

## **Sex in the New Europe : The Criminalization of Clients and Swedish Fear Penetration**

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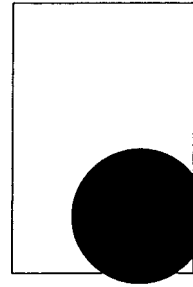
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# Sex in the new Europe

## The criminalization of clients and Swedish fear of penetration

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### Abstract

This article is a critical discussion of the 1998 Swedish law that made it a crime to purchase or attempt to purchase 'a temporary sexual relationship'. It discusses the cultural context in which the law was proposed and passed, and it reviews newspaper articles and government commissioned reports that assess the effects of the law. The point of the article is to argue that the law is about much more than its overt referent 'prostitution'. Instead, the argument is made that the law is a response to Sweden's entry into the EU. For a variety of reasons, anxiety about Sweden's position in the EU is articulated through anxiety about prostitution. The Swedish case is one where we can see that sexuality is one site where boundaries and roles in the new Europe are being imagined and negotiated.

### Key Words

clients • EU • prostitution • sexuality • Sweden

'Sweden is going through an identity crisis these days which has become acute with our entry into the EU'.

Dag Sebastian Ahlander in the journal *Moderna Tider* (1997)

'Prostitution doesn't belong in our country' (*Prostitution hör inte hemma i vårt land*).  
 Minister for Gender Equality, Ulrika Messing (1997)<sup>1</sup>

On 29 May 1998, the Swedish Parliament passed a law that made it a crime to purchase or attempt to purchase 'a temporary sexual relationship' (*tillfällig sexuell förbindelse*). This law was the culmination of nearly a decade of work by feminist groups and center/left politicians to convince lawmakers that they should 'send a message' that 'society' does not accept prostitution. But it was also a law that flies in the face of increasingly non-punitive approaches to prostitution that have been gaining ground in other European countries. At the same time that Sweden was criminalizing the clients of prostitutes, Italy

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was debating whether or not to repeal a 1958 law which prohibited bordellos,<sup>2</sup> Denmark decriminalized prostitution, Norway was abandoning its decades-old policy of trying to 'rehabilitate' prostitutes, and was encouraging them to organize,<sup>3</sup> and the Netherlands and Germany were taking the truly radical step of placing the regulation of prostitution under labor law, instead of criminal law.

In passing a law that criminalized clients, Sweden made a decisive move from an *abolitionist* legislative model (i.e. a legal system that holds that prostitution in itself is not an offence, but the exploitation of the prostitution of others is; thus any third party recruiting, profiting from, or organizing prostitutes is penalized) towards a *prohibitionist* model that criminalizes the actual transaction of selling sex. In a contemporary European context, this is exceptional. It is also remarkable given the small numbers of prostitutes in Sweden. By all accounts, the total number of street prostitutes in all of Sweden has never numbered more than about 1000. In other words, there are substantially fewer street prostitutes in the whole of Sweden than there are in any large or even medium-sized European city such as Milan, Copenhagen, or Madrid. Given that, why the flurry of political and legislative activity around prostitution?

The argument that I will make here is that the law criminalizing the clients of prostitutes is in large measure a response to Sweden's entry into the EU. During the two years leading up to the country's referendum in 1994, the press was filled with reports warning that eastern European women were poised to invade the country. 'A new form of prostitution is spreading in Europe' announced an article in *Dagens Nyheter*, the country's largest daily newspaper (circulation c. 380,000 daily), in early 1993 (*DN*, 93-02-02).<sup>4</sup> 'It is a mobile prostitution where about 100,000 young women from the Eastern bloc (*öststatskvinnor*) travel out into Europe to make money by prostituting themselves'. This prostitution was linked to organized crime, drugs, and a 'new wave of HIV' which threatened Sweden (see also *DN*, 92-01-07, which also cites the figure 100,000).

This threat of 'Eastern bloc' women was compounded by the political gains throughout Europe of what in the Swedish press was referred to as 'the pro-prostitution lobby'. To the distress of Swedish feminists, journalists, social workers and politicians, this lobby, which was portrayed as powerful and financed by a conglomerate called by the vague but sinister name 'the international sex industry', was managing to convince policy makers and legislators on the Continent that prostitution was a profession, and that prostitutes should organize to demand rights and recognition. This was consistently portrayed as a fundamentally incomprehensible position: 'It isn't up to individuals to decide whether or not they want to sell their bodies', snapped the Swedish Minister for Gender Equality in a discussion of European policies on prostitution. The combination of 'Eastern bloc' women eager for intercourse in Sweden and 'pro-prostitution' policies in other European countries raised the truly frightful specter of Sweden being penetrated on all fronts. Even children were at risk. Invoking what appears to be the epitome of the scary Other, one report on prostitution in the EU informed readers in an incredulous tone that:

Today it actually happens in Holland that two lesbian prostitutes who live together and work in a sadomasochistic sex service can adopt children or legally become inseminated, something that under Swedish law would be completely unthinkable.

'What will happen', this report continued, darkly, 'if Sweden becomes part of the EC?'

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(Månsson and Backman, 1992: 24–5). What happened, I argue, is that Sweden took concrete steps to make sure its borders were not penetrated by lesbian sadomasochistic prostitute mothers, once it became clear that the country would become part of the EU.

Let me return now to the law which forms the basis of my discussion, the law that criminalizes the purchase of a temporary sexual relationship.

Before I detail that law, I need to situate it in the wider context of what Gayle Rubin (1993) would call Swedish sex law. It is necessary to make it very clear at the outset that the widespread images that many people have of Sweden as a kind of sexually liberated wonderland are utterly misguided and wrong. Sweden has some of the harshest sex laws in the world. It is the only European country, for example, where during the early years of the AIDS epidemic, a national law was passed abolishing existing gay bathhouses and prohibiting the establishment of new ones. It is also one of the few countries in the world where persons with HIV can still be forcibly incarcerated without a criminal trial, simply because doctors believe that they will not follow instructions to inform their sexual partners that they are HIV+. Sweden is also one of the few countries in Europe – perhaps the only one – where it is impossible to remain anonymous as a person with HIV: if you test positive at any state funded or private clinic, your physician is legally obliged to report your identity to the health authorities, and you are then legally obliged to report to a doctor regularly with information about your sexual encounters and relationships.

Numerous laws regulate activities such as erotic dancing and posing, which are more or less illegal under the Swedish legal code. According to the latest police reports, there is a total of only *five* sex clubs in the entire country. The strongest beverage served in these clubs is Coca Cola, and the most scandalous sexual act that undercover policemen have been able to document consisted of a woman flashing her vagina at a man from behind a barrier made of chicken wire (SoS, 2000:5, pp. 56–7). Even prior to the new law criminalizing the purchase of a temporary sexual relationship, it was illegal to purchase or attempt to purchase sex from anyone under 18 years of age. Anyone under 19 years of age caught selling sex can be incarcerated in special youth facilities.

Law dealing with what in Swedish is referred to as 'procuring' (*koppleri*) is very harsh, and can result in prison for up to four years. It is illegal to profit in any way from sexual services performed by anyone else. This is positive in the sense that it makes the exploitation of sex workers and others by unscrupulous profiteers illegal. But it also makes it illegal for sex workers to rent apartments or commercial spaces for work, it makes it illegal for them to hire anyone to book their appointments, it makes it illegal to openly advertise their services in newspapers and magazines, and it even makes it difficult for them to live with anybody, since their lover, roommate or friend could be seen as profiting from the sex worker's income, in cases where they share expenses or have joint bank accounts.

This is the context of sex law in which the law criminalizing the purchase or attempt to purchase 'a temporary sexual relationship' must be understood. The law was passed as part of a broad package of laws entitled *Kvinnofrid*, which is officially translated as 'Violence Against Women', but which actually means something like 'Peace or Serenity for Women', or 'Women Left Alone' (*Kvinnofrid*, 1997). The first sentence in the government bill that presented the package states that the Serenity for Women laws were all designed to 'counteract violence against women, prostitution, and sexual harassment

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in the workplace'. The laws prescribed harsher penalties for wife battering, they expanded the definition of rape, they replaced the legal term 'female circumcision' with 'genital mutilation' and made the penalties much more severe, they defined the term 'sexual harassment' and prescribed penalties, and they prohibited the purchase or the attempt to purchase a temporary sexual relationship.

This is the actual text of the law (italics in original):

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

Anyone who for remuneration procures a temporary sexual relationship will be guilty – if their action is not punishable by some other offense according to the penal code – of *purchasing sexual services*, and will be sentenced to fines or prison for not more than six months.

There is also a short paragraph that states that an attempt to purchase sex will be treated just as severely as the actual purchase of sex.

It should be immediately apparent that there are a number of quite serious problems with the way this law is formulated, problems that make it extremely difficult to interpret and enforce. The four key terms 'remuneration', 'procures', 'temporary', and 'sexual relationship' are far from clear-cut. What constitutes remuneration? A nice dinner in a fancy restaurant – is that remuneration? (Actually, in this case, the courts have been instructed that remuneration includes non-monetary remuneration, 'such as narcotics, alcohol or furs' (BRÅ, 2000:4, p. 39). What about 'procure'? If I give a sex worker money for sex with me, that's clear. But what about if a company pays for escorts for visiting businessmen, or I pay for my best friend to have a big night out on the town right before he gets married? Who is prosecutable? The one who paid and didn't have sex, or the one who didn't pay but had sex? What does 'temporary' mean exactly? Should it cover regular clients, who maintain long-term relationships with individual sex workers, or are they exempt from prosecution? And, finally, what exactly constitutes 'a sexual relationship'? One might recall, in another context, how a certain US president managed to complicate that question, admitting that a certain White House intern had performed fellatio on him on a number of occasions, but steadfastly denying that oral sex constituted 'sexual relations'.<sup>5</sup> The issue is not much clearer here: what exactly has to be done to whom for a given interaction to be considered 'sexual'?<sup>6</sup>

The law prohibiting the purchase of temporary sexual relationship became effective on 1 January 1999. It is noteworthy that the law was passed despite the fact that a number of weighty organizations, including the National Board of Police, the National Social Welfare Board, the Attorney General, and the National Courts Administration, advised against it. The vote was 181 votes for the law, 92 against, and 13 abstentions (63 Members of Parliament were absent and cast no vote). The parties that voted for the law were those on the Left – Social Democrats (*Socialdemokraterna*), the Swedish Left (*Vänsterpartiet*, formerly the Communist party), the Greens (*Miljöpartiet*) – and a centrist party with a largely rural constituency (*Centern*). The three liberal/rightist parties (*Moderaterna*, *Folkpartiet*, and *Kristdemokraterna*) either opposed it or abstained from voting.

A basic difference between the Left and the Right on this issue was that the Left portrayed the issue as one of 'taking a stand' against what they asserted was a reprehensible social practice. The Left consistently drew parallels with a much-discussed 1979 law that prohibited the spanking of children, even in the home. The effects of that law are contested among researchers and policy makers (for a review see Larzelere and Johnson, 1999), but there is a widely disseminated and popularly felt consensus in Sweden that the law had a positive impact: it made spanking socially unacceptable, and rates of child abuse have dropped. The same will happen with prostitution, so the argument went: if 'society' speaks, citizens will listen. Note how this parallel between laws prohibiting the spanking of children and laws prohibiting clients from purchasing sex depends on and sustains, an analogy between children and prostitutes: just as society has a duty to protect children, who as victims without a voice of their own need others to speak for them and the state to protect them, so does society have a duty to protect prostitutes, who, in Swedish debates, are unvaryingly portrayed as exploited victims who need others to speak for them and the state to protect them. This parallel between prostitutes and children is highlighted even more starkly by the fact that under Swedish law, '[c]hildren under 15 years of age can . . . never consent to sexual acts with the effect of exonerating the offender from criminal liability' (SOU, 2001:14, p. 584). In other words, children under 15 have no 'right of sexual self-determination' (SOU, 2001:14, p. 584). As a result of the law prohibiting the purchase of sexual services, neither do sex workers.

Political parties on the Right framed their opposition to the law as an opposition to the state infringing on individuals' right to privacy. Parties on the Right also highlighted the difficulties that legal representatives like the Attorney General predicted that police and the courts would face in actual enforcement. They pointed out that under the law contact with a prostitute is not illegal, and neither is sex with a prostitute. What is illegal is purchasing or attempting to purchase 'a temporary sexual relation' – a specific action that is extremely difficult to document or prove, particularly when both parties deny it occurred, which of course they both have a strong incentive to do.

In fact, this kind of practical difficulty has dogged the law since its passage. A recent study by the National Council for Crime Prevention reported that during the first year of the law's existence, 91 police offence reports were filed throughout the country. Of those 91 cases, most of the investigations were discontinued on the grounds that there was insufficient evidence to press charges. By the beginning of 2000, only 7 cases had gone to court. Of those 7 cases, 6 defendants were found guilty and 1 was acquitted (4 of those found guilty had confessed, 2 denied it but were convicted anyway). The guilty men were fined sums of between 1600 and 13,600 kronor, that is to say, between about US\$150-\$1200. In practice, this means that the penalty for purchasing sex is more or less equivalent to the penalty for petty shoplifting (Nord and Rosenberg, 2001: 13).<sup>7</sup>

What has been the effect of the law on sex workers in Sweden? First, it is important to note that the issue of how the law would affect sex workers was of relatively little interest to the Social Democratic League of Women and other groups who were instrumental in getting it passed. Although many of these groups supported the move to criminalize only the clients of prostitutes – on the grounds that prostitutes themselves are oppressed victims – when they were confronted with the possibility that the law might drive sex work underground and make sex workers more vulnerable to exploitation by

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profiteers, representatives consistently responded in one of two related ways. Either they said that the purpose of the law was first and foremost to 'mark a stance' or 'send a message' that 'society' did not accept prostitution; hence, the impact of the law on prostitutes was of secondary concern, or they interpreted the phrase 'driven underground' *not* to mean 'made vulnerable to exploitation and abuse', but, instead, to mean 'not visible', and 'not known to the police'. Hence, they argued that most prostitution was already 'invisible' anyway – it took place away from police awareness in massage institutes and through escort services. For this reason, the new law would make no real difference to prostitutes. If one then asked why the law was necessary if it would make no real difference, representatives would return to their first argument that 'society' needed to 'send a message' that prostitution was unacceptable.

Immediately after the law began to be enforced, police noted a drop in the numbers of street prostitutes (again, we are not talking about massive numbers to begin with – in 1999, reports indicate that there were less than 800 prostitutes in the entire country). This may have something to do with the fact that policemen, who had been allotted 7 million Swedish kronor (US\$650,000) to enforce the new law, immediately began making their presence on the streets where sex workers worked very visible. Armed with video cameras, which they ostentatiously pointed at any car that slowed down near a sex worker, they effectively frightened away clients, thus driving the sex workers off the streets. By the middle of 1999, however, it seems that many of the sex workers who initially left the streets were back again. In August of 2002, social workers in Malmö, Sweden's third largest city, estimated that there were about 200 street prostitutes there, which is the same number that was estimated before the passage of the law in 1999 (*Kvällsposten*, 02–08–09). Since the law came into effect, three government reports have been commissioned to evaluate it and to recommend how it might be enforced (BRå, 2000: 4; Nord and Rosenberg, 2001; SoS, 2000: 5) None of these reports has concluded that the law has resulted in a significant drop in prostitution in Sweden.

While street prostitution was initially (and, it seems, temporarily) affected (see note 9), researchers report that the passage of the law corresponded to an increase of the number of sex advertisements on the Internet. The number of bordellos – which in practice seems to mean apartments on the periphery of large cities, in which Baltic women work, often, it seems, under oppressive conditions – appears to have increased since the law was passed. Prostitutes interviewed in the mass media report that women with drug problems have been driven to desperation and even suicide by the new law, since they have been unable to put advertisements on the Internet and make up for the clients they lost as a result of the law. Social workers agree that the law has made it more difficult for them to reach prostitutes. Police report that their efforts to prosecute pimps and traffickers has been made more difficult, because clients, who before the passage of the law were sometimes willing to serve as witnesses, are now disinclined to cooperate, since they themselves are guilty of a crime (Nord and Rosenberg, 2001: 4). Social workers and street prostitutes say that the quality of clients has declined, and a recent report commissioned by the National Board of Police has concluded that women are now forced to accept not only more clients (since prices have dropped), but also more unstable and dangerous clients than they would have accepted before the law, when there were more clients and, hence, more choice (e.g. *GT/Expressen*, 00–04–22; *DN*, 98–08–02; *DN*, 99–01–18; Nord and Rosenberg, 2001: 27).

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Police harassment of prostitutes has increased – they can be forced to appear in court to provide testimony against the client (they can refuse to be witnessed, but they are still summoned and sometimes escorted to courtrooms), and whenever they are caught with a client their belongings are searched and they may be frisked. Anything that police think they can use as evidence against clients (such as condoms) is confiscated. This practice clearly has consequences for condom use among sex workers. It provides them with strong incentives to avoid using them. The law has been a catastrophe for non-Swedish sex workers – if the prostitute found with a client is not a citizen or legal resident of Sweden, she is immediately deported; in fact government prosecutors complain that in a number of cases they were unable to gain convictions against clients because the prostitutes they were found with had been deported before they could even give a statement (BRÅ, 2000:4, p. 44; also *Expressen*, 01–09–30).<sup>8</sup> This fact affects the willingness of non-residents to report on violence. A police chief in the north of Sweden observes that, ‘I don’t think for example that a Russian woman would dare to report a man for violence against her, because then she would risk not being given a visa if she ever wanted to come back to Sweden, because it would have become known that she is a prostitute’ (*Tidningen Svensk Polis*, 02–04–18). The only positive thing for sex workers that perhaps can be said to have emerged from this law is that it seems that some of them have used it to rob clients or blackmail them, telling them that if they didn’t cough up more money, they would turn them in to the police (*GT-Expressen*, 99–01–21). Of course, if these robberies or blackmail attempts are reported to the police, the sex worker risks much harsher penalties than the client she attempts to blackmail (*DN*, 99–12–30).

Despite these obvious negative impacts on the lives and working conditions of street sex workers, and despite the ludicrously small numbers of convictions for breaking the law against purchasing a temporary sexual relationship, the feminist organizations and the politicians who advocated the law still support it, claiming that any negative impact on sex workers is outweighed by ‘the message’ conveyed by the law.<sup>9</sup>

As I have argued, that ‘message’ is an unambiguous one, and it is most succinctly summarized by Ulrika Messing, then Minister for Gender Equality, who declared in 1997 that ‘Prostitution doesn’t belong in our country’ (*Prostitution hör inte hemma i vårt land*).

But are there perhaps also other messages being conveyed by the Swedish law that criminalizes the purchase of sexual services?

One of the most striking dimensions of the debate that occurred in Sweden in the early 1990s about whether or not to join the EU was the way that prostitution emerged as an argument for staying out of the EU. In the two years leading up to the referendum in November 1994, numerous articles were published in Swedish newspapers asserting that Sweden would be overrun with foreign prostitutes if the country entered the EU. I have already mentioned reports like the one that claimed that 100,000 ‘Eastern bloc’ women were gathering like storm clouds on the horizon, waiting to get into Sweden and spread HIV. The same year that that article appeared, the theme of threat was explicitly enunciated by Karin Starrin, then the President of the Center party’s League of Women. In a public speech, Starrin announced that ‘The biggest threat is the outpouring of prostitution from the former communist countries. A Russian woman can earn half a yearly salary from a couple of acts of intercourse in Sweden. There are those who think that it’s OK to come here and sell themselves’ (*Expressen*, 93–06–18). The National Chief of Police concurred. ‘Thirteen-year-old prostitutes are something we have to get



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used to in Sweden', he remarked, explaining that Sweden would have to brace itself in the wake of the collapse of the Soviet Union (*Expressen*, 93-06-18). A report from Helsinki, Finland's capital city, seemed to foreshadow what Sweden had in store: 'These days', the article explained, 'sex clubs, private bordellos and street prostitution are the most flourishing businesses in Helsinki'. The success of these new businesses was due to the influx of Russian and Estonian women, it maintained, and the increasing presence of eastern bloc 'Mafias' in Finland (*DN*, 93-11-23; *DN*, 93-11-02). There were also a number of reports that claimed that Eastern women and organized crime had already infiltrated Sweden, e.g. 'Eastern Bloc Women Sell Themselves in Sweden: Secret Investigation on Mafia's Prostitution in Swedish Hotels' (*Expressen*, 94-05-04; also *Expressen*, 94-06-21, 93-04-07; *DN*, 93-09-06).

At the same time that 'Eastern bloc' prostitutes and organized crime were colonizing Finland and threatening Sweden, a new view of prostitution was reported to be 'spreading' in Europe. A newspaper article with the rubric 'Liberal view of prostitution spreads' (*DN*, 94-05-28) is a representative example. This article appeared in *Dagens Nyheter* five months prior to the referendum on whether or not Sweden should join the European Union. It begins like this:

The female prostitute is seen nowadays as a free woman in most parts of Europe. A 'sex worker' who is smart enough to get paid for what other women give away for free. In Norway and Denmark, prostitutes have started unions that want to make 'sex work' a job like any other.

Any reader who would see this development as something positive is immediately disabused by two feminist journalists, who explain that 'There's a big risk that these new ideas could take hold even in Sweden'. The rest of the article details these journalists' opinions, which were developed in detail in a book they published on the topic, entitled *The Price One Pays to Avoid Love* (*Priset man betalar för att slippa kärlek*, Bodström and von Zweigbergk, 1994). In this and other newspaper articles that appeared with the publication of their book, the two journalists expressed dismay and anger that several EU countries were considering legalizing prostitution, adding ominously that 'it can be difficult for Sweden to stand against this wave of European liberalization' (*Expressen*, 94-05-12).

Anxiety that Sweden would drown in the 'wave of European liberalization' regarding prostitution reached its most distilled form in a pamphlet with the says-it-all title 'Bordello Europe' (*Bordell Europa*). *Bordell Europa* was printed and distributed by a lobby group called 'Nej till EG' ('No to the EC' [European Community]).<sup>10</sup> In August 1992, *Nej till EG* began publishing a series of 20-60 page pamphlets in which journalists, academics and leftist politicians discussed what would happen if Sweden were to become a part of the European Community. Thirteen pamphlets were published, with titles ranging from 'Europe's Dark Heart' (*Europas mörka hjärta*, Larsson and Rasch, 1992), which featured a photo of Helmut Kohl and François Mitterand on the cover, to 'Sweden for Sale' (*Sverige till salu*, Eriksson and Torstensson, 1992). Each one of these pamphlets invite detailed analysis for what they reveal about the ways in which Sweden's relation to Europe could be expressed at the time – the 'Sweden for Sale' pamphlet, for example, begins with a section entitled 'The wolf's freedom is the lamb's prison' (*Vargens*

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*frihet är lammets frihet*; Eriksson and Torstensson, 1992: 8): it does not take an enormous amount of imagination to guess which of these animals represents Europe, and which is supposed to characterize gentle and meek Sweden. *Nej till EG* had about 12,000 members, all of whom would have been politically on the left (in Sweden, unlike for example the UK, opposition to the EU has always been from the political left, not the right). The pamphlets present articulate opposition to the EU and, as such, they entered public and media discussion (*Bordell Europa*, for example, is discussed in *Expressen*, 93-05-22; *DN*, 93-04-05; *DN*, 93-12-14).

In a language of contagion similar to that used by the two feminist journalists mentioned above, *Bordell Europa* argues that a 'pro-prostitutions [sic] lobby' is now 'spreading throughout Europe'. This spread is having disturbing consequences: '[t]he truth is', the pamphlet argues, 'organized trafficking in sex is not only tolerated, but is also actively encouraged [*aktivt främjas*] by most of the countries in the European "community"' (Månsson and Backman, 1992: 15). 'With the active support of authorities and working closely with prostitutes' "own" organizations,<sup>11</sup> [the pro-prostitution lobby] is working for the decriminalization of procuring and a professionalization of prostitution' (Månsson and Backman, 1992: 16).

This theme is repeated later on in the pamphlet, when one of the authors discusses a 'Whore Congress' that took place in Frankfurt am Main in 1991. As reported in *Bordell Europa*:

An important section of the conference program was concerned with EC-work, how the [different prostitutes'] unions would cooperate when the borders become open, how they, together with other activist groups, will influence people who make decisions in directions they want. The German union HWG presented a proposal about how 'the whore' should be able to work in a future society, as a taxpayer and receiver of a pension. (Månsson and Backman, 1992: 22)

Rather than see anything positive in the fact that prostitutes are organizing and demanding recognition and rights, this development is regarded as perverse and threatening. 'From a Swedish perspective', the authors conclude,

the issues raised at the conference in Frankfurt am Main raise despair (*tvivel*), to say the least. Can trade unions for prostitutes really become a reality even in our country? What will happen if Sweden becomes part of the EC? (Månsson and Backman, 1992: 26)

Is there not something profoundly ironic about leftist Swedes expressing 'despair' over the fact that groups of people are organizing into trade unions?

I hope it is apparent by now that in the early 1990s, as Sweden was debating whether or not to join the EU, talk about prostitution had a subtext – in addition to being about the referent 'prostitution', it was also about the EU and Sweden's relationship to it. What is noteworthy about that talk is first of all that it was resoundingly and exclusively negative – in over 4000 articles from the country's largest newspapers and from a number of publications and magazines from 1993–2000, there are only a handful of examples where anyone claims that other EU countries' policies on prostitution might be positive.

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In each case that occurs, the person making that claim is dismissed by a Swedish journalist, politician or social worker, who is always given the last word to assert that anyone who would claim that German or Dutch law is reasonable is either self-delusional (e.g. *DN*, 96–03–11; Ulmanen, 1998), 'disagreeable and cynical' (*Dagens Arbete*, 02–04–18; also *DN*, 97–09–26, 02–07–02), hypocritical (*Veckans Affärer*, 01–05–21), socially irresponsible and evil (e.g. Eek, 2000), or, the ultimate dismissal, a spokesperson for 'the international sex industry' (e.g. *DN*, 95–05–05). It is impossible to stress enough the monologic nature of Swedish discourse on this topic. Indeed, the fact that there is no debate – or even information about – alternative legal and social approaches to prostitution<sup>12</sup> is the reason I feel justified in presenting a complex polity like Sweden as a kind of monolithic (or, rather, hegemonic) whole.

The question I would now like to consider briefly is: why prostitution? In one sense, this question is not difficult to answer. Throughout modern history, prostitution has been reliable grist for the mill of moral panics. The white slavery panic of the early 1900s, the First World War panics about venereal disease, and the panic about AIDS in the 1980s were all expressed, in different ways, through discourse about and repressive measures directed towards prostitutes (Gilman, 1988; Guy, 1990; Hobson, 1990; Phoenix, 1999). With the help of anthropological theory, it is easy to see why this should be the case – sex workers are very much 'matter out of place' (Douglas, 1966): they confound and challenge boundaries of public and private, scandal and decorum, gift and commodity, agent and object. As such they are electrifyingly taboo – in both senses of that word: forbidden and powerful. So in a sense, it is no surprise that during a period of public anxiety about social change, prostitution should come into focus as a channel through which that anxiety might be expressed.

Be that as it may, moral panics will always have their own local social dynamics and cultural forms. And to my knowledge, prostitution has not figured in any significant or even noticeable way in the debates about the EU that have been occurring in other European countries during the last decade. Why then has it been so important in Sweden? Why did prostitution emerge as a way of talking about the relationship between Sweden and the EU? What does a focus on prostitution give those Swedes who use it as a way of addressing that relationship?

At this point in my research, all I can offer are some hypotheses, and here they are. One concerns the role that Swedes desire to have in the EU. If the EU can be conceptualized as a political body, then Sweden, I would argue, would like to install itself as that body's conscience. As happened in 1979 with the law against spanking children, and as happened again in 1998 with the law criminalizing the purchase of sexual services, Swedish politicians made it clear that they see one of their roles as a fostering one, one of legislating particular moral stances that the populace, guided by them in this way, will come to adopt. This is a form of governmentality that dominated 20th-century Swedish politics (e.g. Hirdman, 1989), and that continues today.

Since the 1930s, but particularly during the 1960s and 1970s, Sweden developed a number of related self-images that have proved important and durable. One of the most important has been *neutrality*, which until recently was a cornerstone in Swedish foreign affairs and in Swedish understandings of self. Fear that Sweden would abandon its policy of neutrality was one oft-raised reason why Swedes should remain outside the EU (e.g. Fred, 1996: 46; Karlslund and Torstensson, 1992: 5–12; Larsson and Rasch, 1992).

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Directly related to neutrality has been a strong sense of *internationalism*. This was embodied and symbolized by internationally known and respected political figures like Dag Hammarsjöld, Raoul Wallenberg, and Olof Palme. It was also instantiated in a downplaying of nationalism: in a telling observation, an ethnographic study in Swedish schools from the 1970s reports that if classrooms contained flags at all, they were the UN flag, or else the flags of many countries, never just the Swedish flag (Narrowe, 1998).<sup>13</sup> Related to both neutrality and internationalism is the sense that was actively cultivated in Sweden of *moral righteousness*. Sweden's vocal opposition to the Vietnam war, the government's support of and foreign aid to Cuba, the Allende government in Chile, and the ANC in South Africa, coupled with what Swedes in the 1970s and 1980s believed were unusually generous policies towards immigrants, provided an entire generation of Swedes (the generation that for well over two decades has controlled the country's political establishment and the overwhelming bulk of cultural production) with a strong sense that the Swedish polity was politically more aware, humane, and moral than that of many other nations, especially the US. And in addition to these three dimensions of Swedishness, Swedes carried with them the idea of the *folkhem* (lit. 'people's home'), a foundational Social Democratic concept that depicted the nation as a home, and the state as both the providers for and the caretakers of that home.

Referring to the tight link between 'Swedishness' and the characteristics just listed, a recent writer observed that 'no other European nation has invested so much of its identity in such a specific social system tied to such a specific historical period', as Sweden has (Rosenberg, 1997). A predictable crisis resulted when all of this began to be challenged in the 1980s, as the Swedish economy declined, the policy of neutrality began to be questioned, popular suspicion of the United States gave way to a younger generation's largely uncritical admiration of it, and the welfare state that epitomized the *folkhem* began to be dismantled (Stråth, 1992, 2000, 2001). As one commentator trenchantly observed:

With the decline of the Swedish economy and the end of the Cold War, Sweden has been hit by the equivalent of what happened to France and England after they lost their colonies. We are no longer the center of a world that we have made ourselves. We suddenly see ourselves as the victim of forces – the EU, the USA, South Asia's [economic] tigers, Islam's fundamentalists. Our role as [political and social] mediators is gone. The foreign delegations [who came to study and admire the *folkhem*] are gone. The moral grounding of neutrality is chipped away with each revelation of the neutral countries' gold-transactions with Nazi Germany . . . Today . . . we belong to the poorer half of Europe and we find ourselves far from the center of European politics. Yes, one can say that the existence of the EU makes Sweden provincial. (Ahlander, 1997: 34)

In this kind of context, what does Sweden have to offer the EU? One answer is that, with little else to offer, Swedish politicians might fall back on a familiar and time-tested role of fostering particular moral stances in those who have not yet acquired them. By identifying particular issues as morally clear-cut ones, and by 'taking a stand' on those issues, Sweden can portray itself as a kind of moral beacon that others will want to follow. It is interesting that many of the issues on which Sweden has maintained a high profile

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in the EU – children's rights, prostitution (trafficking) and the environment – all focus on people or entities that Swedish politicians insist cannot speak for themselves. That Sweden could use its position in the EU to influence the policies of less enlightened member countries was a frequently marshaled argument during the referendum campaign for why Sweden should join the EU. Indeed, while the political right maintained that Swedes should vote to join the EU because membership would 'Europeanize Sweden' after too many years of Social Democratic rule, the Social Democratic counter-appeal was the messianic vision to 'Swedenize Europe' (Fred, 1996: 45; Stråth, 2000, 2001: 200). Although sober voices warned that '[w]e should not fool ourselves into thinking that we will be so strong in the EU as to change 300 million other people' (Wallin, 1992, cited in Fred, 1996), the hope that other member states will follow Sweden's lead on issues it holds important continues to circulate in the country: 'Sweden has to be a role model' (*föregångsland*) as one article put it (*GT/Expressen*, 01-02-03). Tellingly, Swedish politicians are reported to be 'perplexed' by the less-than-enthusiastic reception that the law criminalizing the purchase of sexual services has received from other EU countries (*Expressen*, 97-02-18; *DN*, 02-07-02). But hope springs eternal: under the headline 'Law Against Buying Sex Can Become an Export Product', a short article in early 2002 reported that:

the Minister for Gender Equality, Margareta Winberg, hopes that France will be the first country after Sweden to criminalize the purchase of sexual services. The reason is a recent statement from her French colleague that prostitution has to be stopped. 'This is gratifying (*glädjande*)' says Margareta Winberg, who yesterday participated in a debate for Ministers on violence against women. (*Metro* 02-03-08)<sup>14</sup>

The second reason why I believe that prostitution emerged as a way for Swedes to talk about and negotiate their relationship to the EU is because of the way in which prostitutes are portrayed in the Swedish mass media. The relentless portrayal of innocent exploited victims forced to commit acts against their will bears, I think, a not arbitrary resemblance to the role that lobby groups like *Nej till EG* argued that Sweden would have if it joined the EU. The 'No' side argued exhaustively that Sweden would be a mere 'fiefdom' (*lydrike*) in the EU, a 'garbage dump' (*sopstation*) (Eriksson and Torstensson, 1992: 18, 28), and that the EU would force Sweden to do everything from abandon its gender-progressive legislation to accept nuclear waste from environmentally unenlightened countries like France.

In all of these discussions, it is striking that the EU was uniformly gendered as masculine. The titles of some of the pamphlets published by *Nej till EG* are typical: *The Executives' Europe* (Nyberg, 1992), *The General's Europe* (Karlsund and Torstensson, 1992), *Europe's Dark Heart* (this is a reference to Joseph Conrad's *Heart of Darkness*, and it is the pamphlet with Mitterand and Kohl on the cover), *Is the EU a Trap for Women?* – the answer is 'yes' – (Eriksson, 1993), and, of course, *Bordell Europa*, which asserts, as I have noted, that 'organized trafficking in sex is not only tolerated, but is also actively encouraged by most of the countries in the European "community"' (Månsson and Backman, 1992: 15). In all of this, there is a clear, if unspoken, sense that if Mother Sweden were to join the EU, she would be, to put it indelicately, fucked. Even after the 'yes' side won the referendum (by a small margin)<sup>15</sup> and Sweden joined the EU, concerns about being

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exploited by the EU did not vanish, as is indicated by Sweden's resistance to joining the EMU, and continued uncertainty about what the outcome of that referendum, scheduled to take place on 14 September, 2003, will be.<sup>16</sup>

The thought with which I wish to conclude this article is that prostitution may provide Swedish politicians, policy makers and journalists with a metaphor for Sweden's relationship to the EU. As Dag Ahlander (1997) noted in the passage I cited earlier, '[Swedes] suddenly see ourselves as the victim'. As a small, weak, innocent victim threatened with exploitation by a dirty masculinized foreigner like the EU, Sweden suddenly begins to look very much like a prostitute – at least the kind of prostitute that uniformly circulates in the Swedish press.

The law criminalizing the purchase of sexual services was passed in 1998. But it was first proposed in late 1992 (*Expressen*, 92–12–08; *DN*, 93–06–21; *DN*, 93–03–13; *DN*, 93–01–21), just as the campaign for the EU referendum was getting under way. Perhaps the identification of prostitution as a major social problem (despite the small numbers of prostitutes actually known to work in the country) and legislation against it that runs counter to trends in other EU member states is a channel for Swedish anxieties about its role in the EU; a way of symbolically distancing itself from an EU that offers it rewards but threatens to exploit it. Although social processes are not reducible to psychodynamic processes, to the extent that we subscribe to Benedict Anderson's (1983: 15) dictum that 'communities are to be distinguished not by their falsity/genuineness, but by the style in which they are imagined', we can acknowledge that imaginings also involve psychosocial processes like repression and projection. There certainly seems to be an element of projection involved here, in the Freudian sense of 'the attribution to another (person or thing) of qualities, feelings or wishes that the subject repudiates or refuses to recognize in himself' (Laplanche and Pontalis, 1988: 352). In other words, prostitutes and prostitution may be the focus of so much attention in Sweden partly because they are portrayed as embodying the very qualities that Swedish politicians and policymakers fear might characterize Sweden in relation to the EU. If this is plausible, then the Swedish case is an important one showing how sexuality is one site where boundaries and roles in the New Europe are being imagined and negotiated. What is unacceptable and tragic is that while Swedes are busy working out their role in the EU in this way, the laws they pass and the attitudes they promote are profoundly harmful to those individuals who actually sell sex on their city streets at night.

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### Notes

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- 1 <http://www.kvinnofrid.gov.se/regeringen/UMInforos.html>
- 2 This debate, which was initiated by the center-left government of Giuliano Amato, continues today in the right-wing government of Silvio Berlusconi. In early January 2002, Berlusconi proposed reviewing the law, arguing that regulated brothels might

well be preferable to having so many prostitutes soliciting on city streets. The city of Venice, partly in response to Berlusconi's suggestion, was preparing to set up officially sanctioned zones for prostitutes (*BBC News*, 02-01-06 and 02-01-14; see also *La Repubblica*, 02-07-15). Prostitution is not illegal in Italy, but profiting from the prostitution of another person (e.g. as a bordello proprietor) currently is.

3 Bodström and Zweigbergk, 1994: 142-62.

4 The dates of the articles cited are written in the Swedish convention of year-month-day.

5 See <http://www.time.com/time/daily/scandal/testimony.html>

6 All these issues have been addressed by a government committee that in 1998 was given the directive to review all law on sex crime in Sweden. The 700-page report that the committee delivered in March 2001 discusses everything from incest and rape law to the new law prohibiting the purchase of sexual services. For the law prohibiting the purchase of sexual services (SOU, 2001:14, pp. 303-17, 562) the committee recommends plugging up the loopholes and making it stricter: it recommends that the law be understood to include even regular clients, that it be expanded to include anyone who allows a sexual service to be purchased for him (and that the purchaser be liable to prosecution for being an accessory to and facilitator of a crime), and that sexual relations be precisely defined as 'intercourse, [and] activities that involve the fairly sustained touching (*någorlunda varaktig beröring*) of the other's genitals or the other's body with one's own genitals. The purpose of the activity is to entice or satisfy the sexual urges of the perpetrator or some other person. Generally, direct physical contact is necessary' (SOU, 2001: 14, p. 296). See also pp. 150-2, where exceptions to this rule of 'direct physical contact' are enumerated, in the context of the sexual abuse of children.

The committee proposes a new wording of the law as follows:

För köp av sexuella tjänster döms den som i annat fall än som sägs förut i detta kapitel skaffar eller låter skaffa sig en sexuell tjänst under förhållanden som utgör prostitution. Straffet är böter eller fängelse i högst sex månader.

Aside from any other crime committed under this chapter [of the Swedish penal code pertaining to sex crime], a person shall be punishable for the purchase of sexual services if that person obtains or allows to be obtained a sexual service under circumstances of prostitution (defined as 'temporary sexual relations for remuneration', SOU, 2001: 14, p. 317).

The sentence is that of fines or prison for not more than six months. To my knowledge (as of October 2002), this new wording has not yet been approved by Parliament.

7 Nord and Rosenberg (2001) was published a year after the report by the National Council for Crime Prevention (BRÅ, 2000: 4) referred to in the text, and it has more up-to-date statistics. According to Nord and Rosenberg (2001: 13), by 2001, there had been a total of 160 police offence reports, of which 43 went to court (this includes the statistics I have cited from the BRÅ report). No information is given in Nord and Rosenberg (2001) about the outcome of those court cases.

- 8 This fact highlights a certain disingenuousness of one recurring Swedish criticism of the recent prostitution laws in Denmark, the Netherlands and Germany. Swedish commentators argue that the laws are cynical because they only apply to EU nationals, therefore leaving illegal immigrants without legal status and 'under the pimps' control' (*Kvällsposten/Expressen*, 02-07-09). What these commentators never mention is what happens to illegal sex workers when police find them in Sweden.
- 9 Another reason they support it is because they assiduously ignore all information that might fly in the face of their assertions that the law is good. A speech given by the Minister for Gender Equality, Margareta Winberg, on 15 May 2002, is typical. In that speech, Winberg (who since the September 2002 elections is also Sweden's Deputy Prime Minister) asserts that the law 'has significantly reduced street prostitution and made it possible for the police to take measures against bordellos and other markets'. Police, of course, had power to take measures against bordellos before the passage of the law prohibiting the purchase of sexual services. None of the three reports on the law commissioned by the government in which Winberg is a minister claim that the law has had any effect on the police's role in this area. On the contrary, there are indications that the law has made it *more* difficult to locate and prosecute traffickers and exploiters (Nord and Rosenberg, 2001; *Tidningen Svensk Polis*, 02-04-18). And while those reports note a drop in street prostitution (a drop that seems to have been temporary; e.g. *Kvällsposten/Expressen*, 02-08-09), they all say that there is no evidence that the law has reduced the total numbers of prostitutes or acts of sex for remuneration in Sweden. Winberg's speech can be accessed on [http://www.regeringen.se/galactica/service=irnews/action=obj\\_show?c\\_obj\\_id=45159](http://www.regeringen.se/galactica/service=irnews/action=obj_show?c_obj_id=45159).
- 10 *Nej Till EG* retained their name even after the European Community (EG in Swedish, for *Europeiska Gemenskapen*) changed its name to the European Union (EU in Swedish, for *Europeiska Unionen*) on 1 January 1993.
- 11 Note the dismissive quotes around 'own', implying that those organizations are simply ventriloquist dummies controlled by someone else. Any culturally competent reader would know that that ventriloquist invoked by the quotes around 'own' is 'the international sex industry'.
- 12 In more than 4000 newspaper and magazine articles that I have examined, I have not found a single instance of a dispassionate summary of the political process that persuaded Dutch or German politicians to remove prostitution from their criminal codes and regulate it, instead, under labor laws. Whenever German or Dutch policies appear in the Swedish press, they are mentioned only to facilitate their immediate dismissal by a Swedish commentator. The inference that must be drawn, given the context in which this lack of information occurs, is that German and Dutch parliamentarians must either be stupid, evil, or in cahoots with 'the international sex industry'. This latter association is made explicit in publications like *Bordell Europa*, and newspaper articles which assert that regulating prostitution under labor laws turns the state into a big pimp (see also note 16). A similar situation pertains to Swedish discussion about drugs and drug laws. Dispassionate information about drug laws that are not totally prohibitionist in nature is virtually non-existent in the Swedish mass media. In a way exactly parallel to prostitution, non-prohibitionist ideas and laws are only ever mentioned so as to facilitate their immediate dismissal



by a Swedish authority figure. The epithet *'drogliberal'* (lit. 'drug-liberal') is similar to 'spokesperson for the international sex industry' in that its invocation immediately disqualifies anyone so labeled from being taken seriously in any debate. And needless to say, 'drogliberal' and 'spokesperson for the international sex industry' are linked in Swedish discourse, the one implicitly suggesting the other.

- 13 The opening scene of the popular Swedish movie *Tillsammans* – 'Together' – (Moodyson, 2000) is another shrewdly observed example of this. The movie takes place in 1975, and it opens with a scene of preschool children rejoicing at the news that Francisco Franco has died. What I refer to here as Swedish internationalism is also referenced by the name of one of the children in the film: Tet, after the Tet offensive in Vietnam. Although *Tillsammans* takes place in a leftist commune, that commune was widely interpreted to represent a microcosm of Sweden in the 1970s. It was regarded as a generous film in Sweden, and it raised a bittersweet mix of nostalgia and embarrassment in many viewers belonging to the generation it portrayed.
- 14 The frosty reception given the Swedish law by EU countries is certainly one reason why Swedish efforts to export the law prohibiting the purchase of sexual services have now begun to focus on the Baltic countries, which are portrayed in Sweden as impoverished neighbors who look up to Sweden as an advanced and benevolent agent of inspiration and social change. During the summer of 2002, the government sponsored a 'Nordic-Baltic information campaign' that was designed to raise awareness about issues related to prostitution, and to disseminate what were asserted to be the positive effects of the Swedish law. See *Expressen-GT-Kvällsposten*, 02-05-15 and the webpage cited in note 9.
- 15 52.2% voted 'yes', 46.9% voted 'no'.
- 16 I think it is not a coincidence that as the EMU referendum draws nearer, attention is once again becoming focused on prostitution, and the exact same language that structured the discourse in the early 1990s is being recycled. Articles about eastern European women flooding the country (particularly the north) are back (e.g. *DN*, 01-02-16; *Expressen*, 01-01-08; 00-11-21; *Tidningen Svensk Polis*, 02-04-18; *Kvinnotryck*, 4/2000; *NIKK magasin*, 1-2002). And during 2002, the 'EU as pimp' trope also acquired a new lease on life: 'Europe's countries become pimps', trumpeted the headline of one article published in July 2002 (*Kvällsposten/Expressen*, 02-07-09). Another op-ed article published by a respected daily around the same time could have been lifted verbatim from texts written in 1993. 'EU herds Sweden into legalized prostitution' was the headline. 'Strong forces in the EU are at work', the article noted ominously, 'so that prostitution might become part of the labor law, like in Germany. According to this way of seeing things', it continued, 'prostituted women's work earns the right to a pension. The prostitute also pays taxes, which means that the state earns money from her work. By extension, we all become her pimps. Now when the EU's internal market is being harmonized, will all women be prostitutionable? Will one be forced to "work" in a bordello if one has collected too much unemployment benefit?' (*SvD*, 02-06-08; see also *Expressen*, 99-05-07; *Veckans Affärer*, 01-05-21).

Articles about high rates of HIV in eastern European countries have also begun to reappear in the Swedish press. One from 3 July 2002 opens in bold print with: 'The worst nightmare scenario about HIV has become reality. 40 million people

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today live with the infection. Every day, 14,000 more – the majority of them young – are infected. The most rapid increase is happening in our neighboring country, Estonia. A ticking bomb, 350 kilometers from Stockholm' (*SvD*, 02–07–03). Predictably, this article focuses on how prostitutes supposedly spread the virus to others: 'Sex tourists in Estonian cities, among them many Swedes, are living dangerously. The women are young, readily available, and often desperate in their hunt for money for their daily fix [of heroin]'.

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- Dagens Arbete* 02–04–18 Reportage: den lagliga bordellen.
- DN (Dagens Nyheter)* 02–07–02 Svårt exportera svensk kampanj mot sexhandel.
- 01–02–16 Prostitution: gränserna vidöppna för kvinnohandel.
- 99–01–18 'Nya lagen dödar missbrukartjejer'. Prostitution. Kommunerna får inga extra pengar för att hjälpa utsatta kvinnor.
- 99–12–30 Få sexköp leder till åtal. Ett år med den nya lagen. Trots att fyra av tio polisanmälningar skrivs av ser spanarna resultat.

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- 97-09-26 De gröna oense om bordeller. Debatt i EU. Holländsk legalisering ställs mot svensk kriminalisering.
- 97-12-18 Kriminalisering av köpsköpare. Tvist om lagens effekt. Brott kan bli svårt att bevisa, anser åklagare.
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- 95-05-05 'Prostituerade är inte bara offer'. 'Glädjeflicka' kräver erkännande.
- 94-05-28 Liberal syn på prostitution breder ut sig.
- 93-12-14 Svenska flickor på svenska bordeller.
- 93-11-23 Sexhandeln frodas i Finland. Polisen varnar för rysk och estnisk maffia i Helsingfors.
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- 93-04-05 Varning för EG-prostitution.
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- 93-06-18 'Detta är något vi får vänja oss vid'.
- 93-05-22 Brev till ledarsidan: Att utså rädsla för EG.
- 93-04-07 Ryska maffians lyxhoror i stan.
- 92-12-08 Westerberg till attack mot könshandeln.
- Expressen-GT-Kvällsposten* 02-05-15 Margareta Winberg, jämställdhetsminister: Så ska du ha sex.
- GT/Expressen* 01-02-13 Debatt. Kvinnor är ingen handelsvara.

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00–04–22. 'Kvinnorna sviks av den nya sexköpslagen'. Forskaren: De har lämnats utan hjälp.

99–01–21 Prostituerad pressade kund på pengar.

*Kvinnotryck* 4/2002 Ryska kvinnor transporteras till män i Norrbotten

([http://www.roks.se/kvinnotryck/kt4\\_02\\_prokamp\\_norrbotten.html](http://www.roks.se/kvinnotryck/kt4_02_prokamp_norrbotten.html))

*Kvällsposten/Expressen* 02–08–09 Allt fler prostituerade i Malmö.

02–07–09 Frislåg. Europas stater blir hallickar.

*La Repubblica* 02–07–15 Il governo prepara la legge per riaprire le case chiuse.

*Metro* 02–03–08 Sexköpslag kan bli exportvara.

*SvD (Svenska Dagbladet)* 02–07–03 Hivsmitta sprids fort i Estland.

02–06–08 EU driver Sverige in a legal prostitution.

*Tidningen Svensk Polis* 02–04–18 Norrland ny marknad för sexhandel.

*Veckans Affärer* 01–05–21 Prostitution och dubbelmoral.

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