices as ideologically incorrect (2005: 89; see also Asp and Ulväng 2009). Moreover, as the principles of a defensive criminal law are formulated by the Swedish government and legal doctrine (Asp et al. 2013; SOU 2013:38), criminalisation should be a last resort, directed at only the most reprehensible or harmful acts when all other measures have proved insufficient. Further, criminalisation should be expected to decrease the prevalence of the illegal act without having adverse consequences for the innocent, but the ban failed to meet these requirements (Asp and Ulväng 2007; Träskman 2005).

Among the most striking legal peculiarities is that the object of protection was never specified in the legislation, although in 2001 the court found that the ban sought to protect public order (Högsta Domstolen 2001). Lernestedt and Hamdorf (1999–2000, 2000–2001) came to that conclusion before the court ruled. According to the critical legal scholars, public order means the public’s perception of morally acceptable sexual behaviour. Since the ban also aims to protect ‘equality’ and ‘dignity’ in society and to protect individuals from a ‘degrading’ or ‘destructive’ lifestyle, it essentially involves safeguarding a particular morality, they argue. Asp and Ulväng (2007: 51) agree, maintaining that the ban is about protecting a form of sexual relations that is deemed morally ‘good’ or ‘worthy’, simply put, ‘sex within a couple in the context of a loving relationship – where sex for money does not fit’, which is not sufficient to justify the criminalisation.

Another problematic feature is that the crime is not ascribed to an individual’s concrete, harmful actions, which is a fundamental requirement for criminalisation. In the preparatory works, the legislators described the criminal

act as men purchasing access to women's 'sex', that is their genitalia, and that men 'use the seller' to satisfy their own sexual urges and needs (RP 1997/98:55, 104; SOU 1995:15, 212). The legislators were not concerned with how the perpetrator (the buyer) physically violates the victim (the seller), but instead focused on what the buyer ultimately aims to achieve and how this undermines the ideal of a gender-equal society. Lernerstedt (2004: 418) contends that individuals who purchase sex are punished for a socially structured male crime, which amounts to 'collective punishment,' or what the world of sports calls a 'team penalty'. In addition, Lernerstedt (2010) draws attention to the contradictory police practice of waiting to apprehend the sex-purchaser until the offence has been committed, in order to obtain evidence that can be used to convict the purchaser or to target crimes that are more serious, such as procuring or human trafficking. But if purchasing sex is regarded as an act of violence and abuse, it should not be allowed to be completed before the police intervene.

Finally, legal scholars have criticised the sex-purchase ban for being paternalistic. In his classic essay on the relationship between the state, criminal law, and private morality, Herbert Hart (1963) discussed the legal status of paternalism, rooted in John Stuart Mills's libertarianism. In Hart's view, the liberal rule of law is only justified in obstructing the will of a citizen to prevent someone else from being harmed; otherwise the behaviour must be legal. Although it is not always possible to draw a clear line between individual and society, and there can be good cause to use the law for reasons other than preventing harm, nothing justifies criminalising what society considers immoral. 'Moral legislation' is therefore immoral; when the state tries to protect people from themselves it is unwanted paternalism, Hart maintained. Or, as Lernerstedt (2003: 213) put it, it is paternalistic if an action is criminalised to protect a person from something that person is willing to do. That is exactly how the crime of buying sex is constructed. This crime depends on the sex worker giving consent; if they did not, it would be rape.

The objection that the provision is needed to protect sex workers from something they later regret, which has been stated in Swedish political and legal debate, carries no legal weight, Asp and Ulväng (2007) argue. Although, as the scholars concede, that might be true under some circumstances in real life (see also Lernerstedt 2004), the rule of law precludes the prohibition of actions that people may regret later on. To explain what they mean, Asp and Ulväng draw on the legal principle of self-determination that is closely related to the principle of

tolerance: even if the majority of society perceives a person's choices or behaviours within the private sphere as strange, unusual, or morally indecent, they should still be permitted. The same principles mean that deliberately exposing oneself to potential harm through one's behaviour should be allowed as long as it does not adversely affect others. For example, the state is legally tolerant of people who wish to get tattoos, engage in dangerous sports, or participate in unusual sexual activities. Since the person selling sex is presumed to consent to the act, and the act is not considered to cause direct harm, the ban on buying sex creates a situation where the sex worker is prevented from exercising their right to self-determination, argue Asp and Ulväng (2007: 30), in effect declaring them legally incompetent (*omyndigförklarade*) (see also Lernestedt 2010).

In conclusion, according to Swedish legal doctrine the provisions of the ban on purchasing sexual acts on the basis of mutual consent lack legal legitimacy and do not conform to the rule of law. Hence, the ban may be understood as an example of paternalistic moral law, a contemporary variant of an older, Christian morality that prohibited extramarital and nonmarital sex (Asp and Ulväng 2007; Träskman 1998, 2005). According to Lernestedt (2003: 169), the concept of crimes of 'vice' (*sedlighetsbrott*) has been transformed into the less value-laden terms of offences against 'public order'.

These scholars highlight the contradictions and draw similar conclusions as the critical researchers in the social sciences: that the ban on purchasing sex does not have the desired consequences and ultimately aims to establish and maintain a norm of sexual morality.

Generally, jurisprudence seeks to resolve the internal legal ambiguities, logical gaps, and problems involving conflicting legal principles, but it evidently fails to do so when analysing the ban on purchasing sex. When this happens, legal scholars ask whether it is the principles or the laws that need to be changed (Lernestedt 2004; Ulväng 2009). But I regard legal contradictions and ambivalences differently. Paradoxes are especially interesting to anthropologists, and may even be the very phenomena we study. A person's or group's statement about what is or should be done and what is actually being done are often incongruent, but the gap between statements and the acts gives us real insight into what is going on in the society or culture. Thus, in my analysis there is no instrumental expectation for a 'solution' to inconsistencies; rather, the inconsistencies themselves constitute our field. In this thesis, it is the interpretation of the ban's legal ambivalence that is of greatest interest (Article IV).

Social science studies of the ban

The Swedish ban on purchasing sex initially aroused attention because of its perceived exceptionality, so it was first called the ‘Swedish model’. As the act of purchasing sexual services from a consenting adult was criminalised in Canada, France, Iceland, Ireland, Israel, Northern Ireland, and Norway, it was renamed the ‘Nordic’ or the ‘End Demand’ model (Crowhurst and Skilbrei 2022). Exactly what these models include is rather vague and arbitrary (see also FitzGerald and Skilbrei 2022; Skilbrei and Holmström 2016), but the criminalisation of buying sex is their key common element. These bans have been analysed in their own right and in relation to Swedish discourse and political advocacy (Levy-Aronovic et al. 2021; McMenzie et al. 2019; McGarry and FitzGerald 2019; Calderaro and Giametta 2019; Crowhurst and Skilbrei 2022; Skilbrei and Holmström 2016; Haak 2020; Ward and Wylie 2017). Moreover, as the ban has been increasingly connected with anti-trafficking measures, the literature has expanded even further.

This review does not include the body of empirical studies from Sweden that examine how sex workers and clients experience prostitution and how social and legal authorities relate to commercial sex. Although the sex-purchase ban can be included in these studies, it is an incidental matter and is rarely discussed in a critical manner (Bacio 2023; de Cabo y Moreda 2018; Grönvall 2024; Olsson 2021; Hulusjö 2013; Kuosmanen and de Cabo y Moreda 2021; Kuosmanen and Starke 2015; Scaramuzzino 2014).

When considering previous studies of the sex-purchase ban, it is helpful to acknowledge that most social scientific research on prostitution and sex work is based on one of two distinct understandings of commercial sex, which are closely aligned with different feminist theories.

Two distinct perspectives on the sex trade

In a review of studies on commercial sex in Anglo-American societies, sociologist Ronald Weitzer (2009) defines one strand as operating in a framework he calls ‘the oppression paradigm’, which is guided by a radical feminist theory that associates all forms of commercial sex with male dominance, violence, and structural oppression. The other strand belongs to what he terms the ‘polymorphous’ paradigm, which understands commercial sex as containing both oppressive and liberating elements. A review of more recent scholarship on the situation of people engaged in sex work around the world by Cecilia Benoit,

Michaela Smith, Mikael Jansson, Priscilla Healey, and Doug Magnuson (2018b) differentiates two main positions: one that understands commercial sex as an institution of hierarchal gender relations which legitimises male sex-buyers' exploitation of women who sell sexual services, and another that understands sex work as a form of commodified labour under capitalism where multiple forms of social inequality intersect. Despite their differing conceptual framings, both ways of defining these two strands posit fundamental differences in their philosophical and theoretical understandings of what constitutes consent, coercion and exploitation in and outside of the sex industry (Benoit 2021; Rand and Simpson 2023).

This assessment that studies of commercial sex are based on two different underlying notions is shared by several other scholars, although they use different terms. For instance, in her discussion of feminist views on prostitution, legal scholar Jane Scoular (2004) speaks of the radical feminist or domination theory versus the sex-radical and postmodern theory. Political scientist Joyce Outshoorn (2005) calls the two feminist frames that have informed prostitution debates at the state and supranational level the radical feminist 'sexual dominance' approach and the second-wave feminist 'pro-rights or sex work approach'. The historical account offered by sociologist Kamala Kempadoo (2017) identifies radical feminist abolitionist studies and sex work studies. Similarly, in her analysis of international discourses on prostitution and trafficking, legal scholar Jenny Westerstrand (2008) draws the line between 'abolitionistic' and 'normalised' positions, while sociologist Julia O'Connell Davidson (2002) speaks of 'abolitionist' and 'sex work' 'lobbyists' in Euro-American feminist debates.

Another major difference between the strands, according to Benoit et al. (2018b), Scoular (2004), and Weitzer (2009), is the disparity in the body of evidence that provides the empirical basis for these positions. While scholarly work based on the oppression paradigm/dominance theory is rather weak, the polymorphous/sex radical view is based on more solid data. Radical feminists, however, protest that this claim is unjust (for the international debates, see Moran and Farley 2019 and the response by Benoit et al. 2019; for the Swedish debate, see Yttergren and Westerstrand 2016).

By and large, previous studies on the Swedish sex-purchase ban are mainly based on these two understandings, which have differing empirical foundations.

Two takes on the ban

One body of research on the Swedish offence understands prostitution as an exploitative practice rooted in and reinforcing the structural and institutional oppression of women. These studies are primarily based on Swedish prostitution policy discourses, interviews with policymakers and people engaged in anti-prostitution NGOs, as well as large-scale surveys on how the ban has affected societal attitudes and the extent of the sex industry. The overall conclusion is that the ban is beneficial to women who sell sex, or at the very least advances equality in society because it combats prostitution, and it came about thanks to the prolonged efforts of a strong women's movement and a government commitment to gender equality (Eduards 2007; Ekberg 2004; Erikson 2011, 2017; Raymond 2004; Månsson 2017; Svanström 2004, 2006c; Waltman 2021; Westerstrand 2008). Yvonne Svanström (2017a) argues that the ban and the debate on prostitution must be situated in the context of Swedish state feminism, a 'woman-friendly' social welfare system that enables women to depend on the state rather than on a male partner.

While my understanding of commercial sex differs from these studies' viewpoint, I think they offer substantial knowledge and valuable insights. From her interviews with key actors behind the ban inside and outside Parliament, Josefine Erikson (2011, 2017) describes what have been called 'remarkable political ad hoc events' (Yttergren and Westerstrand 2016: 48) that led to its passage. Erikson emphasises that the way the ban's proponents framed the problem of prostitution – as gender inequality related to male violence – laid the basis for its solution through criminal law. Yvonne Svanström (2004, 2005, 2006a, b, c, 2017a, b, 2022) has traced the ideas behind the ban on purchasing sex to the 19th-century Swedish movement to abolish state-regulated prostitution, and shown that the offence of vagrancy was used to surveil sex workers and sentence them to forced labour during the interwar period. The detailed historical accounts by Svanström and ethnologist Rebecka Lennartsson (2002, 2019) on the grave injustices committed by law enforcement and society toward women selling sex from the 18th century on enable us to see the continuation of these exclusionary regimes in current Swedish prostitution policy.

The second body of studies comprehends commercial sex as a multifaceted phenomenon. While these works are also based on discursive material and interviews with policymakers, they combine this material with empirical data on how the ban and other policy measures are enforced and affect people who sell

sex, based on interviews with sex workers and clients. These studies conclude that the ban has led neither to a reduction in the extent of the sex trade nor to an improvement of the lives and working conditions of sex workers; on the contrary, the ban has put them in a more vulnerable situation (Bernstein 2012; Danna 2012; Garofalo 2016; Goodyear and Weitzer 2011; Gould 2001; Holmström and Skilbrei 2017; Kulick 2003; Levy 2015; Scoular 2004; Wagenaar et al. 2017). And while the long, hard work of feminists led to the introduction of the ban, this form of radical feminism fits well within an authoritarian Swedish political culture (Dodillet 2009; Gould 2001; Jakobsson and Levy 2014; Kulick and J. Rydström 2017; Levy 2015) and is characterised by white, heterosexual and cisgender normativity (Crowhurst and Skilbrei 2022).

According to the critical studies, the ban should therefore not be understood as an expression of modern equality politics but as a form of ‘neoliberal governance’ (Scoular 2010), ‘carceral feminism’ (Bernstein 2012), and ‘punitive humanitarianism’ (Vuolajärvi 2019). In the only previous anthropological studies, both conducted by Don Kulick (2003, 2005a), the ban is considered as what Gayle Rubin (1992) terms a ‘sex law’, an instrument for the Swedish state to reinforce a normative heterosexuality that also serves as a means of national projection and positioning.

My thesis aligns with the critical prostitution studies’ multifaceted understanding of commercial sex. Like Kulick’s work, it focuses on the peculiarities of the offence and explores the social, political and cultural roles the sex-purchase ban plays and the meanings, hopes and fears its proponents attach to the ban. As an anthropological study, it understands law as a language to articulate what is right and just, creating categories of social phenomena and people and defining relationships between state and individuals. But, since this thesis examines a criminal law, the concepts of exclusionary regimes and strategic ambivalence are of particular importance in understanding laws’ effects on sex workers’ civic and legal rights. The thesis diverges in some analytical and methodological respects from all these studies, with a specific set of research questions and new conclusions.

Next, I explain the fundamentally different research parameters I used, then show how these led to different questions and conclusions.

My approach

The ban is indeed a ‘sex law’ in Rubin’s (1992) sense, as anti-prostitution law is one of the state instruments used to create and maintain sex hierarchies. But this thesis questions the understanding of the Swedish ban as a unique or unprecedented anti-prostitution measure. By comparing it with similar offences in other countries that also target the act of purchasing sexual services, I have found many variants of such laws, such as the ban on kerb crawling that England and Wales introduced in 1985. Soliciting, usually defined as offering to have sex in exchange for payment, can also include asking someone to have sex in exchange for payment. Prosecuting clients for soliciting sex increased during the mid-1990s in some cities in Canada and the US, even without formal changes in the law (Bernstein 2001; Campbell et al. 2018; Weitzer 2012; see also Jahnsen and Wagenaar 2018; García et al. 2017). Moreover, instead of treating the offence in isolation, as much of the literature does, I consider it in relation to all other Swedish laws and regulations directed toward the sex industry. This includes criminal law, such as the ban against procuring, and civil law, including tax legislation, contract law, and health and medical care laws, as well as how this regulatory framework is applied to the sector. Thus, I treat the sex-purchase ban in a comparative and contextual perspective and attempt to make sense of the ban in relation to the entire Swedish prostitution policy, which I characterise as repressive (see Article I and II).

Analysing the incentives behind and the effects of the sex-purchase ban and other exclusionary regimes at the intersection of social inequalities such as gender, sexuality, class, ethnicity, and location has led to many insights. So have investigations into political cultures, national aspirations, and macro-perspectives such as neoliberalism and globalism. This thesis situates the issue within the theoretical framework of morality politics, where these factors play a part. I consider the peculiarities of the ban of purchasing sex and other repressive anti-prostitution policies in relation to a cluster of other issues of morality politics, such as recreational drugs, homosexuality, and abortion. Moreover, approaching morality politics from an anthropological micro-perspective means that I attempt to understand the incentives behind changes in prostitution law from the viewpoints of the actors engaged in promoting and opposing the ban, rather than only the influence of macro-level forces.

Most of the current literature on the ban relies on discursive data, what policymakers and stakeholders say about what the sex-purchase ban is and does. This focus leads to analytical shortcomings, since what legislators and proponents describe as the purpose of the law is not always in accordance with what the offence means in a legal sense. This thesis draws on a much broader range of documentation: material stemming from the source of law; the statute itself; the legislative history as well as later official government inquiries; case law, that is, court judgements; and the legal doctrine, meaning commentaries, theses, and articles on jurisprudence. This extensive body of data from multiple perspectives has enabled me to identify not only the ban's political-legal peculiarities but also contradictions among its interpretations and between its theoretical assumptions and its implications in practice.

A final difference between this and other studies is that I have followed the ban over a longer period, which offers significant advantages. Legal processes are slow-moving. It can take decades for a parliamentary bill to reach a vote, become law, be implemented, and for its praxis to become established. It also takes time for legal dilemmas to become apparent, whether they are inherent in the law or arise from conflicts between it and other relevant laws; then their effects must be evaluated, and corrections may need to be made. These long-term developments yield crucial insights into the ban and the dynamics of morality politics.

Next, I discuss the impact of these differences in research parameters through a closer examination of the critical literature that discusses why Sweden implemented the sex-purchase ban and what the ban means to Swedes.

Why the ban was instituted and what it means

Kulick (2003) concludes that criminalising the clients of sex workers was an indirect way for Swedes to respond to the country's 1995 accession to the EU. He analysed Swedish prostitution discourse from 1993 to 2000, including politicians' statements, thousands of newspaper articles, and a handful of books and official reports. Kulick says that the sex-purchase ban served both as national positioning – Sweden taking the moral high ground over the other EU member countries – and as national projection – fear of how the other countries would challenge or undermine Sweden's distinctive culture. But it did so at the expense of sex workers' well-being. To an anthropologist, Kulick says, that is no surprise: prostitution is standard grounds for a 'moral panic', and sex workers are prime

examples of what anthropologist Mary Douglas (1966) called ‘matters out of place’. They challenge boundaries and carry an ‘electrifying taboo—in both senses of that word: forbidden and powerful’ (Kulick 2003: 208). Hence, prostitution is ‘a channel’ through which public anxiety about social change can be expressed. Although social processes are not reducible to psychodynamic processes, Kulick argues that nations may be distinguished by how they are imagined by their citizens (see Anderson 1983) and that these imaginings involve psychosocial processes such as repression and projection. Hence, the Swedish discourse and sex-purchase ban served both as national positioning – Sweden taking the moral high ground over the other European countries – and as national projection – fear of what the other European countries would do to Sweden.

A similar conclusion was put forward earlier by criminologist Arthur Gould (2001), who examined inquiries and other official documents on prostitution and parliamentary and media debates between 1995 and 1999. He also interviewed representatives from women’s sections of all the major political parties and from some prominent feminist NGOs. Gould relates the sex-purchase ban, as well as the country’s repressive drug policy, to Swedish politics, which he says is characterised more by paternalism than by liberalism. Authoritarian radical feminism, with its zero tolerance of prostitution, would thus have considerable appeal and influence. Both prostitution and drug discourse intersect and present absolutist, emotionally charged portraits of victimhood: of sex workers coerced into the sex trade, just as drug users involuntarily become addicted. Liberal ideas in other countries are portrayed as a serious threat to Swedish society, with drugs and sex workers ‘pouring’ into the country through the EU and Eastern Europe. The nationalist trope posits that only Sweden has not ‘capitulated’ to the drug or prostitution problem and has a ‘unique’ drug or prostitution policy that other countries should follow.

Variations of these findings and arguments have continued to circulate since the ban’s passage. During three years of fieldwork in Sweden in the early 2010s, cultural geographer and human rights investigator Jay Levy (2015) interviewed around a hundred stakeholders, including sex workers, social workers, police and NGO representatives, to explore the ideas framing the ban and its impact on people who sell sex. He contends that the Swedish goal to eradicate prostitution should be understood in terms of state control and social exclusion. Groups perceived as inferior, deviant and disruptive have been subject to compulsory treatment, sterilisation, and confinement to achieve the Swedish vision of creating a ‘pure’,

rational, and orderly welfare state, in which the nation was imagined as ‘the people’s home’ (*folkhemmet*). Sociologist Gregory Mattson (2015) relied primarily on interviews with policymakers when he examined the changes in Swedish, Finnish, German and Dutch regulation of prostitution that took place during the early 2000s. Mattson too understands the new prostitution laws in the context of fears about the transfer of sovereignty to the EU and the consequences of globalisation. These laws provided states with means to govern ‘loose’ women, each according to its distinct cultural repertoire. The Swedish reform emphasised the welfare state and feminism, as well as protecting national values under external pressure.

Recently, criminologists Malcom Langford and May-Len Skilbrei (2021) have used branding theory in a comparative media content analysis of the ‘Nordic prostitution model’ in the period 2012–2017, showing that Sweden both drew on and tried to strengthen its national brand in its international promotion of the sex-purchase ban. According to gender scholar Lukas Bullock (2023), the continued work by the Swedish state to frame the ban in feminist terms functions as an important component of Sweden’s feminist foreign policy. On the basis of research reports, published interviews and political statements between 2004 and 2020, Bullock concludes that the ban furthers the nation’s international image as a progressive feminist state.

New conclusions raise new questions

That the sex-purchase ban can be understood as an expression of the desire to position Sweden as a morally superior nation is one of the conclusions of my previous work, which analysed three decades of Swedish anti-pornography and anti-prostitution discourse from the mid-1970s until the mid-2000s (Östergren 2003, 2006). I also had ongoing contact with about twenty sex workers and interviewed a handful of policymakers. As one of the sex workers said when we discussed the hegemonic view in Swedish debates, refusing to allow criticism of the nation’s prostitution policy is a typically Swedish sentiment that ‘we are the best, we know how to do everything’ (2006: 207). When I asked one of the leading parliamentarians behind the ban for her thoughts about why other countries legalised prostitution while Sweden made the purchase of sex illegal, she responded that it was logical since Sweden is the most advanced country in the world when it comes to gender equality (2006: 208).

Certainly, Sweden has a long history of aspiring to be a ‘moral’ or ‘humanitarian superpower’ (see Dahl 2006), but examining this choice of prostitution policy and considering it within a framework of morality politics leads to different conclusion and new questions.

Given the country's strong commitment to labour rights, decriminalising prostitution and integrating the sector and its various parties into existing legal and civic frameworks could have been an alternative approach to the goal of claiming moral superiority. To grant people selling sexual services access to the same protections and benefits as other working individuals could arguably be perceived as a morally superior and progressive feminist move. Indeed, the overarching and explicit objectives of the New Zealand prostitution reform are to uphold the human rights of sex workers, shield them from exploitation, and champion their welfare, occupational health, and safety (PRA 2003).

As Gould (2001) observes, the nationalist trope posits that Sweden has ‘unique’ drug and prostitution policies that other countries should follow. When criminologist and historian Johan Edman and criminologist Henrik Tham (2022) consider Swedish drug policy in an international context from the mid-1980s on, they depict a political discourse and trajectory that is almost identical to that of its prostitution policy. Despite government efforts to picture its repressive drug policy as a success and influence other countries to adopt similar measures, Edman and Tham find that official claims of progress in combating drug use are based on inaccurate statistics and unfounded conclusions. When confronted with the ineffectiveness of its policy and its high levels of drug-related deaths, Sweden retreats from the claims of success and instead defends the policy by reference to the protection of democracy, welfare, and human rights, the very same buzzwords used to defend both its repressive prostitution policy and its integrative policies on abortion and same-sex relationships. Even the tensions are similar, and dissenting academic voices have been met by strong political and media opposition.

While it is indisputable that both policy topics and Sweden’s ‘international entrepreneurship’ can serve as ‘a national resource and is a moral mission with long historical roots’ (Edman and Tham 2022: 79), we must acknowledge that its choice of drug policy is no more a given than its choice of prostitution policy. If Sweden wanted to make a global impact as a morally enlightened and advanced nation, it could have decriminalised recreational drugs and introduced evidence-based harm reduction measures, especially given its commitment to universal public healthcare. My point is this: Given the clear parallels, it makes sense to

analyse Swedish prostitution and drug policy choices in conjunction, as Gould (2001) and Levy (2015, 2017) have attempted to do. But while they and others argue that we should understand the choice of repressive policies as an outcome of an authoritarian political attitude (see also Dodillet 2009; Kulick and J. Rydström 2017), this argument does not hold if we consider these choices in relation to other issues of morality politics.

The literature on morality politics, which is discussed in detail in the next chapter, makes it abundantly clear that the debates on and governance of homosexuality, pornography, gambling and abortion share many similar features. These issues are exceptionally emotionally charged and inflammatory, fact-resistant, have symbolic rather than economic importance, and, despite being endlessly debated, are never resolved. Sweden's 'weak liberal and strong paternalist tradition' (Gould 2001: 452) might be relevant to its policies on prostitution and drugs, but not to its policies on homosexuality (decriminalised in 1944) and abortion (decriminalised in 1938). Therefore, approaching these issues as a cluster transforms the research question. Why have prostitution and drug use been met with repression, while abortion and homosexuality have been recognised as rights in Sweden? This thesis does not purport to answer this question through a comparative analysis, but rather to advance the empirical and theoretical foundation on which to consider it.

Levy's (2017) work on Swedish drug policy has been rightly critiqued for its methodology and analytical inconsistency (see, Edman 2019), and his book on prostitution policy (2015) is equally troubling. However, these books provide a wealth of insights into the reasoning of the stakeholders he interviews, and he has a point when he argues that the Swedish goal to eradicate prostitution and drug use should be understood in historical terms of control and social exclusion. As the concept of exclusionary regimes (Dewey et al. 2015) implies, these terms are not specific to Swedish law, but common to all repressive prostitution policy. Applied to the broader spectrum of morality politics, it means that when we consider a nation's policy choices, we must also examine its relationship with its different societal outliers. Returning to Kulick's (2003) suggestion, if societies' conceptions of themselves are pervaded by psychosocial processes, by definition these processes involve not only repression but also integration. We can understand morality politics and its laws as guarding the boundaries between notions of civilisation and barbarisms or decadence, which are connected with a country's self-image. So, rephrasing the question, we can consider why

proponents of the sex-purchase ban assume that something fundamental to prostitution is socially undesirable and must be expelled to achieve and maintain a civilised society. As I show in Articles III and IV, these policy decisions might be indicative of broader discourses surrounding notions of belonging and marginalisation, inclusion and exclusion within the national body and the country's imagined identity.

My research parameters also lead to different conclusions about why prostitution appeared on the political agenda in so many countries during the same period. As Kulick (2003), Gould (2001) and others have argued, it was a response to anxieties about changes in global power balances and the influx of immigrants from poorer countries. Yet considering prostitution policy in relation to the cluster of other issues of morality politics, in conjunction with the perspectives of the actors in the field, suggests a less abstract reason behind policy changes: that these states were responding to the demands of sex workers' rights movements. Changes in policies regarding same-sex relationships and abortion also came in response to campaigns by homosexuals and women opposed to involuntary motherhood.

Understanding the policy direction arising from factors related to morality politics suggests another perspective on which actors and agendas determined the Swedish sex-purchase ban. As previous studies conclude, Swedish women's movements played an instrumental role in the introduction of the ban. But, as work by Svanström (2006a), Erikson (2011) and myself (Östergren 2006) shows, this anti-prostitution advocacy, rooted in 19th-century century abolitionism, always consisted of coalitions between distinct interest groups, including the medical establishment, various Christian organisations, and progressive and conservative groups. Sociologist Elisabeth Bernstein (2010b), in her discussion of the politics of contemporary anti-trafficking campaigns, notes that neo-abolitionist feminists and evangelical Christians come together to advocate for harsher penalties against traffickers and the customers of sex workers. Considering their renowned disagreements around the politics of sex and gender, Bernstein aptly calls them 'strange bedfellows' (see also Jackson et al. 2017). The literature on morality politics, however, identifies this characteristic as one of its common features. Political divisions on issues such as recreational drugs, surrogacy or assisted suicide do not fall along the usual lines of left vs. right or secular vs. religious; rather, umbrella coalitions allow the issue to be formulated and addressed as a 'general problem'.

Special interest groups always compete to shape policy and its implementation, but I suggest that in morality politics law and policy are contested between what are often called ‘moral reform’ and ‘civil rights’ movements over whether people who engage in ‘sinful’ behaviour should be restricted and punished or accorded individual rights. Hence, what is decisive for policy choices on prostitution is whether the government allies itself with actors who wish either to reform the ‘other’ or to reform society to ensure that the marginalised group enjoys the same rights as other citizens. In Sweden, it was the moral reform movements’ agenda and rhetoric that Parliament adopted when it introduced the ban on buying sex.

As scholars in the field of prostitution studies employ a variety of concepts and theoretical frameworks drawn from political science, sociology, and criminology, in the next chapter I explain how I differ from them and why I adopted and modified the framework of morality politics, through which I arrived at these conclusions.

3. Morality politics and prostitution law: Theoretical frameworks and concepts

Numerous studies examine the Swedish sex-purchase ban and its international counterparts from a multitude of analytical perspectives. Since I too had written on the matter, for a long time I did not find theoretical frameworks and empirically grounded concepts that would enable me to contribute to this body of scholarship. It was by observing how people and states related to the ban over a long period of time, acquiring legal knowledge, and noticing the parallels with other contentious political issues, especially those related to homosexuality, abortion, gambling, and especially recreational drugs, that I recognised the ban could be analysed within a theoretical framework of morality politics. The ban's controversies, peculiarities, and contradictions can be understood as characteristic of that class of issues, providing a platform for new insights and questions.

While morality politics provides a fruitful framework to explore how issues such as prostitution are perceived, discussed, and governed in liberal democracies, the field is not clearly delimited. Moreover, few studies of prostitution law and policy have drawn on the theory of morality politics, which was developed by political scientists, and I have not found any anthropologists who have done so. In this thesis, I not only show how the framework of morality politics can be used to analyse the Swedish ban on sex-purchase, but also propose a refined definition that raises new questions and suggests perspectives that are relevant for anthropology.

For this conceptual work, besides utilising my own research and the literature on morality politics, I have turned to related fields of jurisprudence and its reasoning about moral law, as well as sociological studies of moral reform movements and other moral-political issues.

The second article in this thesis is devoted to the classification of prostitution policies, the third refines the concept of morality politics, and the fourth analyses the internal logics of two opposing prostitution policy regimes. This chapter summaries these findings and discusses them in greater detail in relation to the conceptual frameworks found in the literature, including scholarship that I did not consult in the articles. First, however, I discuss why I prefer not to use theoretical concepts and frameworks that are common in studies of the regulation of prostitution.

Common concepts and frameworks

Scholars in the field of prostitution studies employ a variety of concepts and theoretical frameworks drawn from political science, sociology, and criminology. Neoliberalism and governmentality are used most often, but the heated debates and repressive policy choices that characterise the issue of commercial sex are often regarded as expressions of a ‘moral panic’. I therefore explain why I refrain from using these concepts and instead situate the issue within the framework of morality politics.

Neoliberalism, carceral feminism and governmentality

Many studies of prostitution politics connect neoliberalism with the turn to repressive measures, often with reference to Elisabeth Bernstein’s (2010b, 2012) analysis of ‘carceral feminism’. The idea is that since neoliberalism transfers responsibility for welfare from the state to the individual, countries can adopt and legitimise punitive rather than social welfare-oriented approaches to prostitution with reference to ‘neo-abolitionist’ ideology and policy. Hence, in neoliberal states such as Sweden, the neo-abolitionist proposal to criminalise the purchase of sex, without the seller being subjected to legal state punishment, was readily adopted, say political scientists Eilís Ward and Gillian Wylie (2017). Legal scholars Anne Carline and Jane Scoular (2017), discussing prostitution policy in England and Wales, find that although the two policies differ in some respects, both criminalise some forms of sex-purchase and impose rehabilitation and exit programmes on female sex workers. Both involve ‘the proliferation of neoliberal responsibilisation’, they conclude (2017: 107; see also Scoular and O’Neill 2007).

Other analyses credit the opposing trend toward the partial decriminalisation and commercialisation of the sex work sector to neoliberal politics. For instance, sociologist Barbara Brents and criminologist Teela Sanders (2010) contend that laws encouraging the economic integration and mainstreaming of some sex businesses in Las Vegas, US, and Wales, UK, were enabled by neoliberal policies and attitudes. While selling direct sexual services remains illegal, legal sex commerce in the form of lap-dancing clubs, ‘gentlemen’s clubs’, and businesses offering erotic dancing and striptease thrive. At the same time, others argue that a neoliberal political context was an important driver behind the full decriminalisation of the sex industry in New Zealand, the legal reform that also granted domestic (but not immigrant) sex workers full civil and legal rights. Public health scholar Gillian Abel (2017) and sociologist Carol Harrington (2012) suggest that prevailing neoliberal principles of economic individualism, self-regulation, and freedom of choice fit nicely with the nation’s tradition of ‘fairness’ and of focusing on justice and rights.

If neoliberalism is understood as the cause of all the differing directions that prostitution regimes take, whether repression through criminal sanctions directed against the sex trade, restriction allowing some forms of the industry to operate, or integration with full decriminalisation, its explanatory power ceases (see Outshoorn 2019 for a similar conclusion). Other problematics are inherent in the term ‘carceral feminism’, at least as it has been applied to studies of sex work and feminist policy (see, for example, Balfour 2021; Terwiel 2020; Lauri et al. 2023). While critical studies of feminist movements’ reliance on the criminal justice system to address gender-based violence and commercial sex are valuable, the term criminalisation itself has negative connotations: Who wants to be seen as advocating putting people behind bars? More importantly, it does not distinguish between the different kinds of felonies that lead to incarceration, nor among the different feminist movements advocating the criminalisation of these distinct felonies.

While feminists agree that the act of forcing someone to have sex against their will ought to be criminalised, there is no consensus regarding paying someone to have sex when they consent to do so. Feminisms of all kinds can be said to be ‘carceral’ when they demand punitive measures for acts they deem harmful to women. The difference lies in their assessments of what makes an act so harmful that it warrants criminalisation. In Sweden, feminists who thought that purchasing or attempting to purchase a consenting sexual act should be

punishable by six months in prison advocated for the 1999 sex-purchase ban. In New Zealand, most feminists thought that attempts to force a sex worker to have unsafe sex or to engage in any non-consensual sexual act should be punishable by up to 15 years in prison, so they advocated for the Prostitution Reform Act of 2003. The term carceral feminism can be applied to acts that range from coercion to consent, so its imprecision renders it useless as an analytical concept.

The Foucauldian idea of governmentality has skilfully been applied in historical works on the regulation of prostitution and other forms of sexual deviance in Sweden and elsewhere (Lennartsson 2002; Söderblom 1992; Scott 2005; Weeks 1989). It has also been invoked in recent studies of regulatory practices, for instance those directed toward domestic and immigrant sex workers in Nordic countries (Vuolajärvi 2019) and policies that shape European sexual politics, including Swedish prostitution law (FitzGerald and Skilbrei 2022). I do not engage with the concept of governmentality because this study does not concern discursive anti-prostitution campaigns, or ‘soft’ governance, but a criminal offence that represents society’s most ‘intrusive and degrading sanction’ (Jareborg 2001: 36) and ‘the ultimate expression of state power’ (SOU 2013:38, 479). David Graeber’s (2004) sardonic comment is a good reminder of the difference. He cautioned academics against being seduced by Foucault’s argument that identifies knowledge and power and imagining that ‘brute force’ is no longer a major factor in social control. Instead, Graeber said, ‘the man with a big stick’ is never far away; the threat of state-legitimised power ‘permeates our world at every moment’. But most of us ‘have given up even thinking of crossing the innumerable lines and barriers he creates, just so we don’t have to remind ourselves of his existence’ (2004: 71–72).

Moral panic

The familiar concept of moral panic is often used *en passant* in anthropological studies of emotionally charged topics such as prostitution and human trafficking (Åsman 2009; Williams 2011; Molland 2019), female genital mutilation/cutting (Johnsdotter and Mestre 2017), child marriage (Razif 2022), and the relationship between sex and punishment (Lancaster 2011). The concept is more central in Don Kulick’s (2003) analysis of the Swedish sex-purchase ban. He thinks that prostitution is standard grounds for a moral panic, and therefore a way for public anxiety about social change to be expressed; as examples, he points to fears of the

‘white slave trade’ at the turn of the 20th century, sexually transmitted diseases during the First World War, and HIV-AIDS in the 1980s.

Moral panic first received academic attention in the 1970s, when it was used to classify extreme reactions in the media, society, and politics to drug use and youth rebellion (Cohen 1972; Young 1971), a view that was influenced by classic 1960s studies of deviance (Becker 1963; Wilkins 1964) and ‘victimless crime’ (Schur 1965). Since then, sociologists and criminologists have used the term for public reactions to everything from porn, paedophilia, HIV-AIDS, teenage pregnancies, and immigration to food, squatting, terrorism, and Satanism (see, for example, Gannon and Sawyer 2007; Goode and Ben-Yehuda 2009; Fordham 2001). At the same time, it has been subject to searching criticism (Best 2016; Cornwell and Linders 2002; Horsley 2017; Waddington 1986). Despite serious efforts (for example, Garland 2008; Hier 2011), there is still no satisfactory definition of the nature and scope of a moral panic, which, as the critics point out, makes it analytically problematic. It is imprecise, polemical, and evaluative rather than explanatory. Who decides whether a public and media reaction is an irrational panic or a sensible, even helpful, concern? When a powerful public reaction is called a panic, it often signals a conservative reaction to something left-liberal researchers themselves sympathise with. Moreover, can all stridently negative reactions be classified as moral panic, or only some? Outrage about pornography and about the censorship of pornography? Outrage about prostitution and drugs and about the repressive laws against prostitution and drugs? As a concept, it stands outside accepted explanatory frameworks.

Anthropologist Johan Lindquist (2013) contends that moral panic adds nothing to anthropological efforts to conceptualise anti-trafficking discourses. Their melodramatic rhetoric may exaggerate the problem’s magnitude, but, Lindquist reminds us, there is still a general conviction that human trafficking is a major problem, and this view is something researchers must make comprehensible without dismissing it as irrational.

Morality politics

The relatively young but expansive field of morality politics, which has mainly been developed by North American and European political scientists and policy scholars, seeks to understand what sets this class of political issues apart from other

issues that are subject to what they consider more readily understandable processes of deliberation and decision making. Using traditional explanatory factors that figure in comparative public policy analysis, the scholarship deductively analyses why, how, and when morality policy reforms occur. These factors include the influence of political parties, institutions, interest groups, framings, and societal mobilisation, as well as variables related to cultural transformation such as secularisation and changes in social values (Euchner 2019a; Mourão Permoser 2019). For instance, some works describe, compare and assess policy changes in different countries over time to investigate political trends toward more repressive or liberal approaches to issues of morality politics and the factors that underlie them (see, for example, Budde et al. 2017; Engeli et al. 2012; Knill et al. 2015; Studlar and Burns 2015). Other works zoom in on one or two issues, such as drugs, gambling, abortion or gay rights, to investigate political processes and outcomes (see, for example, Mooney and Lee 1995; Mucciaroni 2011; Euchner et al. 2013).

Definitions in the field

While there is no agreement over the exact definition of morality politics, most scholars think it differs from ‘regular’ or ‘instrumental’ politics in its concern with fundamental, personal values about how citizens should live their lives. Political scientist Christopher Mooney (1999), one of the pioneers in the field, called these ‘first-principle conflicts’ of right and wrong behaviour when it comes to life, death and sexuality. Another political scientist who played a key role in the study of morality politics, Kenneth Meier (1994), who analysed US drug and alcohol policy in the 20th century, called it the politics of ‘sin’ – the regulation of acts that are generally deemed immoral, but many people (at least secretly) enjoy.

Taken together, the literature on morality politics explores a large and variable set of issues. Mooney (2000) mentions abortion, gambling, pornography, gay rights, sex education in schools, euthanasia, and the death penalty; others add prostitution, recreational drugs, tobacco and alcohol, contraception, stem cell therapy, religious schools, and the right to bear arms (see Engeli et al. 2012; Knill et al. 2015; Studlar 2008).

The field has developed a list of distinctive features exhibited by the issues that fall into this class: they are exceptionally emotionally charged and inflammatory because they concern personal values; are fact-resistant; have symbolic rather than

economic importance; and, despite being endlessly debated, are never resolved. Similarly, political positions are not polarised along the conventional right–left lines. Anyone can declare themselves an expert, and neither education nor personal experience is required (Engeli et al. 2012; Heichel et al. 2013; Meier 1999; Mooney and Schuldt 2008; Smith and Tatalovich 2003; Wagenaar et al. 2017). These characteristics are visible in the issue of prostitution in Sweden.

Moreover, the governance of this class of issues resides in the territory between the polar opposites ‘illegal’ and ‘legal’, ‘restrictive’ and ‘permissive’, ‘condemnation and prohibition’, and ‘acceptance and decriminalisation’ (Minkenberg 2000; Knill et al. 2015), which is clear in the governance of prostitution. Yet, despite these points of consensus, scholars disagree on the logic of these policy shifts while acknowledging that they are unable to explain them satisfactorily (Engeli et al. 2013; Knill et al. 2015).

The absence of a clear-cut definition of the object of study has prompted increased attention and attempts to delimit it (see Engeli et al. 2012; Euchner 2019b; Knill et al. 2015; Kreitzer et al. 2019; Mourão Permoser 2019). Recent reviews have identified the differing analytical approaches taken by scholars in the quest to define what makes morality politics stand out as a category: this class consists of substantive political issues, involves conflicts over values, generates a particular political process, involves a cultural conflict (as in the ‘culture wars’), and exhibits a specific type of framing (Euchner 2019a; Mourão Permoser 2019). In her critical review essay, Julia Mourão Permoser (2019) draws attention to the role of religion and develops an alternative approach drawing on political theory. Morality politics, Mourão Permoser thinks, reflects liberalism’s entangled relationship with religion and the moral controversies that arise regarding liberal principles in modern societies.

In sum, although the literature indicates that in Western democracies morality politics constitutes a ‘unique political category’ (Mooney 2001: vii), it is not clear what sets this class of politics apart from other, ‘regular’ issues. Nor is the scholarship clear about the premises on which this definition ought to be based.

The inconsistent use of the terms policy and politics is particularly confusing. While morality ‘policy’ is most commonly used, sometimes ‘politics’ and ‘policy’ are used side by side as if they are synonymous. This ambiguity might reflect the different American and European meanings of these terms, as well as the definitional struggles and differing approaches in the field. In an attempt to settle the question of what ‘morality policies’ really is, Mooney and political scientists

Rebecca Kreitzer and Kellen Kane (2019) suggest that the phrase they used for decades is in fact a ‘chimera’, and what scholars in the field are really studying is ‘time-bound instances of morality *politics*, politics that evolve over time as new frames are introduced’ (Kreitzer et al. 2019: 17, *italics in original*).

My analytical approach and terminology

The definition I propose partly overlaps with the analytical approaches identified in the literature on morality politics, as it considers which political issues belong to the category of morality politics, how their governance is distinguished from that of ordinary political issues, and their political process or dynamic. This definition of the concept is substantive as well as processual. However, my methodological approach is inductive rather than deductive, as I did not test my cases against a certain political or policy theory. Instead, my own observations and empirical data were the point of departure, in which I sought to identify patterns and common denominators. Once I found some recurring features, I tested more data, continuing the cyclical process until I had refined and robust results.

To create clarity, I reserve the term ‘morality politics’ for this class of political issues, while I use ‘policy’ (by itself) for the distinct, different ways this class of issues can be governed. Moreover, in contrast to a common understanding in this body of scholarship, I do not use the term ‘morality’ to indicate that these politics, policies or legal instruments are more embedded in morals or values than others, as all governance includes moralising elements. Morality, in the sense of a system of understanding right and wrong, characterises all political projects and legislation, whether it concerns traffic regulations or setting boundaries for the sex trade. As Thomas Csordas (2013) puts it, morality can enter into every nook and cranny of human affairs. Cultural systems such as religion, ideology, and science may partially overlap, he says, but morality is uniquely distributed among them all: ‘The critical feature of morality from an anthropological standpoint is thus not its systemic properties, because in fact it may be better conceived as a modality of action in any domain – a flavor, a moment, a valence, an atmosphere, a dimension of human action that may be more or less pronounced, more or less vividly discernible, and more or less urgent across settings and situations but always present whenever humans are present’ (2013: 535–536).⁷

⁷ I do not discuss the expansive body of anthropological literature on morality because this thesis considers the dynamics of morality politics as a distinct political class, rather than the issues of

in original). In their view, governance of the issues of morality politics falls between policymaking, with the collective goal of solving a recognised social problem, and symbolic positioning, with the goal of creating ideological hegemony. Policymaking is normal politics, and symbolic positioning is morality politics. Thus, when countries such as Sweden adopt symbolic prohibitions targeting the sex trade, this is morality politics, but when a society engages in collaborate governance with sex workers to improve their rights and safety, as in New Zealand, that is a prostitution policy.

Wagenaar, Amesberger and Altink make clear that the ‘peculiarities’ of the sex-purchase ban and other repressive prostitution policies display the key characteristics of morality politics. Since morality politics is mainly symbolic, the aim of any such policy is to shape public opinion, not to improve people’s circumstances. The actual extent of the ‘problem’, such as how many people sell sex, is irrelevant; so is the impact of any policy measures, such as harming sex workers. What matters is the ‘message’. In regard to this class of issues, formulating and broadcasting a policy will always trump its implementation and outcomes.

The symbolic nature of these issues has consequences for the political process, according to Wagenaar and colleagues. Self-positioning and trying to convince one’s opponents becomes more important than sticking to the facts, learning from research, and examining alternatives to repressive measures. The arguments for the Swedish sex-purchase ban exhibit this preoccupation with asserting abstract principles rather than gathering and considering empirical evidence of its potential social consequences. This strategy casts alternatives as morally dubious, wrong, or incomprehensible, as Sweden’s portrayal of other countries’ more liberal policies does. Consequently, there is minimal emphasis on expertise, logical reasoning, effectiveness, and even adherence to the principles of the rule of law. Morally charged issues are especially open to utopian visions of total control, Wagenaar and colleagues contend, leading to an ‘insatiable hunger’ for more instruments of control, such as more and harsher anti-prostitution laws.

It makes sense to juxtapose symbolic measures against policymaking. Political logic and governance in the regulation of prostitution in Sweden and New Zealand are largely mirror images of each other (see Articles II and IV). Yet even a symbolic ban is a form of policy, if by policy we mean all the direct or indirect ways a political arena is governed (Shore and Wright 1997; Howlett and Cashore 2014). Moreover, even if a criminal provision might be interpreted or justified as

merely 'symbolic' rather than punitive, it ceases to be so if and when that provision is enforced. So, although I agree that the Swedish and New Zealand policies exemplify the distinction between 'morality politics' and 'policy', I do not entirely share Wagenaar, Amesberger and Altink's definition of this category, since this terminology risks becoming polemical rather than analytical. The governance that the researchers themselves sympathise with, such as regulations that recognise sex workers' rights, is deemed 'prostitution policy' and any other governance of the sex trade is dismissed as 'morality politics'. When applied to other issues, allowing drugs is drugs policy, while banning drugs is morality politics; allowing terminations is abortion policy, but banning abortions is morality politics; and so on. This way of explaining what is particular to the governance of the issues of morality politics expresses a political opinion, which means we could as well call morality politics a repressive policy. But the governance of issues that belong to morality politics involves more than prohibition or permission, so this distinction is lacking in specificity.

What, then, differentiates morality politics from other, more conventional classes of political issues? How can we recognise it when we see it?

My definition of morality politics

My refined definition of morality politics rests on two pillars, substantive issues and their governance, both of which consist of several elements. Firstly, it deals with political issues concerning what adults wish to do with their sexuality, reproduction, and their own death, as well as how they choose to enjoy themselves and what society is willing to permit them to do. These issues are also marked by intense fears, as these matters can be perceived as posing an existential threat to society. Furthermore, these issues and their perceived dangers are deeply rooted in religious notions of sin and impurity. Secondly, these issues are defined by how they are governed. Society may attempt to completely eliminate the phenomenon, permit it under strict conditions, or integrate it. This governance, which can fluctuate over time, is not driven by conventional partisan or ideological logic, but rather by whether society seeks to reform the individuals engaging in these undesirable, 'sinful' behaviours, or to reform societal structures so that these activities can be conducted safely and securely.

I expand on this definition by discussing how it builds upon and intersects with existing work on morality politics, alongside jurisprudence, and my own observations and empirical research on other issues. First we examine what constitutes the core of this set of political issues and then explore how their governance differs from that of ordinary political matters.

The issues of morality politics

The literature on morality politics covers a range of topics, and researchers examining causal patterns have sought to categorise them. In their reviews of the scholarship, political scientists Stephan Heichel, Christoph Knill, and Sophie Schmitt (Heichel et al. 2013; see also Knill 2013) identified four main subcategories. The first relates to issues of life and death, such as abortion, contraception, stem cell research, euthanasia, and the death penalty. The second pertains to sexual behaviour, including pornography, prostitution, and homosexuality. The third involves addiction, encompassing gambling, drugs, tobacco, and alcohol. Their fourth subcategory centres on the tension between individual freedoms and self-determination versus collective values and public security, in areas such as sex education, religious schools, and private gun ownership.

These subcategories are heuristically useful as they clarify what the field is interested in, but are not analytically sufficient to identify what these issues share. Furthermore, the final subcategory is much too broad. Many political issues can be characterised by the conflict between individual desires and collective needs. The risk is that, like moral panic, morality politics is so diffuse a category that it becomes meaningless. Moreover, the first three subcategories are also broad. The question of a national health service is nothing if not about life and death; heterosexuality is also a sexual behaviour.

In order to delimit what issues belong to morality politics, I suggest we start with the category used in jurisprudence when discussing the ban on sex-purchase: ‘paternalistic moral law’.

Consensual crime

Many legal scholars argue that criminalising actions individuals consent to perform within the private sphere represents a form of paternalistic moral law that is incompatible with the principles of a liberal democracy. This type of offence

was referred to as ‘victimless crime’ in criminological critiques from the 1960s. I suggest that the term ‘consensual crime’ is more accurate, as it captures a key characteristic of issues within morality politics: it exists at the intersection of what consenting adults choose to do in private and what society is or is not willing to permit. This perspective aligns with Mooney’s concept of ‘first-principle conflicts’ (1999) and the fourth subcategory identified by Heichel and colleagues (2013), but it also refines the concept’s scope. It is not merely a general conflict between self-determination and the collective, as Heichel describes it, but rather a situation where the state intervenes to punish an action even when all parties involved have consented to it.

With the help of this lowest common denominator – criminal offence despite consent – we can limit the issues discussed in the literature on morality politics. For instance, religious and sex education, and the death penalty do not make the cut. The regulation of religious and sex education concerns what a school can offer, not the individual’s personal knowledge. The death penalty is about the state’s power over its citizens, not individuals’ right to make fundamental decisions about their own lives. What remain are Heichel’s first three subcategories: matters of life and death; sex; and what are called addictions, such as gambling and recreational drugs. Each must be specified, however, since these categories are still overly broad.

The issues in morality politics are, I suggest, those that concern individuals’ right to decide about their bodies, their sexuality, their pleasurable activities, their reproduction, and their death. Finally, each category should be described in neutral and precise terms. ‘Addiction’, for example, has negative connotations and can as easily be applied to sex, food or shopping.

Hence, the first element in an overarching definition is that issues in morality politics concern what consenting adults choose to do in private with their bodies and what society is prepared to let them do, whether it involves their sexuality, pleasure, reproduction or death. Because the issues vary according to the time and place, and the point here is to delimit and identify subject areas rather than to impose a rigorous classification, we need not determine exactly what the issues are in each case.

In his essay on paternalism, Herbert Hart (1963) discusses homosexuality and prostitution and their prohibition in UK and US legislation in the early 1960s, and holds that similar reasoning could be applied to sodomy, bigamy and polygamy, soliciting, abortion, suicide and euthanasia – to which we could add

trans issues, surrogacy and incest by mutual consent among adults. We also need to acknowledge that each issue involves philosophical complexities. In regard to abortion, for example, a fundamental difference arises from the question of whether there are only two parties concerned, the criminalising state and the consenting individual, or also a third, the foetus.

By framing the issues in this way, we can observe the parallels between morality politics and religious notions of sin. Specifically, the liberal state's inclination to restrict citizens' freedom to do as they wish with their bodies mirrors religious prohibitions against extramarital and nonmarital sexual acts and relationships, the use of intoxicants, gambling, contraception, and abortion, as well as the condemnation of suicide. This is what Mourão Permoser (2019) refers to in broader terms as the moral controversies that arise concerning religious and liberal principles in modern societies, or what Meier (1994) terms a 'politics of sin'. In the case of the Swedish sex-purchase ban, it chimes with Claes Lernestedt's (2003) understanding that what older Christian morality condemned as crimes of 'vice' evolved into the less value-laden phrase of offences against 'public order'.

My suggested definition involves a second element: the fear that surrounds these issues.

An existential threat to society

That emotions influence people's political actions is true of all politics. In what anthropologist F. G. Bailey (2008) likens to a competitive game, politics has rules that politicians consciously follow, manipulate or break. Politicians use heightened emotions to get their way, Bailey argues, but the issues in morality politics are of a different calibre. They are 'exceptionally' emotional because they concern personal values. Kulick speaks of an 'electrified taboo', and in Swedish politicians' minds a permissive attitude toward the sex and drug trades risks fatally undermining civilised society.

The idea that there are pathological social phenomena that threaten society with total collapse and therefore must be banned is common in morality politics. To allow homosexuality, abortion, euthanasia or drug use would endanger society's very existence. For instance, in the US, elected politicians have described same-sex marriage as an 'assault' or 'attack' on the institution of marriage and the family that will provoke a chain of events ending in the destruction of 'our civilization' (Mucciaroni 2011: 198). In Sweden, where euthanasia has been a subject of parliamentary debate over the past several decades, members of

Parliament argue that it is duty of the medical profession never to ‘kill the patient’ instead of curing the disease and relieving the pain; physicians should be forbidden to facilitate any patient’s death in a ‘civilised society, not even if the patient themselves requests it’ (Oscarsson and Enochson 2010).

As we can see, there is something inherently disturbing in these social phenomena. They are perceived and portrayed as posing an extreme risk to everyone, not just those who practice these behaviours. It should be recognised, however, that the sentiment of what belongs in a civilised society or is anathema is expressed by actors on both sides, albeit in a different manner. Advocates of prohibitions perceive the actual phenomenon as problematic, whereas their critics express a more relaxed attitude toward the issue itself but are concerned about its governance. For them, the criminalisation of actions of consenting individuals has no place in what they see as a civilised society. This division is worth remembering when we look at the special way morality politics are governed.

The governance of morality politics

The scholarship on morality politics agrees that the governance of this class of issues resides in the territory between opposites such as ‘illegal’ and ‘legal’, while Wagenaar, Amesberger and Altink (2017) have a simpler solution: governance falls between policymaking, with the collective goal of solving a recognised social problem, and symbolic positioning, with the goal of creating ideological hegemony. As mentioned, my objection is that even a symbolic ban constitutes a form of policy, and it ceases to be symbolic when that provision is enforced. Moreover, as the case of prostitution legislation illustrates, such issues can also be tolerated under limited conditions regulated by the state.

Mode of politics: Moving between repression, restriction and integration

To resolve the question of classification by naming the different ways in which issues of morality politics are governed, I suggest the threefold classification of prostitution policies, which is based on how the sex trade is perceived, what the policy tries to achieve, and how it does so. Repressive policies view the sex trade negatively and set out to end it, primarily by using the criminal law. Restrictive policies also consider the trade problematic but seek to limit it using a mix of criminal and civil law. Integrative policies are broadly accepting and aim to

integrate the trade into society by using regulation that is specific to the sector (for the process of classification, see Article II).

Considering other issues that are also subject to morality politics, such as drugs, same-sex relationships and abortion, I found the same three types of governance, as well as a defining feature of what sets their governance apart from 'regular' political issues. A repressive policy does not arise in 'normal' politics in a liberal democracy, but is evident in the ways homosexuality, gambling, abortion and drug use are handled.

Another characteristic is that these issues can move between differing forms of governance. When an issue of morality politics is addressed by an integrative policy (like the prostitution policy of New Zealand), its governance can be equated with the form directed at comparable, 'normal' issues. Homosexuality is treated in the same way as heterosexuality; cannabis is regulated in a similar manner as recreational drugs such as alcohol or nicotine (or by medical law when used for pain reduction); and abortions are subject to general healthcare legislation. Where necessary, special protections are introduced, as in other risk-prone sectors.

In Sweden for instance, when homosexual acts were decriminalised in 1944 the formerly repressive policy gradually moved from restriction towards integration. Sex between adults of the same gender was no longer a crime, but homosexual individuals did not have the same civic and legal status as heterosexuals since the age of consent for sexual relations was higher, homosexuality was classified as a mental disorder, and same-sex couples were not allowed to marry or adopt children. Not until 2009 were all these stigmatising labels and discriminatory laws removed and homosexuals' relationships and rights equalised with those of heterosexuals. Abortion has undergone a similar development. Until 1938, both 'foetal expulsion' and attempts to induce a miscarriage were illegal, carrying penalties for the woman and anyone who assisted her. This repressive policy was replaced by restrictive legislation, which authorised a special medical council to decide whether an individual woman could undergo the procedure. Generally, abortion was permitted if the woman had been raped or her life was at risk, or if the foetus was at risk of being seriously damaged. In 1975, a new abortion law came into effect allowing women to decide on abortion themselves up to the eighteenth week of pregnancy, and the procedure was integrated into the existing medical regulatory framework.

Just because an issue of morality politics is governed by an integrative policy does not mean it has become ‘normal’ politics; it remains morality politics but lies dormant, rather than being what Knill (2013) calls ‘manifest’. Social condemnation and legal prohibitions may return, as recent developments in US abortion policy demonstrate. Although the issue may move between modes of governance, its political classification remains.

What puzzles those who study morality politics is that there is no linear liberalising or modernist logic to policy shifts, making it difficult to ‘make theoretical sense’ of the empirical patterns observed in abortion policy (Nebel and Hurka 2015: 69), as well as the opposing trajectories of prostitution and drug policy. Further, there are disparate ideological forces behind each policy direction, as we see in prostitution policies. That leads us to the last step in my suggested definition of the governance of morality politics.

The actors behind the agenda

When political scientists Christoph Knill, Steffen Hurka, and Christian Adam (2015) examined how issues such as abortion, pornography, homosexuality, drugs, gambling and euthanasia were managed in nineteen European countries over the course of twenty years, they found none of the changes they expected. According to the logic of liberal modernism, policies should have moved away from what they call condemnation and prohibition towards acceptance and decriminalisation, but this was not the case. Nor did they find any connection between Christian political parties’ influence and policy outcomes. This mixed ideological situation is also found in prostitution policies. The driving forces behind Sweden’s policy were not only the left and the women’s movement, but also Christian groups. As Elisabeth Bernstein (2010b) noted considering the renowned disagreements among neo-abolitionists, this makes them ‘strange bedfellows’. Disparate sets of actors were behind the liberalisation of Germany’s and New Zealand’s policies (G. Abel et al. 2010; Euchner and Knill 2015).

According to the literature on morality politics, the way the issue is framed proves crucial for the policy direction. As political scientist Patrick Pierce and mathematician Donald Miller (1999) show in their analysis of lotteries and gambling policy, small shifts in terminology can move an issue between the poles. When a proposed policy is worded too vaguely, repressive policy entrepreneurs can wheel out anti-gambling sentiments that have religious roots, but when associated with something beneficial, such as supporting young people’s

education, gambling policy seems more liberal and permissive. Or, as Kenneth Meier (1994) argues, the decisive factor is whether a pressure group succeeds in framing the issue as a 'sin'. Because the phenomena at stake in morality politics are multidimensional, they are open to transformation. Abortion can fall under philosophical questions about the sanctity of life, the health of the foetus or mother, or women's status. Both sides of any debate must try to control the social construction of the issue.

When it comes to prostitution policy, as the literature on morality politics suggests, its framing correlates with the direction taken by national policy. Interview studies show that Swedish members of Parliament who advocated the sex-purchase ban purposely associated prostitution with other phenomena the public regarded as undesirable, such as HIV, poverty and immigration, and succeeded when their understanding of commercial sex as a problem of equality converged with political interest in broader gender issues (Erikson 2011, 2017). In New Zealand, the actors carefully avoided gender politics and framed the issue in a context that would not hamper their political agenda, contending that selling sex is a livelihood and should be managed to ensure sex workers' safety (Aroney 2021; for a discussion on feminism and sex work activism in New Zealand, see Showden 2020). Given the range of governance in morality politics from repression to integration, casting prostitution as either 'work' or 'male violence' implies different legislative tools: labour law or criminal law.

As with all political issues, which actors and agendas are prioritised is decisive in morality politics, but the divisions are not along the usual lines of left vs. right or secular vs. religious. Instead, the political struggle is between actors who want to reform 'the other' to fit into society and those who want to reform society to include the marginalised.

From Alan Hunt's (1999) historical study of moral regulation, we know about the 'moral reformers' who fought sin and impurity. He has identified a common thread that runs from the social purity movements of the 19th century to the North American anti-porn activists of the 1980s. The people behind these projects were from the white middle class, many of them women, and regarded the behaviour of those in the lower classes as sinful and damaging to the social fabric. They campaigned to persuade others to change their behaviour and called for legal bans on acts they regarded as immoral. They came closest to success when they joined forces with other, often unexpected interest groups. The challenge was to unite people from different ideological and political positions under one

umbrella to address a general problem. Naturally, their opponents rarely feature in studies of social reform movements and are often absent from studies of morality politics. But, as anthropological, sociological and historical studies make clear, they organise as interest groups and form coalitions in civil rights movements to persuade society to treat marginalised people equally under law. These equal justice advocates include the 19th-century liberal suffrage and socialist labour movements and the late 20th-century movements against sexism, racism, ethnocentrism, and homophobia, as well as for sex workers' rights.

What is decisive for the policy choices in morality politics is not political ideology or religious versus secular beliefs, but whether the government allies with those who wish to reform the 'other' or to reform society to ensure that the marginalised group enjoys the same rights as other citizens.

It was social movements' anti-prostitution agenda and rhetoric that the Swedish Parliament adopted when it introduced the ban on buying sex, and the government joined with the activists when the policy was to be decided and defended. Sex workers and others pushing for equality before the law had no say, and still have no say today (see Chapter 5 and Article III). In New Zealand, by contrast, Parliament worked with the national sex workers' organisation. The government allowed activists to influence the new legislation and has collaborated with those who are most affected to evaluate and improve legislation and praxis (G. Abel 2014; Barnett et al. 2010; Healy et al. 2020).

Special interest groups always compete to shape policy and its implementation, but in morality politics, law and policy are contested between the reform and civil rights camp, those who believe that people who engage in 'sinful' or 'deviant' behaviour should be restricted and punished and those who believe that they should be accorded individual rights. From the government's viewpoint, these social phenomena should be either eliminated or integrated into society.

Theoretical insights and new questions

The concept of morality politics developed here can provide theoretical insights into the distinctive features of this class of issues. It also suggests new questions about countries' policy choices. Long-term, empirical studies of a range of such issues can contribute to an anthropology of morality politics that roots each issue in its specific social-historical context while facilitating comparisons among them and within and between nations.

One theoretical insight helps us to understand why morality politics generates such fierce, never-ending conflicts, and is a less abstract and more observable set of facts than references to ‘personal values’ or ‘insatiable hunger’. Not only are the individuals targeted by paternalistic policies offended or worried, but those who are not directly targeted can object to these policies’ intrusion into individuals’ private lives and to the state’s punishment and repression of consensual acts. When a paternalistic policy does not have the desired effects, its proponents react by attempting to impose further prohibitions and punishments, which are also doomed to failure and objection. The escalating spiral of morality politics continues perpetually. As criminologists Nils Christie and Kjetil Bruun (1985: 209) put it in their classic analysis of the ‘fruitless’ war on drugs, ‘It is a war that cannot be won. It can only be waged’. Moreover, morality politics concerns issues rooted in religious notions of sin and impurity, meaning its subjects are a stigmatised or marginalised and ‘hidden population’ (Heckathorn 1997). Empirical knowledge is limited or deemed irrelevant, so the political arena is more open to lay people, while those with experience or knowledge are set aside.

The concept of morality politics illuminates changes in the issues that most concern the public. Why did prostitution appear on the political agenda in so many countries during the same period? As Kulick (2003) and others have argued, it was a response to anxieties about shifts in global power balances and the influx of immigrants from poorer countries into wealthier ones (Gould 2001; Mattson 2015). Yet projection and positioning do not tell the whole story, particularly about what issues are brought to the fore at specific times and in specific places. If we consider prostitution policy in relation to the cluster of other issues of morality politics and view the situation from the perspectives of the actors involved in social movements, we can see that advocates of reform were influenced by the demands of newly organised sex workers for recognition.

Sex workers’ rights movements began at the same time as other civil rights movements objecting to state paternalism and unfair treatment under law, both in Sweden (J. Rydström 2021) and elsewhere (Chateaufort 2015; Gall 2006). The official story in countries that liberalised their prostitution policy identifies sex workers’ movements as the driving force behind the change (PLRC 2008). But the existence of those movements also registered in countries that took a repressive direction. Swedish legislators thought the ban on sex purchase was a necessary countermove to the forces of legalisation in the EU. Similarly, proponents of continuing Sweden’s repressive drug policy argued that the forces advocating

liberalisation in the rest of Europe should not be allowed to engulf the nation. While describing these forces vaguely as ‘drug lords’ or ‘the sex industry’, legislators explicitly insisted that the ban was a vital instrument to oppose the influence that organised sex workers and their supporters had on the United Nations and in international trade unions.

The question then arises: How are we to understand the historical development of morality politics within a country, when the threat cannot be perceived as solely coming from outside? That these two dimensions may be closely linked is clear, as the groups that are marginalised within the country may be perceived as more accepted and powerful in other countries. Some of the rights movements achieved legal success in a predictable modernist, liberal trajectory, such as equating gay relationships with straight ones, while others, such as sex workers and their allies and the advocates of the legalisation of recreational drugs, have faced increasingly restrictive policies. From a global perspective, Sweden’s prostitution and drug policies grew more repressive just as its policies on abortion and homosexuality were liberalised, whereas the US restricted access to abortion at the same time it recognised same-sex marriage and some states decriminalised possession of cannabis for personal and medical use.

Why have prostitution and drug use been met with repression, while abortion and homosexuality have been recognised as rights in Sweden? The repressive prostitution and drug policy in Sweden has been attributed to the country’s authoritarian political culture, described by Gould (2001: 452) as a ‘weak liberal and strong paternalist tradition’, which provided fertile ground for radical feminist anti-prostitution politics. The weakness of the country’s liberal tradition is relevant to its policies on prostitution and drugs, but not to its policies on homosexuality and abortion. Certainly, Sweden has a long history of aspiring to be a ‘moral’ or ‘humanitarian superpower’ (see Dahl 2006). But, given the country’s strong commitment to labour rights and universal public healthcare, decriminalising prostitution and drug use could have been an alternative approach to the same goal.

In order to reformulate the question, we can consider why proponents of the sex-purchase ban assume that something fundamental to prostitution is socially undesirable and must be expelled to achieve and maintain a civilised society. Unwelcome or threatening forms of sexuality – paid sex – must be suppressed in favour of acceptable expressions of sexuality – free sex. This repressive logic sees restrictions on personal privacy and violations of the principles of liberal

individualism as the price to pay for the maintenance of the sexual order on which society depends. Proponents of an integrative policy have a different philosophical starting point. While paid sex may not be the best way to have sex or to earn a living, it warrants inclusion in society to prevent further harm to an already vulnerable population. Accordingly, a 'civilised' or 'modern' society is achieved by integrating the undesirable or unpleasant rather than suppressing or prosecuting those who deviate from it.

Hence, the argument of moral reformers and civil rights advocates alike, that the question is what kind of society we want to live in, displays the core of morality politics: social bodies' constant struggle between repression and integration, communities' ideas about what and who belongs to the group. If societies' conceptions of themselves (Anderson 1983) are distinguished for their psychosocial processes, as Kulick suggests, by definition these processes involve not only repression but also integration. In this process, morality politics and its laws guard the boundaries between notions of civilisation and destruction, providing a window into a country's image of itself.

In the case of Sweden, does the difference have to do with the social and spatial marginalisation of sex workers and drug users, whereas any 'normal' woman might want to terminate an unwanted pregnancy and every family might include some members who are not heterosexual but want to form families themselves? When we consider a nation's morality policy choices, we must also examine its relationship with its societal outliers. In the same vein, we can ask why New Zealand, despite integrating sex work into its socio-legal framework in 2003 and allowing for gay partnership in 2004, postponed the decriminalisation of abortion until 2020. These policy decisions might be indicative of broader discourses surrounding notions of belonging and marginalisation, inclusion and exclusion.

When we ask these questions and conduct these investigations, legal sources serve as crucial empirical material, as they reveal inconsistencies that political rhetoric may conceal. In Sweden, political discourse, established law, and policy implementation depict sex workers in multiple, often conflicting roles – oscillating between victim, consenting individual, witness, entrepreneur, criminal, and at times as collateral damage or simply disregarded altogether (see Article IV). While this ambivalence reflects broader societal ambiguity and an exclusionary logic inherent in all anti-prostitution policies, the malleable legal status of sex workers also perpetuates stigma-based discriminatory practices. Its flexibility provides authorities with what Gabrielle Koch (2020) terms a 'strategy of

ambivalence'. By not criminalising the act of selling sex, Swedes can claim this policy is feminist while continuing to monitor, harass, and exclude those who sell sex, thereby reinforcing the moral values of a repressive policy. This fundamental contradiction has been successfully obscured in discourse, though not entirely in law. Conversely, the legislation in New Zealand expresses an inclusive logic and adherence to the liberal rule of law where individuals are not precluded from civic membership based on their occupation.

In the next chapter, I describe the multisited method that allowed me to study the sex-purchase ban to probe its internal contradictions, as well discussing the materials I collected in the fields interacting domains of law, discourse, implementation and impact.

4. To 'follow' a law: Methods and materials

The articles in this thesis are based on my observations within the field of the sex-purchase ban between 2009 and 2019. Employing a long-term, multisited methodology, I 'followed' (Marcus 1995) the ban and 'studied through' (Reinhold and Wright 2011) the field's different domains of law, discourse, implementation and impact. I have approached the ban as surrounded by an observable field of activity where people speak, write, and take action. I analysed their statements, tangible acts, and law and policy measures by focusing on patterns and contradictions, contextualising and comparing them with other prostitution laws and policies, as well as seeing them in connection with the governance of other issues of morality politics.

The material comes from informal talks and semi-structured interviews with sex workers, NGO representatives, politicians and other policymakers, such as government officials and social and legal authorities; their statements as expressed publicly in meetings and texts, such as articles and commentaries; and legislation and other law and policy documents, such as government inquiries, official reports and juridical reasoning. The material comes primarily from Sweden, and it is compared to similar material from New Zealand and other liberal democracies.

The activity field of the sex-purchase ban is extensive, engaging and affecting people globally in diverse ways. It is the subject of heated debates, evaluations, and both commendation and condemnation in parliaments, media and public places. The ban has concrete effects on people's lives, influencing everyday interactions in the prostitution sector as well as legal proceedings and public discourse.

An ethnographic study must be rooted in specific sites that are closely observed and analysed. So I first explain my multisited method, which followed and studied through the ban to probe its differing contexts and internal contradictions. This

approach required a longer-term investigation in the field than most doctoral dissertations. A 'long-term cumulative research trajectory' (Falzon 2009: 17) has both advantages and disadvantages, so next I discuss how I have dealt with this 'drawn-out, off-and-on' (Hannerz 2003: 213) research project. Then I summarise the materials about the ban I collected in four interrelated and interacting domains: law, discourse, implementation and impact. Finally, I reflect on how I managed the strong emotions and political tensions the issue of prostitution evokes, as well as my own engagement in the field.

A multisited method and its concepts

The choice of sites to study reflects anthropologists' fundamental questions, but also shapes their findings. A different mix of sites could lead to an entirely different study; for instance, it could focus on how clients, sex workers and courts handle the offence of purchasing sexual services, rather than seeking to understand what the ban exemplifies and the meanings attributed to it. Multisited ethnography has been criticised as arbitrary or imprecise (Candea 2010; Coleman and von Hellerman 2011; Hage 2005). Yet, these critiques have provided me with insights into how to conduct an ethnographic study of a single law over time, which is uncommon in anthropological and other socio-legal studies. This chapter contributes to the methodology of legal and policy anthropology that goes well beyond what appears in the articles.

In a well-known article on the rise of multisited ethnography, anthropologist George Marcus (1995) said that it encourages fresh approaches to ethnographic research, arguing that as societies, systems, and research subjects evolve, social scientists need an empirical method that can track this cultural process. Using examples of ethnographies past and present, Marcus argued that anthropologists follow various subjects – people, things, metaphors, stories, lives, and conflicts – and choose their sites strategically for their specific subject. Anthropologists who study policy examine the processes of policy making and enforcement (Shore and Wright 2011); I do that with law as well.

The term multisited was parallel with multilocal, which Marcus and Michael Fischer had previously introduced (Marcus and Fischer 1986). Their work contributed to a discussion of the methodological shifts that were needed to take global changes into account (see Gupta and Ferguson 1997; Hastrup and Olwig

1997; Shore and Wright 1997). Marcus's work sparked a wide-ranging debate that lasted almost two decades (see Coleman and von Hellermann 2011; Falzon 2009).

I address what scholars think it means to 'follow' an object or a narrative, what is 'multi' about a multisited method, how the ethnographer makes decisions about what sites to study, and how to create depth in an ethnography that spans numerous sites.

Following what, where?

'Following' a research topic conjures up an image of embarking on an ethnographic journey by watching events unfold in a well-defined field, whether a group of people, an object, a conflict or, in my case, legislation. It is not so straightforward. As James Fairhead (2011) say, when presented with many promising paths, the ethnographer must decide which path to take. No map shows ethnographers what, where, when, and how to follow what they want to pursue.

In all ethnographies, these decisions are shaped by time and trust in the anthropological research process, explain Fairhead (see also Hannerz 2003).⁸ Anthropologists take specific paths staked out by theoretical traditions and the insights of previous anthropologists. According to James Ferguson (2011), the initial question and its object gradually resolve into the essential research question, revealing the specific social activities, places, and processes that matter most. The objects of study become social practices, interaction patterns and relationships. Answering critics, Ferguson argues that multisited ethnography does not sideline accepted, 'old' methodologies; rather, it involves a continuous process of reflection, making full use of these traditions (2011: 201-202). Chris Shore and Susan Wright (2011) suggest that for policy studies the multisited method aims to achieve ethnographic sensitivity. Its critical, questioning disposition treats the

⁸ In a textbook example of how the temporal context and contingencies of fieldwork can lead to a redefinition of the object of study in multisited ethnographies, David Valentine (2007) began studying two distinct transgender communities in New York City, but after his first week in the field, discussion of transgender identities surged in the media. Valentine became aware of the concept's complexity and decided to explore the category itself. Subsequently, he let the field 'speak' as he moved between safer sex groups, drag balls, sex work districts, and clubs, and travelled to conferences and demonstrations about transgender issues. The sites where he conducted his fieldwork were suggested to Valentine by the people he studied.

familiar as foreign; its constant oscillation between inside and outside perspectives enables the critical reflexivity that is fundamental to the research process.

What counts as a 'site' is subject to a wide range of understandings. Some researchers concentrate on geographically anchored places (Amit 2000; Hannerz 2001; Marcus and Fisher 1986). Others believe that sites can include phenomena with no geographical attachment, whether relationships, moments in time, the archives, the media, or ecology (see Weissköppel 2009; Krauss 2011). The legal anthropologist Sally Falk Moore (2005, 2016), who treats the law as a 'logical nexus' between state and society, suggests that researchers must consider ongoing actions and ideas while focusing on discernible, large-scale, long-term processes over time. Moore does not define multisited studies as pertaining to geographical places, but sees the state as an organiser of specific projects, which are treated as different sites.

Sally Engle Merry (2006b), a legal anthropologist who is interested in how ideas, discourses, and laws about human rights move globally, makes an altogether different suggestion. For her, 'deterritorialized ethnography' is more suitable than a 'multisited' approach because it captures the 'disembodiment' of ordinary life, as phenomena exist in a range of places but are not anchored in any of them. On the other hand, Wright (2011) suggests that, whatever is understood by 'site' or its alternatives, it is important not to treat 'field' and 'site' as synonyms in studies of policy. All the people, activities, and institutions present in a given field are potentially relevant, so researchers must select appropriate sites in that field and develop methods for the ethnographic study of political processes as they change over time.

Achieving depth

When anthropological research is conducted across multiple sites, it can neglect 'thick description' (Geertz 1993). One way to avoid superficiality is to 'make a cut' and follow the object of study from there. The decision of what to select and what to exclude is not arbitrary. Mark-Anthony Falzon (2009) proposes an ethnographic approach that is both satisfactory and sufficient, which he calls 'satisficing' (a term coined by the economist Herbert Simon in 1997), and describes the compromise between a grand holistic ambition of studying 'the whole system' and making a careless 'cut'. Anthropologists are guided by the

literature, the methodological state of the art, and evolving ethnographic insight – in sum, the epistemological foundations of their discipline.

The legal anthropologist Laura Nader uses a similar metaphor. Having encouraged anthropologists to direct their attention ‘upwards’ as well as ‘downwards’ and ‘to the sides’ (Nader 1972), she did not initially call her method multisited, but later argued that her work is an example of this method (Nader 2002). In her analyses of power relations between individuals and institutions in the US, Nader used two methods to create depth. In one study, she analysed how multiple consumer complaints were handled by local consumer bureaus, the media, unions, and the White House’s consumer affairs division (Nader 1979, 1980b); in another, she made a ‘vertical cut’ and followed a single complaint about a product to see how the case was handled by manufacturers, government agencies, and in election campaigns (Nader 1980a). In a study of how the notion of human rights moves globally and what actual impact it has locally, Merry (2006a) focused on a single issue and region – violence against women in Asia and the Pacific – by using participant observation at UN meetings. Noticing that similar terms and procedures were repeated, she then chose five places in the region where she could investigate the impact the discourse had on legislation.

Another way to address a lack of depth in multisited ethnographic studies is through temporal duration. Time generates and transforms ethnography, argues Falzon (2009), so in multisited ethnography the length of time can be extended. This solution, as Ulf Hannerz (2003) observes, is very demanding, especially when spending time in the field must be juggled with teaching and administration and is constrained by budgetary restrictions. Personal circumstances can make it impossible to spend one or two years away from home for concentrated fieldwork, a situation that women anthropologists have long had to manage (Amit 2000; Moore 2016) and now faces all anthropologists who are parents of young children and study places they cannot safely bring their family. Hannerz (2003) points out that their continuous time in the field may be shorter, but the total time spent on the research project can extend over many years. Intermittent fieldwork can be an advantage in multisited ethnographies, since it gives anthropologists time to reflect on the material they have gathered and consider their next step.

Studying a law through its different domains

Policies, with their many complex meanings found in many places, must be 'studied through' rather than just 'followed', say Shore, Wright, and Sue Reinhold (Shore and Wright 1997; Reinhold and Wright 2011). Policy anthropologists attempt to grasp the interactions and disjunctions between different sites and levels, and their broad understanding of the field enables them to trace a discussion or conflict 'back and forth and back again between protagonists, and up and down and up again', identifying connections between events at different local and national locations (Reinhold and Wright 2011: 101). Studying through includes the open-ended present, as researchers recognise that every event has multiple possible effects with unpredictable future meanings. This approach requires conscious reflection on larger historical and political contexts.

The combination of a broad view and a distinct object of study allowed me to follow the ban while being alert to unfolding events and making necessary detours around unexpected obstacles. A wide-angle perspective reveals themes that arise, reoccur, transform, or disappear in the field over time. I have watched social and political actors come and go, and arguments be formulated, reused, or reformulated in response to counterarguments. I have seen how the ban has been strengthened and increasingly opposed within Sweden, and both accepted and rejected internationally. People are emotionally affected – hopeful and proud, or frightened and angry – as they clash and occasionally reconcile. Whenever a theme stood out by recurring time and time again, or caught my attention because I could not make sense of it, I have explored it more closely, oscillating not only between inside and outside perspectives but also between the field's levels and domains.

Some lines of enquiry are self-evident, such as the ban's impact on sex workers and clients and how they react to, resist and reason about it. Sometimes I have 'gone where informants pointed' (Valentine 2007), especially when invited by sex workers and politicians to participate in meetings, seminars, or visits to other countries. Conversations with sex workers and policymakers in different countries drew my attention to certain issues, such as sex workers' legal status. In order to explore this question, I made a 'vertical cut' (Nader 1980a), following sex workers' legal and civic status as expressed in the source of law in Sweden and New Zealand and by politicians.

Studying a significant number of sites and a substantial body of source material can be overwhelming, because it is time-consuming and difficult to determine

what is relevant. Although we might assume that gathering material over a long time would add to the complexities, in my experience an extended period of study over two decades has proven useful in understanding the law governing prostitution in Sweden. Legal change is a long, slow process, and laws pertaining to the sex trade have many features which seem immune to the changes that reformers imagine will follow from new legislation.

Looking at the sex-purchase ban over time reveals that, although many social and political actors in numerous countries initially showed an interest in the law, this positive response mostly stopped there, and internationally there has been least as much questioning and scepticism as support. Opposing views occur within and between nations. The ability to 'enter into' and 'exit from' the field, being there 'again and again' over long periods (Hannerz 2003), brought a healthy distance, especially from my native Sweden, and facilitated reflection. This perspective enabled me to turn to a different theoretical framework than those commonly used by anthropologists, sociologists, and criminologists to study state policies toward commercial sex.

I tend to agree with the criticism that some multisited studies seem imprecise or arbitrary in their choice of places, sites and sources. In order to move 'back and forth, up and down and back again', as the policy anthropologists put it, and to grasp the interactions and disjunctions between different sites and levels, we must identify them in the policy domains we investigate. I examine the sex-purchase ban in four distinct but intersecting domains: law, discourse, implementation and impact. Each domain is comprised of material from various geographical locations; sites, which include media and archives; and the key actors involved. Next, I discuss each domain in turn, specifying their various levels and areas, the material I included, and my reasons for excluding certain aspects of them.

Domains and materials

Only in retrospect, after thinking through and systematising my ethnographic material, have I been able to formulate and delimit this field's domains, as well as the places, sites, and groups who figured there. I agree with Wright (2011) that all the people, activities, and institutions operating in the ban's field are potentially relevant, and my choices of sites and sources material evolved as I became acquainted with the field. Moreover, as Wright suggests, sources which at first

glance appear to be mere background material warrant being analysed alongside all the other data. Policy anthropologists generally favour participant observation and interviews because research subjects readily disclose their concerns, ideas, and viewpoints on most political topics. Insights from these ordinary interactions sensitise what Wright calls anthropologists' 'fieldwork eyes' and 'ears', which enables them to scrutinise written material from national and international organisations, the media, and parliamentary debates and recognise key concepts, embedded assumptions, and nuances of meaning in light of social, economic, and political relationships and operations of power.

The legal domain consists of the ban's legal significance, legal context, and legal history. The discursive domain encompasses the beliefs, opinions, and emotions expressed by actors with active engagement in commercial sex and the Swedish ban. The domain of implementation concerns how the ban is enforced and influences the authorities who interact with various parties in the sex work sector. The domain of impact includes the multiple ways the ban's legal significance, discourse, and practice affect the sector, including sex workers' occupational and living situations.

My material from all the domains consists of both published and unpublished sources. Some are primary sources in the sense most often used by social scientists: I have collected or created materials that are otherwise unknown except to the parties most directly involved. I have studied and analysed documents that historians regard as among the most reliable and valuable primary sources in existence: materials that gather and compile direct evidence of what stakeholders, institutions, and lawmakers said and did at the time policies were being proposed, debated, decided and implemented. I have used the publications in my field of study both as secondary sources for information that is not otherwise available to me and, in some cases, as primary sources on the intellectual frameworks and arguments that scholars bring to this field, which has few shared definitions of the object under study and is subject to many of the same debates that occur among policymakers and the public.

The following overview of these domains describes the material I have gathered to examine each of them. It also demonstrates how it is methodologically possible to follow a law and study its field. Of course, not all of these sources and materials are analysed and cited in my articles. It is essential to limit any investigation and focus on key questions. Some may regard this field as too extensive and eclectic to form the basis of a study. But when the object of study is a controversial policy

whose grounds, meanings and consequences are understood in disparate ways by the main stakeholders, the key conflicts and contradictions often emerge only after studying through the material. The coherence of my findings does not lie in the material, but in the conceptual framework, analyses, and conclusions presented in the articles and this dissertation.

The domain of law

The legal domain of the ban falls into three areas: established law (*gällande rätt*), what a specific Swedish law means and how it should be applied according to the source of law (*rättskällan*); the ban's entire legal context, including the cluster of laws and regulations affecting the sector and its polity; and the legal history of the ban and the policy.

To understand a Swedish law such as the ban on purchasing sex – what it means, how it should be implemented, and the consequences of its implementation – it is not sufficient to read the legal text itself; we must engage with the full scope of the source of law. That consists of the statutory texts; preparatory works such as government inquiries; judicial practices such as judgements; and legal doctrines that discuss how the offence is to be interpreted. In Sweden, law is a continual, collective interpretation and decision-making process by experts and stakeholders from politics, the judiciary, and jurisprudence, where the legislative text itself and its preparatory works carry the most weight, followed by the courts, and finally legal doctrine.

My study rests on an analysis of Swedish government preparatory work from 1976 until 2022. I chose my starting point because that year's government report on sexual offences (SOU 1976:9) also discussed other morals offences, such as homosexuality, and sparked a strong public reaction that scholars think paved the way for the sex-purchase ban (see Dodillet 2009; Eduards 2007; Månsson 2017).

I have not systematically studied all judicial practices related to commercial sex, but I did examine court judgements that are identified as relevant in the preparatory works or the legal doctrine. The legal literature on the ban includes the authors whose works are discussed in Chapter 2.

The second area is the legal context of the ban. There is no official document that sets out government policy on prostitution, but from various written sources, the public discourse, and what policy executives and sex workers said, I have identified the policy instruments the authorities and law enforcement use to

combat the sex trade and examined both them and the related laws and regulations. I then charted the regulations which support these actions and comments.

The third area is the legal history of the ban, which is essential for contextualisation. Here too no single work provides a complete history of Sweden's prostitution policy, but it can be pieced together from the literature discussed in chapters 2 and 5.

The domain of discourse

In the discursive domain of the sex-purchase ban, I include the beliefs, opinions, and emotions expressed by social actors with active engagement in the issue of commercial sex and the Swedish ban from 2009 to 2019. I chose the end-point of 2019 because it marked the 20th anniversary of the sex-purchase ban. In addition to those who sell and buy sex, these people and groups include politicians and officials, intellectuals, journalists, and activists, as well as public authorities such as the police, judiciary, and health and social services. Some defend the ban and others criticise it. My material does not extend to general discourses or public opinions about the sex-purchase ban; it is limited to individuals who are invested in the law because of their work or direct engagement. I have followed op-eds and reporting in the national and international media to some extent, treating it as complementary to the main body of this material.

My primary source material for the discourse comprises politicians' statements in parliamentary debate, which are documented as interpellations or questions to ministers and other members of government; their posts in traditional and social media; their writings in newspaper columns and books; and their speeches at conferences and meetings in and outside of Sweden. I have had occasional formal or informal conversations with Swedish parliamentarians, government officials, and representatives of the authorities and, following freedom of information requests, I have gained access to internal email correspondence. Naturally, the material in the legal and discursive domains overlaps. The inquiries into prostitution deal with much more than the law. They contain reflections on the nature of the sex trade and the general and specific purposes of the law; they express values and norms regarding gender, sexuality, and power, along with beliefs, fantasies, and emotions on these highly charged subjects.

All of the parliamentarians I interviewed wish to remain anonymous, with the significant exception of Fredrick Federley from the Centre Party, who has openly criticised the ban on purchasing sex. The others are a Social Democrat who sat in Parliament before the ban was introduced, a Moderate who served two terms after the ban was passed, and a Liberal who has been in Parliament for many years. The government officials, all of whom wish to remain anonymous, are a former high-level administrator in the Ministry of Justice, an official in another national government office, and officials at the Ministry of Social Affairs, the Public Health Agency, and the County Administrative Board. These conversations covered the parliamentary process and the workings of government and discussed how these informants handled the prostitution debate and sex-purchase ban. They lasted between 45 minutes and 2 hours. When agreed upon, I recorded the interviews, but also took notes during and after them. I had ongoing contact with one of the officials from 2009 to 2015. I also conducted two recorded interviews with Anna Skarhed, the judge who conducted the government inquiry into the ban on purchasing sex (2008–2010) when she was Chancellor of Justice (2009–2018) and continued to be an open advocate for the ban. Apart from one interview with Skarhed and one with an anonymous official, these semi-structured interviews occurred in a public place such as a café, the others were conducted in the privacy of a home or workplace.

The cabinet ministers engaged in prostitution policy whom I did not interview but whose opinions I have particularly considered are the Deputy Prime Minister and Minister for Gender Equality Margareta Winblad (2000–2005), a Social Democrat; Minister of Justice Beatrice Ask (2008–2012), a Moderate; and Minister for Foreign Affairs Margot Wallström (2012–2018), a Social Democrat. They all played active roles in the promotion and defence of the sex-purchase ban.

My contacts with foreign political representatives and officials included delegations and individuals I met in Stockholm at the invitation of the Swedish Institute, as part of its effort to influence other countries to introduce a sex-purchase ban. I was asked to meet these delegations because I was among the few Swedish researchers who was critical of the ban. Sometimes I was the only person who expressed this view; at other times, I was joined by sex-worker activists and NGOs. In total, I met with four delegations at locations chosen by them or the Swedish Institute, such as a conference room in a hotel or NGO office. The meetings lasted 60–90 minutes and had a question-and-answer format, typically after I gave a short introduction.

Other interested politicians and officials from Australia, Belgium, Finland, France, Germany, the Netherlands, Northern Ireland, and Norway contacted me on their own initiative by telephone or while they were visiting Sweden. They asked to meet me at a restaurant, typically for lunch, or at their embassy. Similarly, when visiting Australia, Austria, the Netherlands, and New Zealand, I came into contact with political representatives and officials when I was an invited speaker in parliamentary and other public forums, but we also had individual conversations at my or their initiative. These talks took place in public settings or at home. I had contact with approximately 35 individuals and ten groups. With one exception these meetings were not recorded; instead, I took notes during these events.

A third group is comprised of intellectuals, journalists, and activists who have tried to influence Sweden's prostitution policy. This source material consists of texts and statements in traditional and social media by supporters and opponents of the sex-purchase ban, and my observations at public and closed meetings, as well as informal conversations with individuals and groups, especially sex-worker activists.

My engagement in the field made it difficult to gain access to closed meetings with proponents of the ban, and I was able to conduct recorded interviews only with the British writer Judy Bindel. However, it has opened other doors. I have had long-term or repeated contact with about 30 sex-worker activists in Sweden, New Zealand, and Australia. I have also had occasional, brief meetings with activists from Italy, Spain, Thailand, Taiwan, Turkey, and the US, in conjunction with conferences in Sweden and other countries.

Some of these contacts date back to when I began studying Swedish prostitution policy in 1998. In Sweden, my key contacts have been Lilian Anderson, Pye Jakobsson, Carina Edlund, 'Emma', Eva Marree Kullander Smith, 'Greta Garbo', Christina Persson, Ingegärd Granath, and 'Isabelle Lund', under the umbrella of the Fuckförbundet, Red Umbrella Sweden, and Rose Alliance. In Aotearoa New Zealand, I have had long-term and recurring contact with sex workers and staff at the New Zealand Prostitutes Collective, especially Catherine Healy and Calum Bennachie. We have spent hundreds of hours in personal conversations and meetings at home, in restaurants, or community centres. I did not record these individual or group discussions, but took notes at the time and later wrote out my observations in the classic form of ethnographic fieldnotes.

Besides these personal contacts, I have attended about 40 public meetings and seminars in Sweden on the sex-purchase ban and the national prostitution and

anti-trafficking policy, which were arranged by Swedish authorities, institutions, political parties and NGOs. Some were set up by the sex-worker organisations Rose Alliance and Fuckförbudet, the LGBTQ+ organisations National Association for Sexual Equality (RFSL) and Pride, and the National Association for Sexuality Education (RFSU). Other seminars were arranged by the County Administrative Board in Stockholm, which was in charge of developing Sweden's anti-prostitution and anti-trafficking policy until 2017, the Swedish Institute, and the National Board of Health. Debates were organised by universities, adult study circles, and local branches of various political parties. I recorded and transcribed some of these meetings; during others I took notes.

While media coverage is not a central component of my study, I have examined articles and radio and TV programmes that did not take an explicit position on the ban. I gathered this material systematically during the initial years of my doctoral studies and when there were responses to specific events, for instance in 2015 when several Swedish reports critical of the sex-purchase ban were published. In addition, I have conducted thematic searches on specific topics, such as how politicians and police expressed their opinions about Swedish sex workers paying income tax, or the ways writers and speakers approached the dichotomy of work and oppression in the sex trade.

The secondary publications which serve as source material for the discourse are previous studies of the ban on purchasing sex. Three in particular stand out for the richness of their primary sources. The intellectual historian Susanne Dodillet (2009) has compared the ideas behind German and Swedish prostitution policies, using printed parliamentary sources, the media debate, and literature from the mid-1970s to 1998. The political scientist Josefine Erikson (2011, 2017) has analysed the legislative history of Sweden's ban on purchasing sex, examining printed material and conducting interviews with key actors in and beyond Parliament to elucidate the interaction between ideas about gender and feminism and policy decisions. The geographer Jay Levy (2015) conducted an interview-based study of the ideas framing the ban and its impact on women and men who sell sex. I also draw on my previous research based on interviews and discourse (2003, 2006).

The domain of implementation

Implementation involves agencies and officials with a direct mandate to ensure the ban on purchasing sex is enforced and integrated into their practices, as well as those who are indirectly affected by the ban in their exercise of authority. Examples of the former are the institutions of the judicial system, especially the police, prosecutors, and the courts; examples of the latter are the national and local social authorities who encounter the parties to the sex trade, as well as official bodies such as the Tax Agency.

I have focused on the way the ban is applied in practice by the police and to some extent on the indirect influence the ban has on other public authorities. I have excluded the judiciary, otherwise a common site in legal anthropological studies. While following cases through the legal process can provide valuable information about how the legal institutions responsible for the country's security and its citizens' safety interpret and perform their mission, as well as how individuals taken to court understand and react to the legal process, the sheer volume of material is so large that it would have to be sampled, coded, and analysed quantitatively instead of ethnographically.

My openly critical stance on the ban has complicated access to certain parts of the domain, including the police. To understand how Swedish police apply the ban, I have relied on vice units' own descriptions as documented in the media, various publications, and public meetings where they have spoken. Specifically, I concentrated on Kajsa Wahlberg and Simon Häggström, two high-profile police officers who are vocal supporters of the sex-purchase ban, and to some extent on Häggström's predecessors Anders Gripenlöf and Jonas Trolle.⁹

In examining the law's indirect effects on officials and government employees who encounter the parties to the sex trade in the course of their work, I have relied

⁹ Wahlberg, the Swedish Police's National Operations Department rapporteur on human trafficking, was the first to hold the post, which was created when the offence of human trafficking was introduced in 2002. Although the crime of human trafficking targets only the non-consensual sex trade, the sex-purchase ban is integral to the Swedish government's anti-trafficking program and vice versa (Article IV). Häggström was head of the Stockholm Police Human Trafficking and Prostitution Unit (2009–2017) and now leads the National Police Authority's work against prostitution and human trafficking. Häggström is active in the media, attends national and international conferences, and writes newspaper columns and books about the sex trade. He has published accounts of police operations on the ground (Häggström 2016, 2017), although he has acknowledged that his descriptions of events and accounts of conversations are not always authentic (2016: 413).

on existing studies and reports. Social workers have a distinct relationship to those engaged in the sex sector. They are governed by the Social Services Act, so they are supposed to support the help-seeking person based on their circumstances when making decisions in custody disputes or granting financial support. Local politicians and officials may intervene in the harm-reducing work of social services and civil society, particularly in relation to Sweden's anti-prostitution commitments and decisions by the Tax Agency.

Finally, I have traced the implementation of Sweden's prostitution policies back in time. Historically, as in other countries, Sweden had special police units responsible for prostitution and related crimes (see Chapter 5).

The domain of impact

In this domain, I have focused on how law, discourse, and practice affect the prostitution sector, particularly its extent and sex workers' circumstances, and how sex workers respond to, manoeuvre around, and resist the power of law.

To understand the ban's impact on the sector, it is worth considering the perspective proposed by Sally Falk Moore (1972), who contended that individuals and groups in a governed domain are not entirely controlled by the laws designed to control their actions but have their own lives, rules, and practices. Gayle Rubin (1992) observed that people always find the 'loopholes' in repressive laws directed at commercial sex. A ban on buying sex does not seem to lessen the extent of the trade, but only changes where and how it takes place. Sex workers exhibit individual and collective agency as they pursue their occupation despite the legal measures marshalled against it.

Although there are no studies that systematically investigate how Sweden's sex-purchase ban and prostitution policy affects sex workers' circumstances, several publications provide partial information. Government reports focus mainly on the extent of the sex industry, societal attitudes toward prostitution, how well interventions against it have worked, and the wider population's experiences of selling and buying sex, but they offer some information about the ban's impact on sex workers' situation. The most important sources are the government's public inquiries and propositions (RP 1997/98:55; SOU 1995:15; SOU 2010:49; SOU 2016:42; SOU 2016:70), studies from the National Board of Health and Welfare (Socialstyrelsen 2000, 2004, 2007), and specific reports from the County Administrative Board in Stockholm (Mujaj and Netscher 2015), the Gender

Equality Authority (de Cabo y Moreda and Hall 2021), and the Crime Prevention Council (BRÅ 2000; Holmberg et al. 2011; Forsman and Korsell 2008; Fjelkegård et al. 2022), in addition to academic publications (Holmström et al. 2008; Svedin et al. 2012), a report by The National Association for Sexuality Education (Holmström 2015), including a study by Malmö University (Holmström et al. 2020) that looks at sexual and reproductive health and the rights of people who have sex for money.

The only study that specifically addresses how the ban affects people who sell sex is a community report by the sex workers' association Fuckförbundet (2019). The National Association for Sexual Equality (RFSL) and the Rose Alliance, funded by the City of Malmö and HIV-Sweden, have conducted quantitative and qualitative studies focusing on sex workers' health that include sex workers' comments on the ban and their treatment by the authorities (Edlund and Jakobsson 2015; Jakobsson 2008; Larsdotter et al. 2011; Olsson 2007, 2010). The sex workers and sex-work activists in Sweden I have been in contact with described the impact the ban has on them and their colleagues and explained how they view the policy. Their views are also documented in their publications and media posts.

Paying customers are the most obvious group affected by the sex-purchase ban, although they are beyond the scope of this thesis. Elsewhere, Isabelle Johansson and I have explored male customers' reasoning and actions when they suspect that someone is being forced to sell sex against their will or subjected to violence by a third party, and compared it to other policies (Johansson and Östergren 2021). Third parties, such as managers, landlords, and security staff, as well as sex workers' families and friends, are not studied here either. Moreover, this domain does not include individuals' experiences of selling sex and the meanings they and others ascribe to it. This topic is commonly considered in studies of sex work; I explored it in earlier work on Swedish prostitution policy (Östergren 2003, 2006) and compared to international studies (Östergren 2011).

Concrete contributions this method made possible

A few examples illustrate the valuable insights generated by studying through these interconnected domains, as well as the gaps this thesis has not addressed.

In Article IV on the status of sex workers in Sweden and New Zealand, I start with discursive statements by politicians and sex workers and give examples from

police work in the two countries and their actual effects on the sex trade. Next I explain the different policies. Here I particularly consider the Swedish source of law, analysing the complex and even contradictory relationship between the sex-purchase ban, its object of protection, and the general principles that apply to the Penal Code. Finally I examine these discrepancies in relation to the ban's political justifications as expressed in policy documents, public discourse and statements by politicians and legal authorities.

A less obvious result of this method is in Article II, where 'studying through' the material alerted me to the most salient features of differing prostitution policies and guided my formulation of a typology. In Article III about morality politics, recurring themes and observations contributed to my formulation of this key concept. The contrasting, powerful emotions expressed by proponents of the ban and sex workers when other countries banned the purchase of sex led me to realise that the ban on purchasing sex is not only a typical example of repressive prostitution policy but also should be understood in terms of morality politics.

Considering the legal domain of the ban, in particular the source of law, revealed its legal and political discrepancies, which often arose from underlying contradictions. For instance, the statutory text states simply that it is illegal to pay or attempt to pay for a sexual service and that this crime is punished by a fine or imprisonment. The statute does not say whom or what the ban is meant to protect. Nor does it deal with the ban's relationship to adjacent laws and regulations, such as incitement to crime, although these provisions pertain to the courts' treatment of the person offering sexual services. As I explain in Article IV, we learn through legal practice and legal doctrine that the ban on buying sex is based on the person selling sex consenting to the crime and that 'public order', not the sex worker, is the object of protection, underlining the discrepancy between the ban's legal and political justifications. Since there is no individual victim who can testify against the alleged perpetrator, the police need to conduct invasive surveillance in order to gather evidence. No wonder sex workers feel 'hunted by the police' even though selling sexual services is not criminalised.

A notable weakness of this thesis is the lack of traditional ethnographic material in the articles, such as detailed accounts of my observations and the voices of the people I interacted with. This limitation, however, is more a consequence of the format. Nuanced, thick descriptions of field activities are inherently more restricted in a compilation thesis than a monograph. Nevertheless, the insights and conclusions drawn in the articles are firmly grounded in my contacts with the

people in the field. I consistently compared what I saw and heard with what I was reading, adding a crucial dimension to a study that includes law. I first became aware of the contrasting emotions aroused by morality politics, a phenomenon discussed in Article III, when I was a participant as well as observer at a group meeting.

On October 20, 2014, I was in Sweden giving the opening address at a Labour Party pensioners' club meeting to discuss the ban. I was followed by an advocate of the ban from a large anti-prostitution NGO, who began enthusiastically that it could hardly be a better time to consider the issue: 'Last night, I received an email from Northern Ireland where they joyfully announced that they've taken the first step towards a sex-purchase law based on the Swedish–Nordic model!' The audience applauded, and she continued: 'And as if that wasn't enough, Canada too has adopted a ban in the Swedish–Nordic style, which also deserves applause! And in France, it is almost done; France has a sex-purchase law.' I too had received a message overnight from one of the Swedish sex workers I was in contact with asking if I could speak with her colleague from Northern Ireland at a conference they were attending, who was in her hotel room in tears about what would happen once the sex-purchase ban was passed.

While I was familiar with the fear, anger, and sadness anti-prostitution laws evoke, the event highlighted the emotional drive and intent behind these repressive measures. The speaker from the anti-prostitution NGO did not wish evil on anyone, but was happy because the expansion of the ban signified hope – understandably so, since the sex trade, like other issues of morality politics, is portrayed as an all-encompassing threat to civilised society. After all, as I show in Article III, the official inquiry that preceded the sex-purchase ban proclaimed that Sweden was at 'a crossroads', facing a choice between 'unleashing destructive forces' or insisting that 'prostitution is unacceptable' (SOU 1995:15, 227). Examining the emotions triggered by policy developments and comparing them to the legislative text resulted in a better understanding of what is at stake in the 'games' (F.G. Bailey 2008) of morality politics.

Nonetheless, studying a question that is saturated with such deeply held, yet conflicting opinions presents methodological challenges.

Doing research in a highly politicised field

Since first hearing about the Swedish sex-purchase ban in 1998, I have played a variety of different roles in the field. Individually and with sex workers, activists, and other intellectuals and academics, I have problematised the law's consequences for people who buy and sell sex. I have written and contributed to articles debating the policy (see, for example, Andersson and Östergren 1998a, b; Östergren 2000; Östergren 2004; Östergren 2007; Bankier et al. 2007; Dodillet et al. 2008) and participated in interviews for the Swedish and foreign media. Based on my research, I have evaluated the ban and formulated policy recommendations (Dodillet and Östergren 2011; Östergren 2017b; Johansson and Östergren 2021), participated in political debates, and met with individual politicians from Sweden and other European countries, Australia, and New Zealand when my expertise has been sought. In addition, I have participated in formal and informal meetings with groups of sex workers in Sweden and other countries to share my research and discuss strategies for improving sex workers' legal situation.

It is generally uncontroversial for anthropologists to build relationships with individuals in the marginalised groups we study and to publicly support them. Dying languages, land rights for indigenous peoples, environmental disasters, women's rights: these issues often sparked our interest in social anthropology and bring meaning to our research.

Although some disagree with Laura Nader (2002) that anthropological studies inevitably create knowledge with political consequences we must act on, Maia Green (2006) makes a strong case. When anthropologists who work for governments and make knowledge instrumental are criticised by other anthropologists, we recognise that anthropology is shaped by its institutional environments. Whatever we do as ethnographers is always part of a political agenda. Others emphasise that anthropologists acquire specialised knowledge about people, groups, and their societies and cultural practices. When those who share their culture with us seek our help to access this knowledge in order to improve their lives, we must respond (Marvin 2006).

Anthropologists have supported sex workers' campaigns to have a voice in the political decisions that affect their lives. Susan Dewey, Treena Orchard, and Tiantian Zheng (2015: 6) say that as feminist anthropologists researching and writing about sex work in their home communities in Canada, China, and the

US, they 'share a deep political commitment to working against the exclusionary forces that destroy the lives and communities of the women we have come to know and care deeply about' (see also Day 2007; Koch 2021; Kulick 1998, 2003; Prieur 1998; Wardlow 2006; Williams 2013; Wilson 2004).

Siding with the marginalised groups we meet through our research is not unproblematic. By studying the law and government policy, which are fundamental moral and political matters, we inevitably become part of the field. Social actors might use our research, and perhaps even fund it, to guide them in making decisions. Others might use our research to argue for their position, even if it differs from ours. We are invited to sign petitions and join delegations to lobby politicians. Our very presence at seminars and meetings, in the press and online, is unavoidably political.

Whatever we do and say, whatever opinions we express, and even if we do our utmost to remain 'neutral', we cannot escape the fact that we are implicated in the controversies that surround the social and cultural questions we study. But our discipline gives us ways to handle our participation. When we position ourselves or are given roles by others, we must be aware of the complications as well as advantages this creates when entering and exiting the field, conducting participant observation and writing up our findings.

The morally, emotionally, and politically charged nature of sex work and its governance can result in a hostile research environment that directly impacts researchers. I have tried to face the dilemmas that inevitably arose in this project and to address them creatively, so my participation in the field generates new understandings and more refined definitions of core concepts.

Taking a stand on a political controversy makes it difficult for us to engage with those who take a different stand on the basis of mutual trust, which is a precondition of ethnography. My openly critical stance toward the ban has led its proponents, who are in the majority among Swedish legislators, government representatives, and public officials, to refuse to speak with me or fail to invite me to observe forums they organise. Yet these suspicions and the ways rejections are formulated convey valuable information about the workings of anti-prostitution policy and morality politics. At the same time, my stance has been an advantage in contacts with sex workers and others on the international stage, who seek information that does not come from official channels. Reciprocally, they have given me insights and perspectives I would not have had without them.

Representativeness

The representativeness of research is often questioned, which is usually taken to mean that generalisations made on the basis of an empirical study are not valid. My previous work has been criticised as biased by academics who favour the ban on purchasing sexual services (see Eduards 2007; Erikson et al. 2015; Waltman 2011), although they define their own studies as ‘objective’. The works they target are my undergraduate thesis (Östergren 2003), a book (Östergren 2006), and a brief article published online (Östergren n.d.) based on the statements of sex workers interviewed. As the issue of representativeness is continuously raised in the Swedish debates and among some academics (Ekman 2011; Waltman 2021; Yttergren and Westerstrand 2016), I briefly address the matter. Others object to the anthropological approach of ‘listening to the voices’ because there are many different voices within the sex industry, including those who support its criminalisation. Individuals who have suffered from the business and subsequently left it are among them (Eek 2005; Moran 2013).

I have never claimed that the sex workers I interviewed were representative of all those in Sweden. People who sell sex are rarely open about it because of the stigma and social exclusion it entails, as well as its association with criminal behaviour (Shaver 2005). In fact, solid estimates of the number of people in Sweden who work in the prostitution sector are still lacking. Interviews with sex workers in a repressive, highly politicised climate such as Sweden’s are fraught with difficulties. For example, many of the sex workers Jay Levy (2015) interviewed in three years of fieldwork were hesitant to voice any criticism of Swedish policy because they feared their views would not be regarded as credible. When sex workers were interviewed in a survey conducted for the National Board of Health and Welfare (Socialstyrelsen 2007), potential informants were hesitant because they did not trust how the interview material would be handled. Some feared it would be used to make the ban even stricter and further complicate their lives; others were sceptical because they had been interviewed before, but their voices were removed from the final report.

In contrast, I have not faced these difficulties with informants because I have been open about my belief in equal rights for individuals selling sexual services, and the sex workers I met knew where I stood. Unlike earlier Swedish researchers, I am not concerned with their reasons for selling sex but rather with their views of feminism and their analysis of Sweden’s prostitution policy.

Moreover, my analysis is based on multiple sources of information, not only my contacts with sex workers in Sweden and other countries where prostitution is largely illegal. Similarly, the secondary sources are based on interviews with people involved in the sale of sexual services which are conducted by people with differing perspectives on commercial sex. This form of triangulation means that I can identify recurring themes and common patterns. Similar findings emerge from studies in Norway (Amnesty International 2016b; Bjørndahl 2012), Canada (McBride et al. 2021), and France (Le Bail et al. 2019), which have also criminalised the purchase of sex, as well as meta-analyses of the consequences of stigma and various forms of criminalisation (Benoit et al. 2018a; Platt et al. 2018). Taken together, these studies form a reliable body of material.

Anthropological researchers rarely worry about whether their findings are representative of some larger group because qualitative research does not seek to establish generalisations about populations; that requires quantitative analysis of statistical data, which is more common in sociology. We seek to understand experiences, interactions, and the meanings people see in them. Instead of focusing on what is typical, anthropologists sometimes explore what is exceptional in order to illuminate the unstated norms that are seldom revealed until they are broken. Temporary sexual interactions between sex workers and clients are very different from the Swedish ideal of long-term relationships between intimate partners.

Hostility toward researchers

The stigma surrounding sex work, coupled with a strongly repressive political climate, affect not only how our findings are received but also how researchers in this field are treated. As Gail Pheterson (1996) asserted, the ‘whore stigma’ is contagious, so public association with women who sell sex is self-incriminating.

Anthropologists studying sex work in other countries have discussed how stigma affects the research process (Dewey and Zheng 2013). So have other sex work researchers (Bjønness et al. 2022; for a review, see Benoit et al. 2018a). As Susan Dewey (2013) puts it, anthropologists’ research places them firmly in the midst of the heated debates on sex work and prostitution. Tiantian Zheng (2013) agrees that all those who study sex work are ‘at the forefront of extremely contentious debates between self-identified abolitionists, who view sex work as a form of violence against women, and sex workers’ rights activists, who contend that sex work is both an enduring reality and an individual choice’ (2013: 39).

In discussing the ethics of research on sex work, Dewey (2013) documents the severity and public ramifications of these controversies among scholars. Those who have engaged with sex workers and presented their findings in sex workers' own terms have been denounced by abolitionist academics in scholarly journals, at professional conferences, on listservs and organisational websites. Abolitionists target scholars who do not share their understanding of sex commerce and who point out flaws in their research designs, while calling for evidence-based legislation and policy. Dewey gives several examples of academics dismissing empirical research on grounds that researchers were 'siding with pimps'; they have refused to engage in dialogue but attacked other scholars in print and in person. Such a hostile environment can make researchers cautious about undertaking collaborative work with others and presenting their findings to their academic colleagues and the public. Younger scholars may well fear professional repercussions, and research proposals that challenge the prevailing opinion may be rejected by institutional review boards.

This situation poses ethical dilemmas researchers should consider as they formulate the questions they investigate. They must 'ask themselves if they are willing to risk libellous accusations of sexism, immorality, or threats of lawsuits when their findings do not corroborate the abolitionist assumption that all forms of sex work constitute violence against women', Dewey concludes (2013: 14). According to Zheng (2013), this hostility affects researchers' ability to gain access to the sex industry and maintain their own and others' safety and privacy in the field. In Sweden, Don Kulick (2005b) describes 'his agenda' being questioned at academic conferences and audiences asking whether he himself buys sex. Isabelle Johansson, who interviews those who do, has been called a 'pimp' (Aquilonius 2021), and Susanne Dodillet's doctoral thesis on Swedish and German prostitution law was reported as based on fraudulent research (Månsson and Westerstrand 2009). Recently, a survey of the sex trade on behalf of the Swedish Gender Equality Agency (Jämy) by social work scholars Annelie de Cabo y Moreda and Anna Hall (2021) revealed that the current prostitution policy tends to increase the vulnerability of those it is intended to protect. This result was not taken on board by the agency (de Cabo y Moreda and Hall 2022). Meanwhile, the study was portrayed as a mouthpiece for the 'pro-sex-purchase lobby' (Ekman 2022), and anti-prostitution organisations demanded a new study based on politically correct terminology and established conceptions of the sex trade (Andersson et al. 2022). De Cabo y Moreda and Hall were not allowed to proceed

with the training for programme coordinators and university lecturers on teaching about prostitution and human trafficking which they had been commissioned to conduct on behalf of Jämy.¹⁰

The ramifications of these controversies were particularly clear when scholars, journalists and politicians tried to discredit and close down DemandAT, an EU-funded, interdisciplinary research project on measures to combat trafficking.

In the spring and summer of 2015, scholars Catherine MacKinnon and Max Waltman sent email messages to the Swedish Ministry of Foreign Affairs, the Ministry of Health and Social Affairs, the Chancellor of Justice, and EU politicians in an attempt to discredit the project.¹¹ They alleged that the consortium had a biased ‘pro-sex trade agenda’ and its design had been manipulated to conceal ‘Sweden’s brilliant success’ in banning sex-purchase. The fact that I was in charge of the Swedish research was particularly troublesome; MacKinnon emphasised that I was a PhD candidate and a known critic of Sweden’s prostitution law, and went so far as to describe me as a ‘proponent of legalisation of brothels’.¹² MacKinnon and Waltman drafted petitions to protest the funding awarded to the project, asking the recipients to send the email message to members of the EU Commission.¹³ Chancellor of Justice Anna Skarhed

¹⁰ Initially, no reasons were given for this decision, but when de Cabo y Moreda and Hall insisted on an explanation, it emerged that it was because, in Jämy’s opinion, the researchers were critical of the sex purchase law. What this was based on was never stated (personal communication from Anna Hall).

¹¹ MacKinnon is American feminist lawyer and law school professor who belongs to the Coalition Against Trafficking in Women (CATW). On her faculty website, she states that she and the radical feminist writer and activist Andrea Dworkin proposed the Swedish Model to abolish prostitution (<https://hls.harvard.edu/faculty/catharine-a-mackinnon/>). Waltman is a Swedish political scientist who has published on the politics of legal challenges to prostitution, sex trafficking, and pornography, including its association with gender-based violence and sex inequality. MacKinnon was Waltman’s PhD supervisor.

¹² C. MacKinnon, personal communication to A. Wrange and M. Waltman, 30 March 2015; M. Waltman, personal communication to K. Bengtson, 17 April 2015; M. Waltman, personal communication to K. Bengtson, 24 April 2015.

¹³ C. MacKinnon, personal communication to M. Björk, L. Naraghi, A. Skarhed, M. Wallström, M. Waltman, 2 June 2015; C. MacKinnon, personal communication to M. Björk, A. Skarhed, M. Wallström, 16 June 2015.

forwarded MacKinnon's first emails to civil servants in charge of Sweden's anti-prostitution and anti-trafficking policy, wondering what 'could be done'.¹⁴

The ministries politely thanked MacKinnon and Waltman for the information, but pointed out that the EU Commission is independent and does take instructions from any government. The Swedish government cannot influence the issue, nor is it their responsibility to attempt to do so.¹⁵ However, the government could 'see no obstacle' to MacKinnon approaching and informing the European Commission herself.¹⁶

In her correspondence with MacKinnon, the Chancellor of Justice stated that while the petition 'gives a correct picture of the situation' and agreed that the commission should be informed, she said that it should be signed by scholars such as MacKinnon herself.¹⁷ MacKinnon replied to the ministries that it would be 'inappropriate and ineffective' for her to raise the issue.¹⁸ She explained why in an email to Chancellor Skarhed:¹⁹

Anna, I am glad the letter presents the accurate situation and appreciate your strategic assessment and suggestions. I think you are the right person to sign the letter. Other scholars are automatically regarded as disgruntled potential grantees with an axe to grind. Also, although we have kept it very quiet, everyone who knows anything knows that I conceived and proposed the Swedish Model in 1990, initiating the organizing that eventually produced it, and have been actively behind it ever since on multiple fronts, which makes me precisely the wrong person to be raising these objections. It needs to come from an official source, in my opinion, to have any effect.²⁰

¹⁴ A. Skarhed, personal communication to P. Cederlöf, S. Häggström, L. Tamm and K. Wahlberg, 1 April 2015.

¹⁵ A. Wrangle, personal communication to C. MacKinnon, 2 April 2015; A. Wrangle, personal communication to M. Waltman, 24 april 2015; A. Wrangle, personal communication to M. Waltman, 27 april 2015

¹⁶ K. Bengtsson, personal communication to C. MacKinnon, 21 Juli 2015.

¹⁷ A. Skarhed, personal communication to C. MacKinnon, 16 June 2015.

¹⁸ C. MacKinnon, personal communication to K. Bengtson, 21 Juli 2015.

¹⁹ C. MacKinnon, personal communication to A. Skarhed, 16 June 2015; also, C. MacKinnon, personal communication to M. Björk, 5 June 2015.

²⁰ It is difficult to assess the accuracy of MacKinnon's claim to have conceived and proposed the 'Swedish model' of a ban on purchasing sex, but MacKinnon and Andrea Dworkin

‘Fortunately’, according to MacKinnon, ‘other officials understand the need for action’.²¹ Among these officials was EU politician Malin Björk, who said she did not think it would be possible to cancel the grant, but that they must ‘discredit the programme’ and suggested various ways of doing this, such as engaging MEP in the petitions and organising EU workshops where other researchers could counteract DemandAT.²² The matter also reached Swedish media, where journalist and writer Kajsa Ekis Ekman questioned the validity of the research project (Ekman 2015; see also Erikson et al. 2015, Sveriges Radio 2015). The project went ahead, but its findings have not been considered by Swedish authorities.

Theoretical insights from this stigmatised field

The first lesson to be drawn from the experiences of other anthropological researchers as well as my own with DemandAT is that it is those who study this field cannot avoid being drawn into the debates on policies toward commercial sex. But these experiences also provide theoretical insights.

In their article on reflexivity and the research process, Eilís Ward and Gillian Wylie (2014) describe the hostile reactions to their decade-long study of prostitution and trafficking in Ireland. Their characterisation of the sex trade as contingent, complex and ambiguous placed them outside the dominant feminist and neo-abolitionist consensus in public discourse. Their stance precluded their being invited to submit proposals for publicly funded research, and their results, which were initially used by Irish and US authorities, were subsequently buried. Their increasing ‘emotional and intellectual’ discomfort as that policy position gained support yielded valuable epistemic insights. It revealed the exclusion of

collaborated with the Swedish women’s shelter movement (Roks) during the 1980s and 1990s and participated in a conference that drew a large number of politically influential women and was opened by the Minister of Justice. Their speeches were translated and published in a conference book by Roks. Later, the 1993 Inquiry into Prostitution copied long sections of Dworkin’s speech when she graphically described ‘violent pornography’ and ‘torture pornography’ (see Östergren 2006: 52).

²¹ C. MacKinnon, personal communication to K. Bengtson, 21 July 2015.

²² M. Björk, personal communication to C. MacKinnon, A. Skarhed and M. Waltman, 5 June 2015.

dissenting voices, the denial of complexity in favour of a singular overarching analysis, and 'the politics of discourse domination' that characterised the neo-abolitionist campaigns advocating for the 'Swedish approach'. 'Our primary role as feminist scholars makes distinct demands: fealty to research methods and to critical thinking,' they explained. 'However, our personal loyalty to the women's movement and to the feminist cause, our sensitivity to the criticisms of those seen to oppose the Swedish approach – that they comforted pimps, traffickers and abusers of women – exerted a psychosocial pressure on us not to disrupt the universalizing discourse. In this situation we discerned the power politics of knowledge production and policy formation as we realised our work and voices were being marginalized by the truth claims and tactics of ToRL', the Turn off the Red Light campaign against prostitution and sex trafficking, an influential Irish NGO (Ward and Wylie 2014: 260).

The hostility expressed by neo-abolitionists shows how anti-prostitution law and discourse function not only to exclude sex workers from the national community, which I write about in Articles III and IV, but also to silence those who challenge this repressive order. Viewed through the lens of morality politics, the ostracism imposed by neo-abolitionist academics, politicians, and activists comes into focus. We see the same dynamic in the study of the regulation of abortion, homosexuality, and drugs. When I linked the tactics of the neo-abolitionists with those of 19th and early 20th century moral reformers, I gained insight into the recurring features of morality politics. The charged nature of sex work and societal condemnation, once better understood, can advance our analysis.

My political stand

Before turning to the history of Sweden's policies and practices regarding prostitution, I follow the examples set by Dewey and Zheng, Ward and Wylie and reflect on the implications of my political stance on the issue of prostitution and its governance.

In 1998, my position was based on the political conviction that when laws are enacted, those directly affected should be consulted, as women's movements and advocates for LGBTQ+ rights have proclaimed. 'Nothing about us without us' has become a common refrain for sex workers' rights. My engagement and

advocacy was informed and reinforced by the attention paid in critical anthropology to whose voices are heard and whose are not.

As I have learned more about the criminal law in a liberal state, what I regard as the core question has shifted to a simple but fundamental principle. Should a Rechtsstaat use law to criminalise the actions of consenting adults in private that are not injurious to other interests? Or should it use law in a way that gives vulnerable groups access to the protection of the law and law enforcement? In Swedish jurisprudence, public law, which includes criminal law, is described as regulating the vertical relationship between the state and the citizen, while civil law is described as regulating the horizontal relationships among citizens (Jareborg 2001). It is precisely because the legislature holds so much power over citizens through penal law that the liberal rule of law is built on carefully drafted legal principles that must be followed, especially when introducing new prohibitions.

Under liberal, defensive criminal law, as articulated by the Swedish government and legal doctrine, criminalisation is a last resort for the most reprehensible, blameworthy actions. Since punishments represent society's most 'intrusive and degrading sanction' (Jareborg 2001: 36) and 'the ultimate expression of state power' (SOU 2013:38, 479), the state should aim to influence behaviour without repressive measures, through education and information. This precautionary principle has developed ideological principles and criteria, formulated within various frameworks or models, to which legislators should adhere when considering new offences or extensions of existing criminal provisions (SOU 2013:38, 423–501).

A Rechtsstaat should not use criminalisation to prevent immoral behaviour which does adversely affect others. Such legislation may have no demonstrable positive effects and can lead to human suffering. The liberal state should be tolerant of citizens' behaviour and respect the individual's privacy and self-determination. Introducing a penal provision just because a legislator wants to 'make a statement' that society takes the matter seriously is not enough. The punishment for a crime must also have the desired effect without unintended consequences; the penalised behaviour should decrease without causing the innocent to suffer.

The conclusion I draw from research-based knowledge on the design and effects of various prostitution laws and policy models is that an integrative policy, like the one in New Zealand, is preferable to repressive prostitution policies, like that in Sweden.

5. Banning sex-purchase in Sweden: The historical regulation of prostitution and the development of the new offence

Prostitution has never been legally accepted in Sweden. That is, it has never been possible to sell and buy sexual services on the same basis as other types of services. Instead, state and society have attempted to restrict or eradicate the sex trade through specific laws, which the police, prosecutors, courts and councils have enforced to varying degrees. The authorities have also used other regulations to try to control or prevent prostitution. These measures aimed to combat vice, protect public order, promote health, prohibit certain types of sexual relationships, and ensure that everyone has an acceptable means of subsistence rather than resorting to vagrancy. The laws often overlapped, and which ones the authorities relied on most varied widely over time and place. Nonetheless, general trends toward leniency or strictness have prevailed in some cities and regions.

At the national level, the governance of prostitution can be broadly divided into three historical eras: a policy of prohibition from the 18th century to the mid-19th century; a policy of regulation from then until 1918; and a *laissez-faire* policy that lasted until the 1970s, when the current repressive prostitution policy took shape.

A historical perspective offers several valuable insights into the sex-purchase ban. In contrast to the political, and to some extent academic, understanding of the ban as a break from previous prostitution policies, it has substantial continuities with earlier repressive measures. Since the Swedish state has always used multiple legal provisions to maintain its anti-prostitution stance, it is essential to analyse a specific legal instrument such the sex-purchase ban in its full

policy context. Moreover, we can see parallels between past and present popular movements against prostitution. Despite the narrative that casts women who sell sex as victims, as well as the fact that they have suffered from the nation's various anti-prostitution regimes, the campaigners have never demanded that these women be granted civil and legal rights. Instead, the civil actors have sought to reform them, their clients and society at large.

This history, I argue, helps us to understand why Sweden introduced the ban on purchasing sex in 1999. Moreover, by applying the framework of morality politics to the ban's history and development, we see that what may seem special and unusual are, in fact, characteristic features of this class of political issues.

The chapter begins with an overview of the period from the 18th century to the mid-1970s. Then it outlines the social movements and parliamentary manoeuvres that culminated in the passage of the ban on purchasing sex. Finally, it analyses the developments after the ban was introduced in Sweden.

The historical regulation of prostitution

Despite the plethora of historical studies on prostitution, almost all focus exclusively on the heterosexual sex trade. Society's responses to the sex trade between men have been touched upon by historians of crimes such as sodomy and bestiality (J. Rydström 2003), and social work scholars have analysed the discourse surrounding it (de Cabo y Moreda 2018), but the legal situation has seldom been examined. Consequently, it is difficult to determine how earlier prohibitions and regulations were applied to men who sold sexual services to men, which makes our understanding of the sex trade and its participants incomplete.

Prohibition: From the 18th century to the mid-19th century

Sweden's longest-standing prohibitions against the sex trade were introduced in 1734, with a new code that gave the state authority over matters previously handled by the Lutheran church. It permitted sexual acts only within marriage, making the trade in sexual services illegal, and established new crimes of vice (*sedlighetsbrott*) and harsher punishments. Specific provisions pertained to procuring by third parties, and sexual behaviours such as 'fornication' (*otukt*) and 'lewdness' (*skörlevnad*) were punishable by public shaming, flogging, or hard labour. Women involved in the sex

trade faced these punishments, as they ‘allowed themselves to be used for lewdness’, but there were no legal sanctions against men who paid for sexual services. The law’s penalties for immoral sexual behaviour were primarily intended as deterrents and seldom strictly enforced (Lernestedt 2003). Women whose clients were from higher social classes seem to have escaped punishment, as influential men protected them and the intermediaries who organised the sex trade. Moreover, prostitution driven by economic necessity, rather than personal desire, was deemed more legitimate (Lennartsson 2019).

By the 19th century, prohibitions against extramarital and nonmarital sexual relations had largely ceased to be enforced. But women suspected of resorting to prostitution were targeted by a national system intended to control sexually transmitted or venereal diseases (STDs, VD). Established in 1812, it compelled poor, rural, and wandering women to undergo compulsory medical inspections and treatment. In cities, single, poor and working-class women were often forcibly examined for STDs, though men who paid for sex were exempt. Despite these laws, local authorities concerned about the spread of VD allowed at least one semi-official brothel to operate in Stockholm in the years 1838–1841, which could be more easily policed (Lundquist 1982; Svanström 2006a).

The 1864 Penal Code, which replaced the 1734 law, focused less on vice and more on violations of social norms (Lernestedt 2003). Authorities used laws against the unemployed and vagrants to address the sex trade, criminalising those without an ‘orderly’ means of support. The effects of these practices on women who sold sex in 18th century Stockholm have been analysed by historical ethnographer Rebecka Lennartsson (2019), and she has also examined how those who sold sex were treated at the turn of the 19th century (Lennartsson 2002).

Lennartsson applies a Foucauldian power perspective, confirming that no matter how the regulations were formulated, the women who sold sexual services suffered. Women could be imprisoned or forced to labour in spinning houses, where they were supposed to be rehabilitated through work and religious instruction. But, as Tomas Söderblom (1992) has shown, they lacked access to legal representation or the ability to appeal decisions made by police and county administrative boards, in contrast to those accused of non-sexual criminal offences. Procurers faced punishment under both procuring and vagrancy laws, while clients did not. In the 19th century, as Yvonne Svanström (2006a) explains, women found to have a sexually transmitted disease were transported to a sanatorium for compulsory treatment, where doctors attempted to cure the

infection with starvation and medication. The sanatoriums also sought to eradicate undesirable behaviours, such as smoking, drinking alcohol, gambling, or flirting among the inmates. When inmates protested against the rules, acted rebelliously, or tried to escape, the gates could be barred and windows bricked up, which made the sanatoriums more like prisons than hospitals.

Restriction: From the mid-19th century to the early 20th century

By the mid-19th century, local authorities were allowed to regulate the sex trade under strict conditions, marking a shift from a repressive approach with exceptions to a more coherent restrictive policy.

Inspired by continental policies, Sweden's regulation of prostitution aimed to combat sexually transmitted diseases and immorality. Women selling sex had to register with special police bureaus and follow strict rules, including regular reporting and medical examinations. These regulations limited their freedom, prohibiting open advertisement, conspicuous dressing, gathering in groups, visiting cultural establishments, and being outdoors after 11 PM. At times they were also forbidden to live in affluent areas or together in pairs. Women who broke these rules faced forced labour. Unregistered sex sellers were convicted of vagrancy under laws that defined their behaviour as a threat to public safety, order, and morality.

The 1885 Vagrancy Act (*lösdriverilagen*) mandated forced labour in separate institutions, where women worked in the institution's operations and in profit-making commercial activities such as sewing and laundry (Lundquist 1982; Svanström 2006a). Small-scale Christian rescue and rehabilitation homes supported by charities emerged in the 1870s, offering an alternative to compulsory registration or punishment. Based on Catholic Magdalene asylums for unwed mothers, these homes provided religious instruction and training in other occupations. Women could be placed there by the authorities or their families, or admit themselves to avoid legal penalties for prostitution (Jansdotter 2004).

The system of state regulation (*reglementeringssystemet*) was described by Tommie Lundqvist (1982), who analysed the arguments used by supporters and critics of the policy and found major regional differences in its implementation. Yvonne Svanström (2006a) has focused on prostitution in 19th century Stockholm and analyses discourses and the regulatory system from a class and gender perspective.

The regulation system faced national and international protests, with women's organisations and moral reform associations (*sedlighetsrörelser*) arguing that it unfairly targeted women while their male clients went unpunished. Critics also claimed it indirectly encouraged prostitution by tolerating it under specific conditions. The movement gained momentum in the late 1870s with the establishment of a Swedish branch of the British Federation for the Abolition of Prostitution. The international reformers chose to call themselves abolitionists because they linked the fight against regulated prostitution to the abolition of slavery in the British Empire a generation earlier. This organised opposition included women's rights activists, male doctors, intellectuals, and church associations. Liberal middle-class women led the campaign, criticising both the regulation system and societal immorality, advocating for premarital chastity and marital fidelity for men and women alike. This movement marked Sweden's first feminist mass mobilisation (Lundqvist 1982) and included early calls to criminalise men who paid for sex, arguing that men's demand drove the sex trade (Svanström, 2005, 2006a).

The coalition's campaign for the abolition of state-regulated prostitution succeeded in 1918, ushering in an approach that was more tolerant toward the sex trade and lasted for the next fifty years.

Relative laissez-faire: From the early 20th century to the 1980s

When the regulation system was ended after the First World War, laws against procuring were amended to target third parties and organised prostitution, but selling sex itself was no longer illegal. Throughout the 20th century, the influence of religion and concerns about morality on Sweden's criminal law was gradually reduced. Laws against fornication were abolished in 1937, those banning bestiality and homosexual relations were repealed in 1944, and those punishing offences against religion were ended in 1948. Vice offences were restructured to focus narrowly on sexual acts (Lernestedt 2003).

Despite these changes, the Vagrancy Law continued to prohibit the sale of sex, viewing it as a threat to public order. This law allowed authorities to surveil and arrest women suspected of engaging in prostitution, and those convicted of 'lewd living' that was detrimental to 'decency' could be punished by being sentenced to forced labour institutions well into the mid-20th century. In a recent work, Svanström (2022) draws on the records of the police court in Stockholm and the

last standing institution, the Landskrona penitentiary, through the interwar period. In his remarkable but little known earlier work, Tomas Söderblom (1992) drew on the letters and diaries kept by women who were sent to Landskrona, rather than relying only of official institutional sources, so he was able to present their experiences inside as well as outside the penitentiary in their own voices and from their own viewpoints. In this account, the arbitrary and punitive practices of the authorities stand out clearly.

Although the institution in which they were forced to labour was not designated as a prison but was supervised by the Ministry of Social Affairs, Söderblom describes how the women were deprived of their freedom and strictly controlled. Their letters and diary entries were read and censored. Their history, appearance, and personality were documented, not in order to help rehabilitate them but to contribute to studies of racial biology. In practice, their punishment was worse than prisoners', since they had no legal representation or recourse and their sentences were indefinite, until the institution's director deemed them reformed. The women were not allowed to visit each other, socialise in groups larger than two, and have their own clothing or anything else indicating personal identity. They had to follow all these commands without complaining, swearing, or contradicting those who imposed them. Women who defied the rules were deprived of coffee, subjected to cold showers, and could even be locked up for 30 days in the punishment cell of the prison tower. Attempts to escape or organise strikes and uprisings were suppressed by the guards and severely punished.

The Landskrona penitentiary was closed in 1940, and from then on, women convicted of vagrancy were sent to do forced labour in ordinary women's prisons. Yet until the 1950s hundreds of women were arrested for prostitution, and in 1963, seventeen women were sentenced to forced labour. At that time, intellectuals criticised this punishment as archaic, but there was no general public outcry. In 1964, the Vagrancy Law was replaced by the Asociality Law (*asocialitetslagen*), which despite changing the name of the offence to stress its deviance from social norms continued to target sex workers. The last known case of a woman being punished under these laws occurred in 1967 when the Supreme Court acquitted a 'vagrant woman' (Söderblom 1992; Svanström 2022). By then, nonmarital sex was becoming more generally acceptable in Sweden, as well as other Western European countries.

Sweden's policy of involuntary sterilisation could be used to target sex workers, as well as physically and mentally disabled people. From 1934 to 1976, around

63,000 people were forcibly sterilised, 95 percent of whom were women deemed unfit to contribute to the Swedish population because of their ‘immoral’ behaviour. Although the proportion of them who were assumed to be sex workers is unknown, many were judged to have unacceptable lifestyles associated with ‘uninhibited’ (*ohämmad*) sexuality (Runcis 1998). Linking eugenics, prostitution, and ‘sexual promiscuity’, the state inquiries that designed and evaluated the policy singled out women who sold sex. Local councils, not courts, decided on sterilisations, and anyone could report a woman, a process that left women with no right to appeal (Runcis 1998; Söderblom 1982).

Until the late 20th century, laws criminalising procuring remained place but were rarely enforced, as the authorities often ignored pimping as well as brothels. The period up to the mid-1970s is characterised by what can be called a *laissez-faire* approach (Svanström 2017b; see also Weitzer 2012) with no clear and consistent state control over the sex trade. While those who sold sex might be punished under other statutes, procuring was often overlooked (SOU 1976:9; SOU 1981:71; Söderblom 1992). A significant shift occurred in the mid-1970s with the rise of a grassroots movement against pornography and prostitution. This movement provided the ideological basis for the ban on buying sexual services and pushed the state to institute a unified, repressive national prostitution policy.

The policy pendulum

As this brief history shows, the governance of prostitution has not always been uniform or explicitly stated, but by interpreting the messages conveyed by the state and law enforcement through the regulations and practices directed at the sex trade we can discern a movement from repression to restriction and then to relative tolerance. After this period of *laissez-faire*, the governance pendulum swung back to repression, a shift that produced the ban on purchasing sex.

By using a pendulum metaphor to describe the changes in Swedish prostitution policy over time, I do not posit that societies necessarily swing back and forth between two equal and opposite extremes. Nor do I mean that that each successive period reacts against the current one and reestablishes the same order that prevailed before it, or imply that each of the two poles remains fundamentally the same throughout all these swings, suggesting a static, even circular system. Those assumptions would be as mistaken as the presumption that history is linear and can be understood in terms of continuous progress or moral decline. Rather, each

regime differs from any preceding one because of the significant societal and legal changes that occur over time in a dialectical process of policy development. Nonetheless, by applying the typology of repressive, restrictive and integrative policy while observing how the governance of prostitution changes over time, we can discern movements between these policy poles.

In her general historical account of the continuities and changes of the prostitution market and its regulation, Svanström (2017b) argues that the current policy is based on a complete ideological turnaround in how the sex trade is conceptualised. Instead of focusing on the myriads of regulations and the differing ways state representatives and popular movements ideologically justified legal changes to solve the ‘problem of prostitution’, we should recognise the similarities in their intentions, not only to repress or restrict the sex trade but also toward women who sell sex. Regardless of the regime and its justifications, under repression as well as restriction and *laissez faire*, the core concern has not been to reform the unjust legal situation of those who engage in prostitution, but instead to reform them into socially acceptable women who comply with prevailing moral standards, such as chastity and respectable forms of labour.

Just as women as a sex had only limited rights, when they were regarded as sexually immoral (regardless of whether they sold sex) by more powerful social superiors (who might well be women as well as men), they were subject to involuntary detention. Moreover, these institutions were exempt from legal certainty, as the incarcerated women had no legal representation and no right to appeal. In sum, women who were assumed to be selling sex did not have legal status as workers, and when they were imprisoned, they did not even have the status of prisoners.

This approach permeated civil society, as well as the authorities and the state, a theme of particular importance to keep in mind when we consider the history of the sex-purchase ban. In exclusionary prostitution regimes, punitive forces converge on multiple levels, resulting in systemic harm to women who sell sex (Dewey et al. 2015). It also leads to ‘strategic ambivalence’ (Koch 2019), which I discuss in relation to the sex-purchase ban and sex workers’ legal status in Sweden in Article IV, but also return to at the end of this chapter.

The origins of the ban on purchasing sex

Prostitution has been intensively debated in and out of the Swedish Parliament since the mid-1970s. The first demands for a ban on purchasing sexual services came in the early 1980s and gradually gained strength. By 1997 a majority of parliamentary parties and members supported the ban, and it was passed in the spring of 1998. This trajectory deserves to be analysed in detail because the process had many unusual features, including cross-party alliances among women and manoeuvres to avoid formal parliamentary rules. Examining the process contributes to our understanding of how and why the ban passed and illuminates key features of morality politics.

Civil society movements: The shift to repression in the 1970s and 1980s

In 1976, the end of Sweden's sterilisation policy coincided with the rise of the first modern movement against commercial sex, the People's movement against porn and prostitution (*Folkrörelsen mot porr och prostitution*). This coalition united an estimated fifty organisations which believed that the 1960s sexual revolution had led to increased exploitation of women through commercial sex, including an otherwise heterogeneous mix of leftist, liberal, women's, sexual health, anti-drug and Christian groups. The movement was sparked when a government report on sexual offences (SOU 1976:9), which included 'morals offences' such as prostitution and homosexuality, was deemed anti-feminist and too liberal (see Dodillet 2009; Eduards 2007; Månsson 2017). They protested against pornography and prostitution through demonstrations, public rallies, articles, books, reports, media campaigns, and political lobbying, eventually gathering support from half a million Swedes out of a total population of eight million (Dodillet 2009; Månsson 2017; Östergren 2006).

The movement objected to commercial sex because of its societal causes, harmful content and negative consequences. The rhetoric combined contemporary leftist theories, feminist analyses, and ideas of healthy sexuality and love. Commercial sex was attributed to unhealthy home environments, capitalism and patriarchy, which were believed to hinder solidarity and genuine relationships between men and women (Dodillet 2009; Östergren 2006). The movement's legal demands included closing sex clubs and strengthening laws against

procuring, as well as some calls for the criminalisation of clients. Significantly, this broad coalition opposed sex workers' attempts to organise.

Sex workers responded to the misrepresentation of their profession by founding the organisation Sexualpolitisk Front, which advocated for the extension of societal support and legal rights to sex workers. Initially supported by social workers, academics and feminists in the anti-porn and anti-prostitution group, as well as the Left Party, they were soon abandoned in their struggle and faced strong opposition. Media debates suggested that sex workers could only gain labour movement sympathy by abandoning their trade. They were depicted as 'strikebreakers' in the struggle for women's rights, and Sexualpolitisk Front members were barred from public meetings and dismissed as victims needing help. They faced widespread societal opposition, including police harassment, evictions, and increased punitive measures, exacerbating their marginalisation and violence against them (Östergren 2006; J. Rydström 2021).

Anti-porn and anti-prostitution activism led to significant parliamentary activity, resulting in two government inquiries: one on prostitution legislation (SOU 1981:71) and another on sexual offences (SOU 1982:61). Activists who were part of the committee for the prostitution inquiry withdrew, deeming it too sexually liberal, and instead published a shadow report (Borg et al. 1981) along with books and doctoral theses (see Månsson 1981; Larsson 1983; Liljeström 1981; Persson 1981). The legal outcomes included expanded and stricter enforcement of anti-procuring laws and the prohibition of sex clubs displaying intercourse on stage.

In the early and mid-1980s, a second wave of the movement against commercial sex focused on pornography. The Swedish Association for Sexuality Education (RFSU) and the Social Democratic women's association (S-kvinnorna) argued against pornography while promoting positive erotica. S-kvinnorna targeted 'violent pornography' and proposed stricter censorship laws to prohibit depictions that sexualise violence against women. Radical feminists, organised in groups like Kvinnofronten, took dramatic direct action against porn clubs and burned pornography in public places. Concurrently, one of their collaborators, the National organisation for women's shelters (Roks), became the fastest-growing non-governmental group of the 1980s. It was primarily funded by grants from the Swedish government, and had paid staff in its national office. Roks not only operated voluntary local shelters and provided services for abused women but also aimed to raise awareness about male violence against women. Inspired by

North American radical feminist theory, which viewed commercial sex as a form of male sexual violence, the group advocated for the criminalisation of clients (Dodillet 2009; Erikson 2011; Östergren 2006). Among the founders and driving forces behind Roks were women members of parliament, municipalities and county councils, and other women's organisations. For example, MP Inger Segelström, a strategic leader and chair of S-kvinnorna from 1995 to 2003, was one of the founders of Roks.

Female MPs unite: The sex-purchase ban gains approval

The first parliamentary motions demanding the criminalisation of clients were written by Liberal and Centre Party women in the early 1980s. They were soon joined by women from other parties, with the exception of the Moderates. The number of motions increased significantly during the 1980s, but did not win approval (Dodillet 2009; Erikson 2011).

During the 1990s, the rhetoric and ideology of these movements against commercial sex were incorporated into other sectors of society. Feminism was becoming mainstream, and Roks garnered media attention and parliamentary influence through radical feminist slogans, conferences, and lobbying MPs by its paid staff (Dodillet 2009; Erikson 2011; Östergren 2006). In Parliament, female MPs (except the Moderates) continued to collaborate on criminalising clients by writing cross-party motions. Through a unique combination of different formal legislative processes and what has been described as extraordinary disregard for parliamentary procedures, as well as a timely reframing of the issue in terms of gender (Erikson 2011; Erikson et al. 2015), they paved the way for the ban's passage.

The Swedish legislative process

Knowledge of the Swedish legislative process helps us to understand these political manoeuvres and places the events discussed in the articles of this thesis in context.

The quickest route for a law to be enacted in Sweden is for it to be proposed directly by the government. To ensure the law is legitimate, the government first seeks comments from the Council on Legislation (*Lagrådet*), consisting of high court judges and other prominent judges. The council ensures that the legislative proposal adheres to legal principles, such as whether it is consistent with

constitutional laws, whether it is designed to fulfil its purposes, and what problems might arise when the law is applied. The government then submits its proposal to the parliamentary committee responsible for the issue. There are around fifteen different committees, including those that handle matters related to the labour market, finance, defence, transport, education, social insurance, and the judiciary. The committees consist of members from all parties, but the chairperson, who holds the most power, usually comes from the ruling party. The committee discusses the legislative proposal and writes a report stating whether it should become law, more knowledge is needed, or it should be rejected. This proposal is then discussed internally within the parliamentary parties and subsequently presented to Parliament for debate and voting. The 349 members can vote yes, no, or abstain. If the proposal receives a majority, the new law is published in the Swedish Code of Statutes (Svensk författningssamling, SFS).

Another route begins with motions written by members of Parliament explaining why the law is needed. These motions are treated like a government bill by the relevant committee, which assesses whether the motions should be rejected or—very rarely—proceed directly to a legislative proposal and vote. The more influential the people and parties supporting a motion, the greater its significance. A motion signed by a member of Parliament from a small party does not have the same chances as a party motion or a cross-party motion.

If the knowledge base on an issue is considered weak, the government or the committee can propose a state inquiry. The inquiry can be a committee consisting of politicians, officials, and experts, or a one-person inquiry, where the responsible investigator brings in experts. The more importance placed on the inquiry, or the more difficult the task is considered, the more people are engaged, and the more time they have to carry out their assignment. However, the inquiry does not have free rein to shape its work but must adhere to the guidelines provided in the government's or committee's directives.

When the inquiry is finished, it presents its conclusions and proposals in a report called a state public inquiry (Statens offentliga utredningar, SOU), which is sent out for a round of consultation (*remiss*). State and civil society actors identified by the inquiry as important and competent are asked to comment on the proposal, but any person or group can also submit a response. When the comments have been received, they are compiled by the relevant government department, such as the Ministry of Social Affairs, Ministry of Justice, or Ministry of Employment. The department processes all the material, writes a legislative

proposal, sends it again to the committee and the Council on Legislation for comments, and finally presents the bill in Parliament for voting.

In practice, the path to the final vote in Parliament is often much more complex, as members who want to push through a legislative proposal can use a variety of strategies and political manoeuvres both within and outside this framework. The normative rules, which are supposed to be followed and done in public, can be replaced by pragmatic moves. In that case, as anthropologist F.G. Bailey (2008: 5-6) says, the process is guided by what is effective, not what is correct. This behind-the-scenes parliamentary ‘game’ can be decisive, as it was for the ban on purchasing sex.

Combining normative rules and pragmatic, extraordinary strategies

One of the MPs’ most significant strategic choices was to ensure that jurisdiction over the issue of prostitution was shifted from social policy to criminal policy (for a perspective on the ban as a matter of gender and sexuality policy within social welfare, see Månsson 2017). By equating prostitution with violence against women, the clients of sex workers became perpetrators, justifying criminal justice measures. A Christian Democrat serving on the Justice Committee, who would not normally have much influence over motions on prostitution, also managed to get the committee to approve the demand for a new inquiry by threatening to topple the current centre-right coalition government (Erikson 2011: 129-131).

This startling departure from the normal procedure led to three different new inquiries into prostitution, a necessary step in the formal process: one on social work against prostitution (SOU 1995:16), one on homosexual prostitution (SOU 1995:17), and one appointed to ‘unconditionally’ examine whether criminalisation was a suitable method to counteract prostitution (Kommittédirektiv 1993:31; SOU 1995:15).

The inquiry into the criminalisation of prostitution, which was completed in 1995, aligned with the prevailing equality rhetoric, asserting that treating women as commodities was incompatible with a modern society. Yet its proposals were unexpected: to expand the prohibition on procuring to include the production of pornography; and to criminalise both those who sold sex and those who bought it, including those involved in posing and striptease. The proposal surprised the women MPs and lobbyists, stirring protests among supporters of the ban on purchasing sex but not a ban on selling sexual services (Dodillet 2009; Erikson

2011). Vociferous objections came from those outside and inside Parliament, and the proposal was harshly condemned by Mona Sahlin, then the Deputy Prime Minister (Sahlin 1995). The Social Democratic leader's stance and the cross-party women MPs' opposition were unusual, since the inquiry's report had not yet gone out for the standard consultation process and the government had not yet given its opinion.

When the controversial inquiry was sent out for consultation, the majority of respondents criticised the 'double' criminalisation, whereby both buying and selling sex would be illegal. Additionally, two-thirds of the respondents were also opposed to the unilateral criminalisation of clients (Dodillet 2009). The ban's parliamentary proponents allowed the idea to rest for a few years, and when it was eventually presented, it was not introduced as a standalone legislative proposal. Instead, the criminal provision was included in a broader package of laws and measures aimed at combating violence and discrimination against women, known as the Kvinnofrid reform (RP 1997/98:55). The term Kvinnofrid refers to a 13th century law that made raptus (*brudrov*) illegal: that is, abducting a woman to rape or marry her. In the 20th century, the term could be translated as the safety, peace and protection of women. Besides the new anti-prostitution law, the omnibus bill introduced law and policy measures concerning domestic violence, sexual offences, sexual harassment at work, and female genital cutting and mutilation. As political scientist Maud Eduards (2007) has argued, by that time the criminalisation of clients seemed to be one way for the state to support women who were at risk of sexual violence.

This broader context facilitated the passage of the ban on purchasing sexual services, despite the criticisms expressed by official bodies with strong legal ties when the proposal went out for consultation. The National Police Board, National Courts Administration, Chancellor of Justice, and Prosecutor General, along with the National Board of Health and Welfare, all rejected the criminalisation of clients. They argued that criminalising only one party in a mutual agreement could lead to difficulties in enforcement and potential abuse (Dodillet 2009). Yet, the legislative proposal secured a parliamentary majority with support from the Social Democrats, the Left Party, the Green Party, and most members of the Centre Party.

During the 1990s, the Left Party and the Green Party had come out in support of the ban on purchasing sex, but proponents knew that gaining the support of the Social Democrats was essential to secure a parliamentary majority. The party

leadership had repeatedly rejected the demand made by S-kvinnorna, believing it was not the right way to address prostitution. In response, S-kvinnorna strategically sought to gain the annual party congress's support, as positions approved there become the party's official stance and MPs must vote accordingly. They waited until the party accepted the egalitarian proposal that half of the delegates must be women, knowing that meant they only needed a few supportive men to achieve a majority. They lobbied men to speak on the issue to add weight to their cause (Erikson 2011; Östergren 2006). In 1997, S-kvinnorna succeeded in winning the party congress's approval, ensuring its parliamentarians' favourable votes.

The vote on the sex-purchase ban took place on 29 May 1998. Out of all 349 MPs, 181 (52%) voted in favour of the proposal, 92 voted against it, 13 abstained, and 63 were absent (Riksdagens protokoll 1997/98:115).

The multiple forces and actors behind the ban

I propose we understand the recent criminalisation of clients in relation to Sweden's centuries-old repressive and restrictive approaches to the governance of prostitution, rather than as a radical break from previous prostitution policy. Moreover, as Lundqvist (1982) noted, prostitution was the first issue around which the Swedish women's movement organised. So, as Svanström (2006a: 303) has concluded, perceptions that activists and politicians see as unique and innovative can, in a historical perspective, be regarded 'as repetitions of ideas and debates that were conducted much earlier on the issue'.

The ban on sex-purchase was passed because politically active women skilfully and unwaveringly collaborated both within and outside of Parliament, using a combination of ordinary and extraordinary strategies. In addition to the persistence and unusual interventions of the ban's proponents, the discursive efforts of the broader grassroots movements had rendered alternative understandings of commercial sex almost completely unthinkable for Swedes. Prostitution was now seen as a form of male violence, and those who purchased sexual services were perpetrators. There was no way to discuss the issue in terms of work, to suggest that women who sold sexual services might have made their own decisions to do so, or to argue that the industry should be regulated through labour legislation. Moreover, no tangible opposition to the criminalisation of clients arose within or outside Parliament. The MPs who thought the proposal flawed remained silent (Erikson 2011: 139-142) and, apart from a few sex workers

and intellectuals, no protests were heard in the public debate (Dodillet 2009: 418-421; Gould 2001).

This political process exhibits characteristic features of morality politics. The ban was adopted because the legislators gave interpretative precedence and power to the movements aiming to reform individuals engaged in commercial sex, rather than the movements seeking to reform society so sex workers and others engaged in prostitution have access to standard civil rights and obligations. The relationship between the two approaches was adversarial rather than collaborative (Wagenaar 2017), although political positions were not polarised along the conventional right-left lines (Knill et al. 2015). Significantly, the reformers realised that they had to change the framing of the issue in order to persuade others to support their proposal (Meier 1994).

A few analysts, including Josefine Erikson, argue that the ban came about through an 'unlikely series of events involving both institutional anomalies and highly unusual individual interventions', and therefore could not have been adopted either earlier or later (Erikson et al. 2015). One of these anomalies was the shift in the jurisdiction over prostitution in the mid-1990s; from being discussed within the framework of social policy, it became a criminal policy. However, criminal law had long been used to combat prostitution and continued in the ban on procuring. Therefore, the jurisdictional shift is logical because it aligned with existing repressive legislation.

Erikson's understanding draws on political scientist John Kingdon's (2011) conceptual framework. Kingdon asserts that a policy proposal can only be adopted during the brief period when a 'window of opportunity' opens. If those advocating for the idea fail, it can be difficult to muster the energy to fight again, and if the window opens because of a crisis or a 'focusing event' it closes quickly, since crises, by nature, are short-lived. People do not remain outraged over an event indefinitely, Kingdon concludes.

Questions concerning sexuality and other issues of morality politics work differently. The intense social concern, political excitement, and fear expressed in a 'moral panic' persist for longer periods and recur repeatedly. The 'moral reformers' (Hunt 1999) who, like entrepreneurs, fan the flames of morality politics and benefit from the resulting turmoil are not dependent on external incidents; they can open a window of opportunity themselves. 'The issue will return to Parliament every year', as one of the most active women MPs promised

in 1986, ‘until the members understand their responsibility as legislators’ (Riksdagens protokoll 1985/86:130).

These characteristics of morality politics, I believe, relate to the centrality of issues closely connected to the body and their implicit appeal to older religious beliefs and mores. As I observed over the course of two decades, the proponents of repressive measures have an advantage over those challenging preconceived notions of prostitution and advocating for equal treatment under the law.

Two decades with the ban

Since it became illegal to pay for sex in Sweden, parliamentary support for the ban has continued and the policy has become increasingly repressive, yet a dispersed, but growing resistance to it has emerged. These two opposing forces, which aim either to eliminate prostitution and reform those engaged in the trade, or to reform society so individuals in the sector gain access to civil and legal rights, interact both discursively and legally, but not on equal terms. This final section reflects on that dialectical process as it continues to exhibit the features of morality politics.

Increased state repression

Initially several parliamentary parties and members were openly critical of criminalisation. Within a few years, however, opposition in Parliament vanished, and successive governments, regardless of party affiliation, backed the law. Most authorities that expressed scepticism during the consultations leading up to the prohibition also came to support it. Gradually, legislation expanded the scope of the offence and raised the penalties for buying sex and for aggravated procuring. A ban on trafficking for sexual purposes was passed in 2002, which has subsequently been used to combat consensual prostitution as well. In addition to anti-prostitution and anti-trafficking police units in the major cities, specific positions and units tasked with combating the sex trade have been implemented at the national governmental and agency level.

The sex-purchase ban has become a political baton passed from one government to the next, each outdoing its predecessor in promoting anti-prostitution measures and more severe sentences. A brief outline of the policy

history and the events that followed the introduction of the ban illuminates the dynamics involved.

Margareta Winberg, Minister for Gender Equality and Deputy Prime Minister in the 2002 Social Democratic government, joined forces with leading Swedish and international feminist anti-prostitution activists to shape 'opinion for the Swedish legislation' through campaigns, conferences and articles (Winberg 2008: 165). She appointed neo-abolitionist activists to the newly founded ministry in order to work against prostitution. Even the official line was largely in agreement with the radical feminists' views. Prostitution, which in the 1980s and 1990s had been increasingly associated with gender inequality rather than social inequality or emotional problems, was now categorised as male violence against women *per se* (Näringsdepartementet 2004). Gradually, prostitution was equated with human trafficking, and Sweden, like many other countries, made it a criminal offence in the early 2000s (Merry 2016). Resources allocated to combat human trafficking, which was in theory limited to cross-border sex trafficking under duress, were also used to combat the domestic consensual market in sexual services (de Cabo y Moreda and Hall 2021; Vuolajärvi 2019).

The centre-right government switched sides on criminalisation when it took office in 2006. The same parties which had previously thought that government should not attempt to solve social problems with criminal law strengthened Sweden's repressive policy. They launched a comprehensive reform package to target prostitution and human trafficking, including an official inquiry into the sex-purchase ban (SOU 2010:49). Funding earmarked for the judiciary and universities was directed to new projects that investigated how the sex trade could be eliminated, and an existing programme that proclaimed the benefits of Sweden's policy to foreign countries and international groups was expanded. The government launched and funded several anti-prostitution campaigns, along with a special agency placed under the County Administrative Board in Stockholm, The National Task Force against Prostitution and Human Trafficking (NMT) to initiate and coordinate measures against prostitution and trafficking, but also conduct studies and reports and hold conferences (Regeringens skrivelse 2007/8:167). When a proposal was presented to Parliament to increase the minimum sentence for sex-purchasers to one year in prison, only one member, affiliated with the Centre Party, opposed it (Riksdagens protokoll 2010/11: 101).

Whereas support had previously been limited to left-wing parties and individual members of centre and right-wing parties, parliamentary consensus was the order of the day ten years later (see also Svanström 2017a).

The next government, a red–green coalition that held power from 2014 to 2022, was unable to pass a ‘sex-purchase ban 2.0’, which would have criminalised Swedish citizens’ purchase of sexual services in other countries, but it did increase the minimum sentence to one year in prison. The sentences for procuring and human trafficking were also increased (Riksdagsskrivelse 2017/18:303, 2021/22:433). Moreover, the Foreign Minister, Margot Wallström, appointed a special ‘ambassador’ to ‘maintain awareness of the Swedish Sex Purchase Ban both nationally and internationally’ (Regnér and Wallström 2016a, 2016b). The National Task Force was placed under the Swedish Gender Equality Agency when it started in the 2018 and continues to serve as a strategic and operative resource in developing and coordinating government agencies and NGOs that work against prostitution and trafficking.

Emerging criticism and resistance

The opposition is voiced by groups outside Parliament. Although there were almost no public objections from sex workers, intellectuals, academics, and social rights organisations when the ban was introduced, they have been questioning its premises and arguing that the ban has neither reduced the sex trade nor improved the situation for people who sell sex. Significantly, associations of sex workers and their allies organised and expressed their views publicly even though they had been excluded from the debate before its passage. The Rose Alliance, Fuckförbundet, and Red Umbrella Sweden all criticised the ban’s harmful effects on their livelihood, safety, and health and suggested alternative policies while providing concrete support and services to those working in the commercial sex sector.

Other individuals, networks, and groups have various ideological, political, and organisational affiliations. Their engagement stems from liberal, left-libertarian, or queer convictions, and they study or work with health and sexual rights in Sweden and international settings. They have attempted to influence the ban and repressive policy through traditional and social media, political activism, and research, and have undertaken collaborative initiatives to support people in sex work on their own terms, both online and through direct contact.

Some published studies describe and analyse these developments. Yvonne Svanström (2017a) traces the parliamentary process from the ban's enactment in 1999 until 2011, highlighting that prostitution became conflated with trafficking and alternative views were subsumed by neo-abolitionist thought. Josefina Erikson and Oscar Larsson (2022) survey the many arrangements between state and civil society organisations dedicated to combatting prostitution and human trafficking during the period 2009–2019. Existing organisations of sex workers never participated in this supposedly collaborative policymaking and implementation process, although their exclusion is not mentioned; people selling sex only figure as victims.

In this repressive climate, as social work scholars Gabriella Scaramuzzino and Roberto Scaramuzzino (2015, 2019) show, sex workers in Sweden chose not to engage in policy issues at the public domestic level, but rather online and through international networks and organisations. Their examples of supranational conflicts between national membership organisations and their meta organisations, such as UN Women, in the 2010s illustrate the intense pushback sex worker organisations face when they receive funding or ideological support. In his account of sex workers' organisations in Denmark, Norway and Sweden from the 1970s on, historian Jens Rydström (2021) demonstrates that their initiatives in Sweden have been repeatedly blocked and silenced by authorities and politicians and ignored by mainstream media. Gender scholar Lukas Bullock (2023), who examines how the Swedish state has utilised the sex-purchase ban to promote its image as a moral and humanitarian state between 2004 and 2020, contends that this campaign depends on sidelining critical research and the voices of sex workers.

An uneven battle

The distinctive features of morality politics return in the developments since the introduction of the sex-purchase ban, as does its inherently unequal dialectical process.

Deputy Minister Winberg joined with the anti-prostitution activists when the policy agenda and rhetoric was decided, while sex workers and their expressed interests have been omitted from decision-making processes through direct exclusion and pushback. The repressive policy, characterised by an 'insatiable hunger' for more prohibitions and harsher penalties (Wagenaar et al. 2017), is

maintained and reinforced through a strategic framing of prostitution that associates and, indeed, equates it with trafficking. As shown in previous chapters, empirical knowledge about the ban's actual impact on those selling sex is either limited or deemed irrelevant by policymakers, exhibiting the fact-resistance that characterises morality politics.

Other examples include the Social Democrats' rejection of all demands to evaluate the ban, saying it would be as absurd as evaluating (and thus questioning) the law against rape (Sahlin 2004). When an official state evaluation (SOU 2010:49) was conducted under the next centre-right government and presented at a press conference, the rapporteur, Chancellor of Justice Anna Skarhed, concluded that the prohibition had been successful and that sex purchasers should face harsher penalties. When asked how she felt about reaching these conclusions, she responded that she was not surprised as they were 'self-evident' and aligned with the objectives of the inquiry. The crucial aspect of the investigation had been 'to gather the necessary evidence to draw these conclusions' (Skarhed 2010).

But we also see that this repressive policy carries within it the seeds of resistance. In the preface, I mentioned that my interest in studying prostitution policy was sparked by what I perceived to be strange and unjust: that policymakers seemed uninterested in involving sex workers in the political process and unconcerned about the law's negative impact on them. I share this concern with many other observers who have engaged in research and politics since then. Repressive policies generate engagement and protest from others beyond those directly affected, which in turn creates a need for more and harsher repressive measures.

That power and resistance go hand in hand is nothing new, but in morality politics, this spiral of never-ending conflict is inevitable. Individuals targeted by paternalistic policies feel offended and worried, while those not directly targeted can also object to these policies' intrusion into private lives and their negative effects. When a paternalistic policy fails to achieve its desired effects, its proponents react by attempting to impose further prohibitions and punishments, which are also doomed to failure and opposition. Hence, 'consensual crimes' such as prostitution, drug use, and abortion generate particularly fierce, never-ending conflicts, not only because they involve core values but also because resolving them is inherently impossible, leading to an escalating emotional spiral. Moreover, the moral-political struggle is fought on unequal terms.

This unequal dialectical process is manifest in the continuous struggle around the framing of prostitution, as politicians does not allow the sale of sex to be

discursively equated with work. In response to sex workers' demands that sex work be recognised as a legal occupation by the UN, the government's equality minister, Åsa Regnér (a Social Democrat) replied that 'the Swedish view' on prostitution is that it is always exploitation and should never be thought of as a normal job (Socialdepartementet 2017). Together with the special ambassador against trafficking and prostitution, Regnér and Wallström have warned Sweden that criminal networks 'engaging in aggressive lobbying' advocate for the term sex work rather than prostitution, aiming to normalise and legalise prostitution and human trafficking. Therefore, it is crucial that Sweden counter this shift in terminology, as the fundamental issue concerns the 'ruthless exploitation of women and girls' by the men who buy them (Regnér et al. 2016).

These political statements, however, are inconsistent with the legal understanding of prostitution. As I discuss in Article IV, according to fiscal regulation and praxis, the sale of sex is considered an income-generating activity and sex workers must pay taxes on their earnings. This discrepancy exemplifies not only the importance and struggles of framing in morality politics, but also one of the ban's political-legal contradictions.

Another manifestation of the continuous dialectical process concerns the responses when authorities are confronted with facts that does not fit the official stance on prostitution and the sex-purchase ban.

The 2010 official state evaluation of the ban included a few responses from a short survey where sex workers said they felt that the stigma against them had increased, they felt hunted by the police, and they felt they were 'declared legally incompetent (*omyndigförklarade*) because their actions were tolerated but their wishes and choices were not respected' (SOU 2010:49, 129). According to the rapporteur, Chancellor of Justice Skarhed, the 'negative effects of the ban they describe must be viewed as a positive from the perspective that the purpose of the ban is indeed to combat prostitution' (SOU 2010:49, 130). On another other occasion, when the Chancellor was to present 'the ban and its merits' during a visit to the Pope together with the Swedish queen and other prominent guests, she turned to the chief of the task force and the special rapporteur against trafficking asking for 'new facts' and statistics. Yet, she insisted in writing, she was determined to say that the ban had led to a 'significant decrease' in prostitution, and hence trafficking, 'regardless of the latest reports'.²³ The reports the

²³ A. Skarhed, personal communication to P. Cederlöf and K. Wahlberg, 20 April 2015.

Chancellor referred to, which had been commissioned by RFSU (Holmström 2015) and the National Task Force Against Prostitution and Trafficking (Mujaj and Netscher 2015), concluded that it was not possible to substantiate a reduction in the sex trade. Later the same year, Amnesty International voted to back decriminalisation of prostitution. From the organisation's research on different policy settings, such as Norway where the purchase of sex is illegal, it concluded that all forms of criminalisation harm sex workers (Amnesty International 2015, 2016b). In response, Foreign Minister Wallström tweeted that she could not understand why Amnesty International wished to 'support the legalisation of commercial sexual exploitation' and invited the human rights group to instead come to Sweden to learn from their system (*The Local* 2015; *Världen Idag* 2015), an example of both reframing and fact-resistance.

While we can understand this rebuttal of research as the feature of fact-resistance stemming from the symbolic importance of repressive morality politics, I want to draw attention to how these events demonstrate the unequal terms of the political, dialectical battle, and the historical roots of these politics, which is far from symbolic.

The proponents of repressive measures have access to and are ensconced in the highest offices in the Swedish state, while those challenging preconceived notions of prostitution and advocating for equal treatment under the law are blocked from this power and recognition. But, as the articles that follow demonstrate, this imbalance of power of power goes beyond discourse and access to political arenas. The extensive legal framework directed at the sex trade negatively affects all parties engaged in the sector, and these repressive measures are legally justified for precisely that reason.

In spite of the fact that the person who sells sex is not the direct subject of the sex-purchase ban, a close scrutiny of how the ban relates to general legal principles and rules according to the source of law demonstrate that sex workers are cast in multiple roles, as consenting individuals, victims, criminals, workers and witnesses (see Article IV). While the anti-prostitution policy expresses an exclusionary logic whereby individuals are precluded from civic membership based on their occupation, the malleable and multilayered legal status of sex workers can serve as a form of strategic ambivalence. This leeway, I suggest, provides the authorities with means to block every instance where sex workers' legal standing approaches that of other citizens, or whenever sex workers challenge the system to attain equal status. Moreover, the sense of being declared 'legally incompetent', as sex workers

reported in the inquiry into the ban and in other interview-based studies (see Edlund and Jakobsson 2015: 123; Östergren 2006: 227) is paralleled by the legal understanding that, by criminalising consensual sex-purchase, sellers of sex as a collective are stripped of their self-determination and bodily autonomy (Asp and Ulväng 2007: 29-30; Lernestedt 2010: 476). In short, if sex workers have a sense of being declared legally incompetent, it is because they are.

Historically, this is not new to women, sex workers, and other groups seen as deviants. As seen in the historical overview, women who sold sex were exempt from legal certainty, as they did not have legal status as workers, were subjected to repressive laws, and could be involuntary detained with no right to appeal. The situation has obvious historical parallels to all women's legal position: not being allowed to own or control property or to vote, being barred from specific jobs and occupations, and being unprotected from rape by the husband. Ironically, the 13th century *Kvinnofrid* law, whose name was applied to the reform that included the sex-purchase ban, did not respect the will and bodily autonomy of women either. The crime of 'raptus' meant both the abduction of a woman against her will, where a man kidnapped a woman whom he then forced into marriage or subjected to rape, and abduction with the woman's consent, where the woman willingly allowed herself to be taken away to elope with the man and marry him.

Morality politics, rooted in religious notions of sin and impurity, is applied to subjects who are already stigmatised or marginalised, and the political struggle is not conducted on equal terms. As the development of the two decades after the introduction of the Swedish sex-purchase ban shows, morality politics can also create new stigmatised subjects who come to occupy an uncertain legal position. Moreover, this process seems to trigger societal demands for outdated punishments guided by shame and disgust, feelings that philosopher Martha Nussbaum (2004) warns are alien to liberal criminal law.

Some legislators and authorities regard the current legal penalties directed at the clients of sex workers as inadequate and argue that men who purchase sex should also face social condemnation. In 2010, the then-Minister of Justice, Beatrice Ask of the Moderate Party, reacted strongly upon learning that the police were sending notification letters to men suspected of sex-purchase to their workplaces rather than their homes. Developed over the decade following the implementation of the ban, this practice was intended to decrease the risk that the men's family members would discover these charges. Ask criticised this approach as overly lenient, insisting instead that the notifications should be dispatched

directly to the suspects' homes in order to maximise the social repercussions by exposing the allegations to wives, children, and neighbours. It would be like 'being shamed in the town square', she said. For maximum impact, the Minister of Justice proposed that these notifications be delivered in a bright purple envelope (*Aftonbladet* TV 2010).

This latter proposal ignited political protests, compelling Ask to retract her statement (Sveriges Radio 2010), as it is contrary to the principle that a person accused of a crime should be presumed innocent until proven guilty. Yet, this incident did not precipitate any reflection on why men who are merely suspected – or even those who are convicted – of purchasing sexual services should face such profound stigmatisation, sometimes being compelled to leave their homes and workplaces when the charge has come to public attention in the media. Likewise, there is a lack of societal indignation in response to reports of men who purchase sex being subjected to extortion or violence. Rather, the practice of social branding is implicitly endorsed in both political and public arenas.

For instance, on Police Officer Simon Häggström's Facebook page, his posts concerning clients frequently garner several hundred likes and comments, many of which applaud his efforts and express sentiments like 'filthy animals, throw away the key,' accompanied by angry emojis (Anonymous 2015). When the police shifted their policy to send notifications to suspects' homes, Häggström posted a screenshot of a message from a man lamenting the severe consequences of this decision: his wife had left him, and his life was in ruins. Among the responses was a comment from a former police officer who served as an adviser to the National Board of Health and Welfare and at the time was vice chairman of the anti-child trafficking organisation ECPAT. She expressed gratitude to Häggström for 'ruining the sex buyer's life' and congratulated him on a job well done (Dahlström-Lannes 2015).

This mix of criminal legal penalties and social condemnation directed at men who purchase sex has far-reaching implications. Alternative understandings of purchasing sex are rendered incomprehensible, and solidarity with those who buy sexual services becomes emotionally and politically challenging. Those who buy and those who sell sex suffer from a shared stigma. But while sex workers can be regarded as victims of men, men who buy sex are more often imagined as responsible for the degradation and violation of women. Support for imprisoning them and shaming them publicly can all too easily shade into dehumanisation.

During a 2016 conference organised by the Task Force Against Prostitution and Trafficking, all speakers voiced support for the Swedish model. But a Norwegian international prosecutor introduced a contentious issue: what approach should be taken in regard to sharing information with countries where men accused of buying sex could be subject to the death penalty? While most participants, who were mainly professionals from various authorities, appeared to consider this question carefully, a woman seated behind me openly exclaimed, 'Go for it!' When I asked whether she genuinely believed that men who purchase sex should be executed, she responded with a nonchalant shrug, briefly glancing at the ceiling, perhaps mildly embarrassed, but still as if to say, 'Well, why not?' or 'Why should we care?'

6. The articles

7. Conclusions: Toward an anthropological theory of morality politics

What sort of criminal offence is the Swedish ban on purchasing sex? What do its internal contradictions reveal? What do its peculiar features tell us about law and society in contemporary liberal democracies?

Anthropologists are particularly interested in the inconsistencies and gaps between the dominant ideologies and principles of a society and the common practices of its members. Rather than considering these contradictions mainly as problems to be resolved, ethnographers explore what they tell us about the dilemmas that arise in society and the issues that remain troubling, which are often more useful clues to their fundamental dynamics than what everyone agrees with and carries out unquestioningly. Understanding worldviews and moral universes is therefore an anthropologist's task. So is avoiding uncritically adopting their subjects' views: in the case of the sex-purchase ban, the government's and majority society's description of reality.

In this thesis, instead of assuming the ban represented an entirely new form of criminal legislation, I examined similar laws targeting the prostitution sector in other liberal democracies and analysed the offence within its policy context. I identified laws that criminalise only the actions of clients of sex workers but not those who sell sex and categorised the Swedish policy as repressive, with the objective of eradicating the sex trade. This policy contrasts with both the restrictive model, which permits the trade under strictly limited conditions, and the integrative model, which incorporates the prostitution sector and its participants within the legal frameworks governing other service industries.

I then sought to understand the political conflicts and contradictions surrounding the ban, its inherent legal problems, and the strong emotions present

in the field. These peculiarities were made comprehensible through the conceptual framework of morality politics. Using my typology, legal understandings of moral legislation, and ethnographic observations, I then refined the concept, arguing that morality politics encompasses practices related to the body that are traditionally perceived as sinful such as commercial sex, as well as those related to homosexuality, abortion, drug use and gambling.

My refined definition of morality politics rests on two pillars, substantive issues and their governance, both of which consist of several elements. Firstly, it deals with political issues concerning what adults wish to do with their sexuality, reproduction, and their own death, as well as how they choose to enjoy themselves and what society is willing to permit them to do. These issues are also marked by intense fears, as these matters can be perceived as posing an existential threat to society. Furthermore, these issues and their perceived dangers are deeply rooted in religious notions of sin and impurity. Secondly, these issues are defined by how they are governed. They are typically addressed by the three distinct policy models, where society may attempt to completely eliminate the phenomenon, permit it under strict conditions, or integrate it. This governance, which can fluctuate over time, is not driven by conventional partisan or ideological logic, but rather by whether society seeks to reform the individuals engaging in these undesirable, 'sinful' behaviours, or to reform societal structures so that these activities can be conducted safely and securely. When these actions are made illegal in a liberal democracy such as Sweden, they represent a paradoxical type of crime, since both parties to the interaction consent to the act.

By analysing the ambiguous legal status of sex workers in Sweden and comparing it to the integrative prostitution policy in New Zealand, I demonstrate that a malleable rather than consistent status can serve as a form of strategic ambivalence that allows authorities to vary their practices in ways that are politically useful, seeming to protect sex workers while actually surveilling, controlling and punishing them. This outcome is a continuation of the exclusionary logic inherent in repressive prostitution regimes. Finally, I have suggested that the way a country regulates issues of morality politics is linked to contemporary notions of what the majority society considers to constitute a 'modern' and 'civilised' nation, where certain individuals who engage in 'sinful' behaviour are regarded as either belonging or as unfit to belong to the nation-as-family.

The multisited method I have used enabled me to trace the offence through the four domains of law, discourse, implementation, and impact. I have placed

particular emphasis on the legal domain. Methodologically, this thesis contributes to socio-legal studies, both within and beyond anthropology, by emphasising the importance of the ‘law on the books’ as well as its enforcement. Scrutiny of how an offence relates to general legal principles and rules according to the source of law reveals not only how the wording influences police practices, but also underlying political-legal and intra-legal contradictions, providing rich data to be analysed.

In this concluding chapter, I discuss the scholarly reception of my work, how the thesis advances the study of prostitution policy, and directions for future research and conceptual development.

Acceptance and critiques of this project

In an extensive literature review, Cecilia Benoit, Michaela Smith, Mikael Jansson, Priscilla Healey and Doug Magnuson (2018b: 1905) adopted the typology when they evaluated the impact of prostitution policies across and within countries, examining ‘which responses are most effective in reducing the social exclusion of sex workers in societal institutions and everyday practices’. In a broad, comparative study of third sector organisations operating in the field of sex work and prostitution in Africa, the Americas and Europe, Isabelle Crowhurst, Susan Dewey and Chimaraoke Izugbara (2021) make use of the typology in order to understand the scope and reach of these organisations. The typology and my 4-i assessment protocol (examining a policy’s intentions, instruments, implementation, and impact) have also been used to examine and analyse prostitution law and policy in individual countries, including Poland (Ratecka 2023), Senegal (Foley 2018), and New Zealand (Rottier 2018) (see also Armstrong and G. Abel 2020; Oliveira et al. 2023; Mai et al. 2021; Weitzer 2022).

Not everyone has found the typology satisfying. In an analysis of the 2019 Israeli ‘End demand law’, legal scholars Inga Thiemann and Hila Shamir (2022) argue that in order to capture the dynamics of changing prostitution policies, there is a need for a fourth category, that of ‘permissive’ policies that sit between the restrictive and integrative. In Israel, the policy toward sex work shifted from restrictive on the books and permissive in action, to repressive on the books and mostly restrictive in action. Moreover, they believe that the German policy I

describe as restrictive with integrative elements is better characterised as ‘permissive’, partly because the policy assumes a multifaceted, rather than a negative understanding of commercial sex.

As Article II makes clear, the three categories I introduced are to be understood as ‘ideal types’ in the Weberian sense: a type is an empirical entity but does not exist in its conceptual purity since real-life conditions corrupt and transform it (see K.D. Bailey 1994). Moreover, given the many changes policies undergo, we can only assess a country’s policy regime at a particular time and place, such as in a city or neighbourhood, because these regimes are dynamic, moving in cycles or zigzagging. In some cases, restrictive or repressive regulations are not enforced, or an absence of governing results in a ‘laissez-faire’ situation at the local level. Hence, while Thielmann and Shamir regard the typology I proposed as inadequate, it does address situations they term permissive.

The typology has also been critiqued by May-Len Skilbrei (personal communication, 23 November 2023), arguing that the typology assumes what is to be proven, as I chose three countries whose policies fall neatly into the three categories I then treat as types. She also objected to what she saw as a personal bias in categorisation and terminology; classifying Sweden as a predominantly repressive policy mirrored my own preference for an integrative policy which is defined as the ‘best practice’.

I have already touched upon one aspect of Skilbrei’s objection, and it is also discussed in the article: no national policy falls neatly into a single type. Germany is predominantly restrictive, but local policies and practices also have integrative and repressive elements. Sweden is predominantly repressive with some restrictive elements, but other elements are integrative, as sex workers are required to pay taxes and can access the social security system under some conditions. The integrative policy in New Zealand does not include immigrant and non-citizen sex workers and allows for restrictive local ordinances.

The other parts of the critique require a more thorough response, as the discussions are not included in the articles (but see the working paper and policy brief, Östergren 2017a; 2017b).

The three countries were chosen for the comparative DemandAT study since they were identified as having different approaches to the issue of ‘demand’ and prostitution. The empirical data that forms the basis of the tripartite typology not only includes information gathered in the study, but is also drawn from my previous work on Swedish prostitution policy as well as ethnographically

informed studies from several countries (Dewey et al. 2015; Dewey and Kelly 2011; Doezeema and Kampadoo 1998; Gangoli and Westmarland 2006; Kempadoo et al. 2015; Kotiswaran 2011; Outshoorn 2004; Weitzer 2012). Moreover, the typology was formed on the basis on available theoretical approaches to sex work and policy analysis generally, including the ‘anthropology of policy’ (Shore and Wright 1997; Shore et al. 2011).

Let me expand on the comparative DemandAT study, which demonstrates the depth of this data. The study analysed existing research on legislation, its implementation and its effects as documented in English and Swedish. The German partner in DemandAT contributed information from publications in German. Furthermore, expert and stakeholder interviews were conducted in two cities in each country to gain additional insights into the national debates and regulations that would have escaped our attention if we had relied entirely on written sources. Local actors provided their own observations and interpretations related to their contexts of practice. This local knowledge provided access to nuanced, contextual and site-specific aspects of policy.

A combination of different approaches was chosen since it allows for an understanding of policy texts as well as how local actors interpret them (Yanow 2000). In each country, we conducted interviews in the capital and another city with a relatively large population, under the assumption that local conditions could generate different interpretations: in New Zealand, Wellington and Auckland; in Germany, Berlin and Cologne, situated in different states with distinctively different implementation practices; and in Sweden, the capital and Malmö, which in contrast to Stockholm is known for adopting ‘unconventional’ methods’ emphasising harm reduction.

Following Ronald Weitzer (2015), we chose an approach with a few cases that facilitates in-depth analysis, outlining major similarities and differences and identifying best practices. Interviews were semi-structured, focusing on general questions as well as specific questions relevant to each context. They were recorded and later transcribed.²⁴ Interviews were conducted with representatives of NGOs focusing on topics such as sex workers’ rights, sexual health, trafficking in human beings or political lobbying, as well as with social workers, authorities and government officials, researchers, and other interest groups.

²⁴ Isabelle Johansson was in charge of conducting and transcribing the interviews.

The comparative three-country study provided nuanced, in-depth data, as did ethnographic studies from several other countries. Moreover, I went to great lengths to find a terminology that mirrored the intent of the policy, not personal or political values, which I discuss in Chapter 1.

Articles III and IV have not been published, but other scholars have reviewed and commented on both. While I plan to make revisions in response to the questions these reviewers raised, they offered positive evaluations of both draft articles. A commentator on Article III said it is positioned to make a theoretical contribution to anthropology by proposing an analytical framework for morality politics. This conceptualisation facilitates the comparative examination of how diverse social actors become engaged in defining a societal problem, advocating for either 'moral reform' or 'justice' approaches, which emphasise either changing individuals' behaviour to conform to social norms (which may be accepted, ignored, or disputed) or ensuring that marginalised groups enjoy the same rights as other citizens. The ever-shifting balances and boundaries between those two approaches complicate effective policy making. Finally, the commentator agreed that my refined concept of morality politics contributes to an underdeveloped field in anthropology and suggests a range of future studies.

A reviewer of Article IV found the analysis of sex workers' ambivalent legal status in Sweden persuasive and thought it posed fascinating questions about how policymakers and politicians might approach the law concerning sex work in terms of a moral system centred on imagined familial relationships, which would be a clear contribution to the anthropological literature. As the 'nation-as-family' metaphor is underdeveloped, it was suggested that I draw on the broad and varied anthropological literature discussing the relationship between morality, family and politics, including the dynamic interaction between personal and national identities that are mediated by gender, class, and region.

These comments and suggestions are in line with how I envision the findings of this thesis could be developed in regard to the governance of prostitution and extended to other contentious issues that include sexual and other behaviours related to the body which carry a high emotional charge and are traditionally perceived as sinful.

Contributions and further research

This thesis advances the study of prostitution policy by situating and analysing the much-debated Swedish sex-purchase ban within a broader policy context, and through a focused intra-legal approach. Because the study refines the classification of prostitution policies, clarifying how a country or city regulates the sector, it contributes to comparative studies and makes it possible to discuss the opportunities available for sex workers to work safely in different legal environments.

By ‘studying through’ the policy with an emphasis on legal sources, the thesis offers an analysis of the contradictory legal status of sex workers in repressive policy regimes such as Sweden’s and demonstrates that this ambivalence can be understood as a legal measure for maintaining a historically entrenched social and sexual hierarchy in which women who sell sex are excluded from or marginalised by the dominant society. This analysis makes an empirical contribution to studies on the governance of commercial sex, most of which are based on interviews with sex workers and policy and discourse analyses.

The thesis links the governance of prostitution to the regulation of other moral-political issues, such as drugs, abortion, homosexuality, and gambling. By refining the definition of morality politics, based on its substantive and processual characteristics, this framework establishes a foundation for studying and understanding the peculiarities of the governance of prostitution in a more comprehensive context. The refinement of the concept enables studies of policies on drugs, abortion, and so forth to be more clearly linked to issues of prostitution. Research on morality politics benefits from being grounded in a long-term, multisited study of a specific law. As the previous chapters and articles have demonstrated, this conceptual contribution advances the empirical and theoretical basis on which to consider new questions as well. Approaching these issues as a cluster transforms the research question, such as why certain behaviours are met with repression and others are integrated into the societal and legal framework.

Finally, through the development of the concept of ‘consensual crimes’ and the classificatory typology of repressive, restrictive, and integrative policies, in conjunction with the application of previous concepts and understandings of paternalistic legislation, morality laws, moral reform movements, exclusionary regimes, and strategic ambivalence, this thesis lays a sturdy foundation for an

anthropological theory of morality politics. It proceeds with an anthropological methodology, rather than merely an empirical study, and its key concepts are based on anthropological theory, which is distinguished by its concern with all those involved in a complex, deeply contested issue. In many ways, these opposing parties do not directly engage with each other. Instead, they act out an impasse that suggests the unresolved dilemmas in their society.

My findings point toward several research paths that would extend or deepen insights into this field. How can we explain and understand morality politics? How does it function? What are its origins, and what drives it today?

Historically, morality politics is rooted in religious notions of sin, but it is enacted in contemporary liberal democracies that are at least in principle based on individual rights and whose laws and justice systems are secular. Kenneth Meier called it a 'politics of sin', but I have set that idea aside because, although it is well-known in the field, it does not tell us why some taboos continue to exist when they are no longer reinforced by an established religion. At the same time, the idea that fundamental conflicts between religion and the polity are inevitable in all liberal societies, as suggested by Julia Mourão Permoser (2019) seems a dubious generalisation. Some contested issues are readily resolved, while others are endlessly played out in morality politics. Still, the legacy of religious beliefs and practices is evident in the tensions and controversies, prohibitions and counterforces that surround certain values and behaviours. What makes these lines of conflict within communities so universal and irresolvable?

A development could expand its empirical basis through ethnographic research and formulate a theory that extends beyond contemporary liberal democracies. Such a study would need to be grounded in legal history and linked to the rich array of anthropological studies on morality and politics, citizenship, feminism, body politics, and kinship. It would also be comparative and multisited in its methodology, as well multidisciplinary in its approach.

One potential avenue for further research is the relationship between morality politics and the 'family-as-nation' concept. In Article IV, I note this connection, but as the reviewers commented, it is not fully developed. Here, engagement with historical works is crucial. As studies of global anti-vice politics in the decades before and after the turn of the last century show, issues closely related to the body have served as a particularly strong foundation for national modernisation projects both in and outside of Western contexts. In fact, there has been substantial cross-collaboration between activists in different parts of the world. These repressive

politics target not only commercial sex but also tobacco and alcohol, while advocating for health and purity in terms of their respective religious and philosophical ideologies (Pliley et al. 2016). Moreover, recent work shows that American social reformers and the US government conducted a 'war on sexual vice', criminalising prostitution and restricting migration in the same period, and this political view was used to justify American inventions around the world (Payne 2024). What makes the issues of morality politics so appealing for various national modernisation projects?

There is more to explore here, such as the relationship between imagining women who sell sex as daughters and other kinswomen who belong to the nation-as-family and imagining them as working women who are active in the market economy and civil society and therefore should be equal members. This project might fit in the field of feminist citizenship studies that have developed and modified the British historical sociologist T.H. Marshall's schema, contending that for women there is no 'natural' or historical progression from any one form of rights to the rest, that is, equal membership in the welfare state. Emphasising the varied disparities that exist within and among nations/societies, historians analyse different ways that welfare benefits include women, for example as wives of working men and mothers of children (as in France, see Frader 2008) or as gainfully employed individuals (as in Sweden, see Kessler-Harris 2001, 2014).

Differences in family rhetoric also offer a lot to unpack. Politicians in New Zealand refer to multiple family members, while in Sweden only 'daughter' is mentioned. Does that reflect a successful strategy by the New Zealand sex workers' movement to humanise those who sell sex? Or is it merely a rhetorical move for proponents of repressive policies, while for politicians in smaller communities, where it is clearer that these individuals are, in fact, family members, it becomes a more pragmatic concern?

Importantly, how can these global historical perspectives and nuanced gendered approaches contribute to general understandings of the functions and workings of morality politics? Anthropologists have offered remarkable insights into how, especially at times of perceived threat, the female body and its orifices are symbolically 'sealed', as if women embody the community or nation. Analyses of 'embodying morality' and 'gendered morality of care' (H. Rydström 2003, 2009, 2023), which refer to women's sense of themselves and others' perceptions of them, might also generate a fruitful theoretical discussion of the linkages between my framework and works on gender, sexuality, and the body in socioeconomic crises,

and protracted, irresolvable political conflicts. Ethnographers in both sociology and anthropology have also conducted a wealth of studies examining the processes of excluding and/or including social outliers, such as homosexuals and drug users, not to mention those analysing how states and their majority societies handle ethnic minority groups. Recent studies that examine the often overlapping rights-based struggles undertaken by gay activists, transgender groups and sex workers provide insights into how marginalised groups appeal to the state for legal recognition and the state's response (Lakkimsetti 2020), as well as how 'catastrophic crises' such as AIDS can make a state consider the claims of these citizens and confront its fraught legacies of regulating sexuality (Vijayakumar 2021).

Moreover, we need to consider what determines the different directions governments take on these issues. How do other forces beyond single nations, such as the position of nation-states as they are affected by globalisation, competition, and comparison with other countries, determine the shifting of these boundaries? What micro factors lend morality politics such special intensity, beyond those inherent in most polities, societies, and cultures, which after all are never homogeneous or entirely free of internal contradictions and conundrums? The thesis has shown that the decisive factor for policy is whether legislators listen to reformers or rights movements and that framing is essential. It has also suggested that this depends on the majority society's perceptions of what and who are included in the social community. And, as I have argued, paternalistic policies create a cycle of power and resistance, particularly when they concern what consenting adults choose to do with their bodies – actions that may be perceived as pleasurable or necessary. These issues' roots in older, religious notions of sin and moral transgression set the scene for an inherently unequal dialectical process. But not all moral-political struggles are similar. What about issues such as gambling and lotteries, which are not directly related to the body and might not stir objections and political engagement among those who are not directly targeted? For instance, when gambling policy is called into question and shifts to normalise this commercial activity, the business sector is the primary critic of repressive or restrictive policies. When the contest is not between gamblers and their allies on one hand and the state and those who condemn games of chance on the other, but pits business interests against the regulatory state, is the political battle fought on more equal terms? And, if so, what role, if any, do consumers play? Similar questions can be asked when considering changes in policies targeting recreational drugs.

Since laws designed to repress prostitution, such as the ban on purchasing sex, are transformations of crimes of vice, I am curious about the political-legal process that has either turned these and other offences that are based on consent into crimes against 'public order' or removed them from criminal law altogether. How is this process connected to changing perceptions of what constitutes a good society and who is considered to fit within its boundaries?

One possible research project could select several issues that have evolved in different directions in Sweden and compare their political-legal development. The study could include familiar issues, such as abortion, drugs, gambling, and homosexuality, but also more recent and newly emerging issues, such as transgender identities, assisted dying, surrogacy, and cousin marriages. In essence, this study would trace the evolution of morality offences in penal law from the mid-18th century to the present, examining their governance and the justifications behind these shifts. What social movements were involved, what changes did they demand, and how did they argue their positions? How did politicians respond? Examining how these conflicts and changes affected the law, it would ask what legislative changes occurred and how they were justified by legislators and policymakers. What kinds of congruences and inconsistencies did these changes create within legal principles and reasoning? Did the various legal authorities have any influence on the formulation of new regulations on these issues? Why or why not?

Furthermore, we could investigate whether the axioms Gayle Rubin identified in discourses on sexuality are present in other issues of morality politics. For example, can 'sex negativity', which condemns all forms of non-normative sexual behaviour by focusing on the most extreme cases, be discerned in the discourses around abortion and same-sex relations? The 'domino theory of sexual peril', the idea that accepting something that in itself seems harmless can undermine other moral constraints on sexual behaviour and lead to disorder, is evident in the Swedish debates about the sex-purchase ban. A similar logic, which requires strict boundaries between acceptable activities and those which threaten social order, is clearly recognisable in the Swedish drug debates. Allowing cannabis will inevitably lead to Sweden being flooded with harmful drugs like heroin, some allege. If these patterns are found in laws that concern both sexual and non-sexual behaviour, then what is the link between these axioms and the basis of morality politics?

Regardless of the directions and dimensions of such a study, the political-legal process of constructing (and deconstructing) the offender, or rather the criminal

act, in these contemporary consensual crimes needs to be examined. So do the civic and legal status of newly defined perpetrators and the implications of the offence for those individuals. I did not address this aspect of the ban in my thesis; in fact, given that all research studies are constrained by time, available resources, and opportunities to conduct original research on difficult subjects, I did not investigate how the sex-purchase ban and political discourse target men who buy or attempt to buy sexual services and its ramifications in and out of court. Yet it is clear that, as in the case of sex workers, the Swedish discourse and policy directed at their clients is multifaceted and malleable (see Olsson 2021). Legally, they are viewed as perpetrators, but in political discourse they are also portrayed as victims of a structure that makes them unable to form loving, long-term, and monogamous relationships, as suffering from their own sex addiction, or as having failed to make the 'right choices'. Perspectives that see them as victims of society or of their own personal weaknesses are evident in information campaigns aimed at men who purchase sex and in specialised client therapy programmes provided by social services.

Like studies of prostitution, social science research on clients in Sweden tends to focus on the experiences and meanings of purchasing sex (Grönvall 2024; Johansson forthcoming). Again, it is Don Kulick (2005a) who has analysed the discursive process that justifies state interventions into people's sexuality. He argues that pathologisation paved the way for demonisation and criminalisation, indicative of a transformation of the governance and significance of sexuality. In this process, men who purchase sex have replaced the figure of the 'sodomite' in Swedish discourse, representing the negative figure with whom the good, egalitarian man can be contrasted. As this discursive framework mirrors that which surrounded homosexuality, Kulick calls for an analysis that departs from the process that renders clients as problems. I want to endorse his recommendation and emphasise the importance of turning to the law, its formulations, implications and guiding logic when examining and assessing this process as it has implications not only for those targeted, but also for the very premises of liberal law.

In his work, Claes Lernestedt (2004, 2010) sees the sex-purchase ban as an example of a problematic shift in Swedish criminal law, where liberal legal principles of consent, freedom and tolerance are replaced by societal thinking about voluntariness as determined by gendered and structural oppressive forces.

In the case of the sex-purchase ban, the individual sex buyer is punished for a structural crime committed by men as a collective.

Here, it is worth considering the work by Martha Nussbaum (2004) on the role of emotions in criminal law. Legal culture, Nussbaum argues, reflects the 'political psychology' of the liberal regime. For social institutions to be accepted, they must be supported by the psychology of the citizens. While acknowledging that emotions like anger can be reasonable responses to genuine harm, she contends that disgust and shame, which are rooted in irrational fears of contamination and unrealistic ideals of purity, are unsuitable for guiding public policy and criminal law (2004: 336-337). For societies that aim to create equality and respect among people, these feelings are destructive and provide poor guidance. These emotions matter to those who experience them but should not form the basis of criminal law. It damages the entire society when groups such as homosexuals or Jews are turned into embodiments of the dominant social group's fears and revulsions of those they do not accept as fellow citizens. These emotions create opportunities for discrimination and stigmatisation, argues Nussbaum, resulting in precisely the problems John Stuart Mill diagnosed in *On Liberty*: the tyranny of the 'normal' over the unusual, the devastating effects that laws enforcing dominant social norms have on the lives of those who refuse to conform.

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