



DEPARTMENT OF POLITICAL SCIENCE  
CENTRE FOR EUROPEAN STUDIES (CES)

# LET'S TALK ABOUT FREEDOM AND CONSENT

## Prostitution in Germany and Sweden

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## Abstract

This thesis aims to answer the research question *How are the national prostitution laws in Germany and Sweden received by actors in the prostitution field*. To do this a critical discourse analysis (CDA) has been used as a qualitative method to analyze findings from website content and interviews. This analytical approach helped connect the collected data and critically explore the interplay between the laws and social reality. The results of the analysis showed that German actors were divided in their opinions, some being completely against the law, and some in favor of the law. The Swedish actors were united in their opinions and had a strong positive view of the Swedish law and how it reflects reality. Before conducting the research, it was assumed that the Swedish Sexköpslag is better equipped to offer freedom and consent to those involved in prostitution, than the German ProstG. Therefore, the thesis discussion strives for an in-depth exploration of to what extent prostitution could be seen as a cause for social conflict according to Honneth's recognition theory. Additionally, the thesis takes interest in feminist scholars' discussion regarding the concepts of freedom and consent. This is also discussed in the context of the German and Swedish prostitution laws. The discussion showed that the assumption has truth to it.

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# Contents

<b>Glossary</b>	<b>1</b>
<b>1. Introduction</b>	<b>2</b>
1.1. Aim and research question	4
1.2. Delimitation	4
<b>2. Previous research</b>	<b>6</b>
2.1. The Swedish Sexköpslag and the German ProstG	6
2.2. Prostitution politics in Germany and Sweden before implementing the current laws	7
2.3. Official evaluations of the laws	9
2.3.1. Evaluation of ProstG	9
2.3.2. Evaluation of Sexköpslagen	10
2.3.3. Evaluation of the aftercare in Sweden for persons having left prostitution	11
2.4. Prostitution as a job	12
2.4.1. Experiences	12
2.4.2. German brothels' management	12
2.4.3. Customers' perspectives on prostitution	13
2.5. Prostitution and violence	14
2.6. Prostitution and migration	16
2.7. Police officers' perspectives	17
<b>3. Theoretical framework</b>	<b>19</b>
3.1. A law's function	19
3.2. Defining prostitution and sex work	19
3.3. What is recognition theory?	20
3.3.1. First axis: Love and self-confidence	21
3.3.2. Second axis: Legal recognition and self-respect	21
3.3.3. Third axis: Esteem and self-esteem	22
3.4. Concept of freedom	22
3.5. Concept of consent	23

<b>4. Method and material</b>	<b>25</b>
4.1. Critical discourse analysis	25
4.2. Data collection	26
4.2.1. Material	26
4.2.2. Interviews	28
4.3. Ethical considerations	30
4.4. Source criticism	31
<b>5. Analysis</b>	<b>33</b>
5.1. Textual analysis	33
5.2. Discourse analysis	34
5.3. Social practice analysis	40
<b>6. Discussion</b>	<b>49</b>
6.1. How are the national prostitution laws in Germany and Sweden received by actors in the prostitution field?	49
6.2. Assumption that the Swedish Sexköpslag is better equipped to offer freedom and consent to those in prostitution, than the German ProstG	56
<b>7. Conclusion</b>	<b>60</b>
<b>References</b>	<b>62</b>
Secondary sources	62
Online sources	63
Reports	64
<b>Appendix</b>	<b>66</b>
Coding frame for interviews	66
Guidelines for semi-structured interviews	67

# Glossary

## **BSD - Bundesverbandes Sexuelle Dienstleistungen**

English translation: Federal Association of Sexual Services

## **Bundesministerium für Familie, Senioren, Frauen und Jugend**

English translation: (German) Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

## **Inte Din Hora**

English translation: Not Your Whore

## **Jämställdhetsmyndigheten**

English translation: Swedish Gender Equality Agency

## **Polisen**

English translation: The Swedish Police

## **Regeringen**

English translation: The Swedish Government

## **SkF - Sozialdienst katholischer Frauen e.V.**

English translation: Social Service of Catholic Women

## **Strafgesetzbuch**

English translation: (German) Criminal Code

# 1. Introduction

The prostitution debate goes in many directions and includes different aspects. Generally, prostitution's 'to be or not to be' is put under the microscope to be examined by scholars in various fields. For example, feminist scholars and activists have to a larger extent begun to define prostitution as men's sexual violence against women. Psychologists and psychoanalysts have shown interest in the field by examining the effects of prostitution to Post Traumatic Stress Disorder (Jeffreys, p.183). In *The Idea of Prostitution* (1997; updated 2008), Sheila Jeffreys discusses the issues of normalizing the sex industry. She argues, for example, that sex worker organizations represent the interests of the sex industry, rather than those of prostitute women. Other scholars criticize this anti-prostitution approach saying it fails to overcome limitations. They state that the argumentation of violence being the definitive truth of prostitution makes it fall out of favor among various academics, sex workers, and activists, saying that prostitution means different things to different people (Durisin, p.158). Some problematize people in prostitution being seen as victims, rather than acting subjects (Dodillet, p.540). The field does not include one unified definition of what prostitution actually is, but has rather created a mish-mash of discussions regarding violence, inequality, exploitation, independence, freedom, sexual liberty, etc. Are prostitutes free? Can buying sex include consent? There are many differences in opinions.

Stepping away from prostitution's meaning and putting a focus on Europe, one finds that the legislation towards prostitution consists of just as many differences as the academic field. There are no unified policies or regulations among the EU member states regarding prostitution. EU itself has viewed prostitution through the lens of gender equality and human rights since 2014 when a European Parliament resolution stated a connection between prostitution, forced prostitution, and gender inequality. Both prostitution and forced prostitution were argued as having an impact on the status of men and women in society, their mutual relations, and their sexuality. Prostitution and forced prostitution are both considered 'forms of slavery incompatible with human dignity and fundamental human rights' (European Parliament:2021, p.11). There are two broad groups of national policies within the EU, each including sub-categories.

- **Model 1. Legalization:**

- o Model 1a. Regulated (Austria, Germany, Greece, Hungary, Latvia, Netherlands);
- o Model 1b. Unregulated (Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Italy, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, Spain);

• **Model 2. Prohibition:**

- o Model 2a. Punishing the sex worker (Croatia, Romania);
- o Model 2b. Punishing the client (the so-called ‘Nordic Model’) (France, Ireland, Sweden);
- o Model 3b. Punishing both the sex worker and the client (Lithuania).

Although existing within groups sharing the same legal approach, specific regulations may vary. For example, countries within Model 1a may have different regulations regarding where prostitution is allowed, how it is allowed to be exercised, as well as health and safety requirements, etc. Some member states within Model 1b, although prostitution is legal, have implemented a criminalization of sex purchases from trafficking victims. Estonia, Finland, Germany, and Luxembourg have this policy. Two countries, France and Ireland, have adapted Model 2b, punishing the client, following the 2014 European Parliament resolution. Sweden has had this legislation since 1999 (p.23). There are also cases of un-homogenous legal frameworks within the same country. Commonly, countries in Model 1 have regional or municipal differences or by-laws, for example in Austria and Germany. In these cases, it is up to each Bundesland to decide how to implement the national law. In some member states where prostitution is neither regulated nor prohibited, specific measures are taken to criminalize third-party activities and organized prostitution (e.g. brothel operation, pimping, profiting from the prostitution of others, etc.). Therefore, these countries do not have a completely unregulated sex market (p.24).

The EU addresses cross-border problems and risks related to having different national legislations. The different types of regulation may facilitate criminal activities by making a given (legal or illegal) market more vulnerable to organized crime. Thus, based on legislation, an involuntary creation of crime waves may take place. Different national legislation may offer organized criminals the opportunity to ‘shop’ among them. For example, making it possible for them to search for a country or an area where their criminal activities are the least difficult, least risky, and more profitable and rewarding. The EU also states that different prostitution laws may fuel human trafficking for sexual purposes, since some member state policies may unintentionally produce more sex trafficking victims (p.33).

The combination of differences among scholars, general EU guidelines, and ununited policies and regulations among member states, does open up questions. One might wonder how it is possible that European countries within the same union, supposedly sharing the same values, can have such different approaches towards prostitution. With a research field also including various disputed

opinions, one might question what people involved in or having connections to prostitution think about it all.

## 1.1. Aim and research question

This study aims to firstly, explore the relations between the national prostitution laws and the experienced reality of prostitution in Germany and Sweden. These countries have been chosen as they are often compared to each other as opposites when it comes to views on prostitution in Europe. Secondly, the research strives for an in-depth exploration of to what extent respective law regarding prostitution is able to offer freedom and consent to prostitutes (who are mostly women). An in-depth exploration of the prostitution field is relevant to be able to address the assumption I had before beginning the research for this thesis. Namely, that the *Swedish Sexköpslag* is better equipped to offer freedom and consent to those in prostitution, than the *German ProstG*. The study is based on previous research, website content, and interviews with people having different connections to prostitution; a combination necessary to come as close to reality as possible, and create an understanding of if and how the laws are in line with the experienced reality. Therefore, I strive to explore the following research question: *How are the national prostitution laws in Germany and Sweden received by actors in the prostitution field?*

## 1.2. Delimitation

As previously stated, prostitution is a field that includes various different aspects and opinions. The term sex industry (also known as ‘sex trade’ or ‘sex market’) generally refers to people and organizations providing various kinds of sexual products, services, or performances in exchange for compensation. For example, internet pornography, prostitution, sex shops, and sex tourism (Encyclopedia of Sex and Gender:2022). It would be impossible to include all of these aspects in the scope of this particular research, thus it had to be narrowed down. The focus lies on main actors having different, yet significant, connections to the field of prostitution in both countries. These include police, prostitutes’ organizations, help organizations, politicians, social workers and activists. Although they all have knowledge and experiences of prostitution, this scope will rather present relevant information serving as indications. It will not be comprehensive enough to be conclusive for all actors in the field. Human trafficking is also an aspect that has shown connections to prostitution. This research includes this aspect, but focuses only on human trafficking for sexual purposes. The connection between human trafficking and prostitution is based on previous research and statements made by relevant actors. The thesis does not include its own research on human trafficking, therefore the research does not claim that human trafficking is present in all situations of prostitution. This is

also the case regarding migration. Although previous research and statements show that migration has a connection to prostitution, the inclusion of this aspect in this thesis is not comprehensive enough to conclude the whole field. It would also be possible to do further analysis on intersectional levels, for example regarding gender or human rights. This is not included to a full extent in this thesis.

## 2. Previous research

This chapter introduces previous research regarding prostitution and their main findings. The chapter begins by introducing the Swedish and German prostitution laws, including some comments from the EU on respective legislation. This is followed by a shorter presentation of discussions that took place before the implementation of both laws, and how they have been critiqued. Official state evaluations of the laws are presented, which both include discussions of what the laws have or have not achieved after their implementations. Furthermore, this chapter presents previous research regarding violence, migration, human trafficking, and documented testimonies from prostitutes, brothel owners, and customers. These aspects are included to get an insight into the ‘daily work’ of prostitution. Lastly, findings connected to German and Swedish police perspectives are presented.

### 2.1. The Swedish Sexköpslag and the German ProstG

Sweden was the first country in the world to implement a law of this kind back in 1999. Sexköpslagen (also known as ‘The Nordic Model’) makes it illegal to purchase sexual services, but not illegal to sell them. The law is grounded in the perspective that prostitution should be seen as part of men’s violence against women and thus the focus should be on the perpetrator and not the victim. Procuring is also prohibited by law in Sweden (Jämställdhetsmyndigheten:2021). The Samtyckeslag from 2018, which makes sex without consent illegal and categorized as rape (Polisen:2021), is not directly connected to prostitution, but it will be relevant for the discussion regarding this topic. Sexköpslagen has caught the interest of many international institutions. The EU for example passed a non-binding resolution in 2014 encouraging the member states to implement this on a national level (European Parliament:2014). As of 2019 three out of all member states have partly or in full adopted this approach to handle prostitution (European Parliament:2021).

The Prostitution Act of 2002 in Germany (also known as ‘ProstG’) is a federal law that regulates the status of prostitution as a service. This law came into force as a way to improve both the legal and social situations for prostitutes (Bundesministerium für Familie, Senioren, Frauen und Jugend). In regards to this, amendments were made in the Criminal Code §180a; exploitation of prostitutes (Strafgesetzbuch: 13. Abschnitt - Straftaten gegen die sexuelle Selbstbestimmung<sup>1</sup>) and §181a; procuring (Strafgesetzbuch: 13. Abschnitt - Straftaten gegen die sexuelle Selbstbestimmung). This was made so that it would not be punishable to create an acceptable working environment, as long as no

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<sup>1</sup>In English: Penal Code: Section 13 - Offenses against sexual self-determination

exploitation of prostitutes is taking place. In 2017 yet two more amendments came into force; Article 232a punishes clients of trafficking victims, as well as the Prostitutes Protection Act, to protect prostitutes from criminal exploitation. This Act has established obligations and restrictions for people involved in prostitution. For example, prostitutes need to register with the proper authorities and attend compulsory counseling and the Act also makes condom use mandatory. Other important laws are not directly connected to prostitution but are still relevant to the discussion. Paragraph §177 (1) in the Criminal Code informs us that when someone performs sexual acts on a person or makes them perform sexual acts on another person against their will or without consent, as well as making someone perform or tolerate sexual acts on or from a third party, will be punished with imprisonment from six months up to five years. A perpetrator will also be punished by law if they take advantage of a person that is not in a state to form or express an opposing will to perform the sexual actions mentioned above (Strafgesetzbuch; 13. Abschnitt - Straftaten gegen die sexuelle Selbstbestimmung).

The German approach to tackle prostitution has been criticized many times. The same non-binding resolution the EU passed in 2014 urging member states to implement the Nordic Model, states that the legalization policy ‘[...] has been a disaster in Holland and Germany’ (European Parliament:2014).

## 2.2. Prostitution politics in Germany and Sweden before implementing the current laws

Dodillet (2011) offers a thorough analysis where she has examined the German and Swedish prostitution politics since the 1970s. In Germany, when presenting the proposal for a new prostitution law, The Green Party turned against the stigmatization and discrimination of prostitutes and argued for a recognition of prostitution as a profession (p.447). The debate distinguished between professional prostitution and trafficking. A distinction between professional prostitution and practicing prostitution under coercion was also made. For example, being active in prostitution to be able to finance a drug addiction. There were politicians who underlined that this law was not a sufficient tool to fight organized crime, women trafficking, and coerced prostitution. However, it was expected that this law would improve the police’s insight into the sex industry. The pimps’ influence would decrease and the prostitutes’ self-awareness increase (p.519). The law proposal was criticized by the Party Union of CDU/CSU for having the wrong priorities. They assumed that about 25% of the prostitutes were doing it out of a free will, and thus the focus should be on helping the weaker. Their argument was in turn criticized by ‘strong prostitutes’ (having their own businesses etc.) saying the Party was playing different prostitute groups against each other. ‘Are coerced prostitutes and trafficking victims being

helped by sex workers giving up their rights?’ were some of the counterarguments. All came from active prostitution lobbyists (p.520).

In the late 1980s when discussing prostitution in Sweden, a member of parliament said ‘would you want your sister or daughter to sell sex?’ (p.540). She used the question to put herself in the prostitutes’ situation. She continued by asking ‘would we wish for your sister or daughter to be a prostitute? If not, who’s sister or daughter must be sacrificed?’ (p.540). Upon this Dodillet questions the power imbalance that occurs with such a statement. It would mean that the prostitute does not actively take a step into prostitution, but is rather a weak individual that needs to be protected. By giving prostitutes the label ‘passive victim’ and at the same time positioning themselves as well-informed member of parliament, a power imbalance is built between both parties. By knowing what is best for ‘the weak’ and giving people different roles with more or less power, another form of oppression takes place and that needs to be addressed as well (p.540).

In terms of realizing the ambition of equality, Dodillet argues that politics in both countries need to focus on mainly three aspects; (i) Recognize all people as active subjects; (ii) Make visible the power structures in society; (iii) Fight poverty and other injustices. Viewing others as weak and incapable of handling their lives would lead to discrimination (p.541). Nevertheless, international human trafficking is described as a cynical form of migration, which Dodillet argues is consistent with viewing people as acting subjects, even if they find themselves in desperate situations. This perspective is her recommendation for a new prostitution policy in both Germany and Sweden (p.543). She argues that we are allowed to behave in a certain way due to norms and social rules, and if we differ from these norms and rules we are shunned. Thus, in terms of sexuality, she highlights three main aspects that will contribute to the distancing from coercion and stereotypical expectations; (i) Recognizing the constant presence of power structures; (ii) Making visible the different expressions of sexuality; (iii) De-moralization of sexuality (p.545). The argumentation for criminalizing sex purchase in Sweden has to a great extent been that prostitution contributes to the upholding of patriarchal structures. This however does not differ from many other societal phenomena (p.548). The German politicians on the other hand rather appear to be naïve when assuming that legalizing prostitution on its own will decrease the discrimination against prostitutes. Prostitution does not get less problematic by being accepted by society. She argues that both criminalization and legalization of prostitution are built on different ways of distancing from the business. This concludes that the way to legislate without taking an unambiguous stand in the ‘to be or not to be’ or ‘right and wrong’ debate on prostitution, is to decriminalize it. This allows different understandings and opinions to complement each other (p.550). The different views on prostitution throughout Europe should rather come together to make all aspects

of the business visible and thus help create a broad knowledge base. This is necessary so that as many as possible can make conscious decisions. Dodillet finishes her discussion by stating that a responsible prostitution law has two tasks; encourage an open discussion, and give prostitutes rights (p.554).

## 2.3. Official evaluations of the laws

### 2.3.1. Evaluation of ProstG

A detailed evaluation of the German ProstG showed that the goals intended by the legislation had been achieved only to 'a limited degree'. These goals were primarily;

- For prostitution to no longer be considered immoral
- To ensure that prostitutes can take legal action to enforce their pay
  - To facilitate access to social insurance
- To remove the breeding ground for prostitution-related crime
  - To make it easier for prostitutes to leave prostitution
- To improve working conditions (to pose as few health risks as possible)

The creation of the legal framework enabling contracts of employment for prostitutes, which is necessary for social insurance, has been done, yet few have used this option. Because of this, the ProstG has not been successful in making actual, measurable improvements regarding the social protection of prostitutes. This is also the case for the improvement of working conditions, where hardly any positive impact has been observed. There was no recognition of improved means for the prostitutes regarding leaving prostitution, as well as nothing indicating reduced crime. Regarding transparency in the world of prostitution, ProstG has contributed 'very little'. However, the fears partly linked to the law implementation have proven to not be true, especially regarding fighting crime. ProstG has not made it more difficult to prosecute human trafficking, forced prostitution or other prostitution-related violence (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, p.79). The evaluation identified four different strategies that generally are used to approach prostitution; (i) Prostitution is a violation of human dignity, (ii) Prostitution is (merely) a violation of moral principles or an offence against common decency, (iii) Prostitution is an autonomous decision to work in a risky profession, and (iiii) Prostitution is an occupation like any other. Acknowledging that Germany has adapted the third strategy, other observations are included as well. Such as that the law should respect the individuals' decision to work in a field 'typically associated with considerable dangers and risks' exemplified through 'psychological and physical impacts on those working in prostitution'(p.8). It is also acknowledged that the risks and dangers are not the cases for all forms of prostitution but rather associated with the prostitutes' working conditions (p.8). The Federal

Government appreciates a more broad-based approach to be required when regulating prostitution. It is suggested to incorporate an approach, where consistent combating of human trafficking, forced prostitution and prostitution of minors should be in focus. It should also aim to protect prostitutes ‘as best as possible’ from violence and exploitation. It is also acknowledged that the authorities have to be used more efficiently and, when needed, be expanded. Six points are identified as needing to be especially prioritized by further development. (1) An examination to what extent protection can be improved for victims of trafficking and forced prostitution. A solution for regulating the criminal liability of persons purchasing sex of victims of forced prostitution must be introduced; (2) In the same context it will also be necessary to examine if the so-called landlord’s privilege should be abolished; (3) To better be able to protect young persons against sexual abuse, the age of consent must be raised to 18 years; (4) The Federal Government must consult with the Bundesländer and examine whether usage of trade law instruments makes it possible to monitor commercial enterprises providing sexual services more efficiently. For example, requiring brothels and brothel-like establishments to apply for a licence to offer sexual services; (5) Examine how to better support those wishing to leave prostitution through assistance and drop-out programmes, and how existing models could be made more flexible; and (6) Prostitution should not be considered a reasonable source of income and security for one’s living, it must be ruled out the Federal Employment Agency suggests prostitution as work, but should rather prevent people being offered jobs in prostitution (p.80).

### **2.3.2. Evaluation of Sexköpslagen**

In 2008 a task force began evaluating the first nine years of the Swedish Sexköpslag. It was presented to the government in 2010. The number of people being used in street prostitution had gone down by 50% between 1999 and 2008. Before this law came into force the number of people in street prostitution had been generally the same in Stockholm, Oslo, and Copenhagen. However, in 2008 this number was three times higher in Oslo and Copenhagen compared to Stockholm (Regeringen:2016). The fear of prostitution going underground, which was debated before the law was implemented, had not come true. All kinds of prostitution need advertisements to find customers, and if the customers find them, the police find them. During these years prostitution via the internet increased, however, the investigation showed that it was not because of the law implementation, but rather the increase in internet usage in general. Prostitution via the internet was significantly more widespread in Denmark and Norway compared to Sweden. In general, the noticeable increase in prostitution in Denmark and Norway could not be explained by any other factors than as an effect of the criminalization of buying sex in Sweden. According to the Swedish Police, this law had prevented the establishment of organized crime in Sweden. It has functioned as a barrier against human trafficking and pimps in and hitting against the sex buyers has been crucial in the work to find and prosecute cases of trafficking.

Before the law came into force many were critical of the implementation, but investigations conducted after 2009 showed that the law was supported by approximately 70% of the Swedish population (Regeringen:2016). Making sex purchases illegal has thus helped reduce prostitution and create new norms regarding views on prostitution. The investigation could not identify any negative effects on the people in prostitution. It was identified that the resources for law enforcement were significant regarding the efficiency of the work against prostitution and human trafficking (Regeringen:2016).

### **2.3.3. Evaluation of the aftercare in Sweden for persons having left prostitution**

In the report, *Exploaterad men inte våldsutsatt - En nationell kartläggning av Sveriges Regioners vård för personer som utsatts för kommersiell sexuell exploatering*<sup>2</sup> (Inte Din Hora et al.:2021), the aftercare for persons in prostitution is criticised. Some organizations offer help, counseling, and care. However, many of the organizations offering help are located in bigger cities and findings showed that their work needs to be developed further. It showed that in-house education at State organizations regarding this target group was not sufficient enough in many regions. The survey showed that education was not conducted systematically (p.2). The report also shows that trauma treatment often was available, but sometimes difficult to access for the target group, since commercial sexual exploitation was not always included in the routines and guidelines regarding violence. A majority of the regions lacked special competencies to handle and treat victims of commercial sexual exploitation. Some regions referred to other organizations which include commercial sexual exploitation in their work, but do not operate as specialist organizations (p.3). Some regions also recognized that not all employees have the knowledge that is needed to handle the target group. The assessment is that more resources are needed as well-targeted efforts to be able to improve competencies (p.18). 75% of the regions do however define experiences from commercial sexual exploitation as potential traumatic incidents (p.25). The recommendations for further development in the report include mainly; (i) updating educational material, (ii) including victims of commercial sexual exploitation in the general guidelines regarding violence, (iii) establishing more organizations with special competencies regarding the target group, and (iiii) establish stronger collaboration between regions and municipalities (p.36-37).

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<sup>2</sup> In English: Exploited but not exposed to violence - A national survey of Sweden's Regions' care for people who have been subjected to commercial sexual exploitation

## 2.4. Prostitution as a job

### 2.4.1. Experiences

Previous research showed that active and former prostitutes expressed critical thoughts on prostitution as an occupation. Prostitution was described as an environment that destroys the body and soul and leaves deep scars. It was also described as '[...] the deepest abysses of our society; an immeasurable and unimaginable extent of violence, humiliation, lies, and inhumanity' (Norak&Kraus, p.2). Norak, a German former prostitute, describes how a physical job change could be managed without any greater difficulties, given that one has the opportunity to leave. However, a psychological exit from prostitution is not the same thing. Psychologically the memories and the pain stay for a long time. Often persons in prostitution lived with a genuine belief that they were worthless and did not deserve anything else than this. Sometimes it took years or even decades to break through all the pain and trauma (p.2). Active prostitutes have testified that the occupation requires one to be 'malleable', having to become anyone the customers need. Customers were described as all kinds of difficult people. Some came into the brothel to have their fantasies fulfilled. Some wanted to be walked around on a leash like a dog, and some wanted to be defecated on. Sometimes men came in, told a story, and left. The presented findings showed a majority of prostitutes stating that the job 'is not for everyone' (Diu:2015). The German legislation was put in question. A former prostitute claimed that the legality of sex purchase signals that prostitution is not violence but a normal job. This in turn teaches people in prostitution that what they experience is not real violence and that they can be sold for sexual objectification and (ab)use since it is legal. It was also put in question whether this should be something sanctioned by the state (Norak&Kraus, p.4). A description of the 'lover boy method' was also mentioned. A method where women do not want to enter prostitution in the first place but are forced, without violence, to do so by someone they trust. It was also described how this is a common way for traffickers to avoid prosecution, as they can state that the women did it voluntarily (p.2).

### 2.4.2. German brothels' management

Previous research shows that there are various kinds of brothels. Megabrothels usually demand an entrance fee, which is paid by both visitors and prostitutes. Sex then costs extra and the prices are negotiated between the prostitute and the customer. Another version of a megabrothel is that the prostitutes do not need to pay an entrance, instead they rent rooms for 24 hours. The cost of a room is about 175 euros. The general price for 30 minutes of sex is around 50 euros. However, a prostitute who had been working at Pascha<sup>3</sup> for some years stated that prices are going down every day. Then

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<sup>3</sup> Europe's biggest brothel. Situated in Cologne, Germany

there are the flat-rate brothels. In these brothels, a customer pays (generally) between 50 and 150 euros, and this includes entrance and unlimited amount of sex. Another type of brothel found was the 'sex box'. Sex boxes are stationed along the streets (for example Geestemünder Strasse in Cologne), and it has been reported that sex has been sold for as little as 10 euros there. There were also documented cases of a 'flat-rate club' ordering its employees to be completely naked all the time and agree to unprotected sex. If they broke a rule they had to pay a fine to the brothel. This was ruled in court as legal, as the manager had a 'right of direction' over the women, as they would over any other employee (Diu:2015).

Pascha in Cologne is Europe's biggest brothel and there were findings of its manager having knowledge of women having pimps. The pimps were, however, not allowed inside the brothel. One brothel manager commented on women's voluntary status with the words 'it's none of my business' (Diu:2015). There were also findings showing how the manager of another brothel chain, Paradise, smacked a prostitute on her naked bottom, as she passed him by. In general, findings from previous research point towards distinctions being made among managers between the law and reality. 'The law does not work. No one employs prostitutes in Germany', Paradise's manager has reportedly stated (Diu, 2015). The reason for this is said to be that the brothel owner and the prostitute do not want to have an employment contract. Something that is considered beneficial for both parties. If there is no contract the brothels do not have to pay pension contributions, and the prostitutes do not have to pay for health insurance. Reportedly, the costs for health insurance for a self-employed prostitute are high, around 500 euros monthly, because it being considered a risky job. Brothel managers have confirmed that many women working in their brothels only stay in Germany for eight weeks, thus they have no permanent address. Therefore it is said that the prostitutes have little incentive to hand over parts of their earnings to social security (Diu, 2015).

### **2.4.3. Customers' perspectives on prostitution**

There is documentation of both Swedish and German sex buyers being aware of some prostitutes having pimps. A regular customer at Pascha stated that he did not go with girls that seemed 'unhappy' (Diu:2015). This particular customer also claimed that legalized prostitution is a good thing, as men can live out their fantasies freely instead of going out and raping women (Diu:2015). Interviews conducted with German sex buyers as they were visiting brothels showed that they were between 23 and 73 years old. They all had different kinds of relationship statuses; married, divorced, separated, and single. They expressed various reasons why they bought sex; power, testing boundaries, being able to do what one wants with the woman. Some also expressed how dating takes up much time and how other women [not prostitutes] cause stress. Thus, paying for it makes it possible to get sex right

away. Some also mentioned shyness being a hindrance to meeting women, thus they chose to pay for it. Various comments were made about the women working in the brothels. When combining the findings, the customers wanted them to be friendly, have a nice time, not too professional, not of Asian origin, be clean, not be younger than the customer's daughter, only be part-time prostitutes, and the money should be worth it, for example by them saying it was the best sex of their life. One sex buyer worked professionally with an online platform where alibis for sex buyers are offered. Another was an entrepreneur, saying the brothel is a good place to meet up with other businessmen. One sex buyer had been in love with two prostitutes previously and wanted to save them [from prostitution]. Since then he goes to the same woman every time. Sex buyers were also aware of foreign prostitutes suddenly disappearing (Flitner:2013).

Swedish sex buyers also go to Germany to visit its brothels. There are online platforms where sex buyers can rate and comment on brothels, as well as on individual prostitutes. Information found on such platforms showed that Swedes frequently visit German brothels and how they encourage others to go there to meet 'fellow countrymen and have real good sex' (Häggström:2017, p.71). A question posted on one platform asked about the age limit at the brothels. The commenter wanted to buy a trip to Germany for his 17-year-old brother, as he could 'not manage to get laid on his own' (p.112). Comments were also made towards the Swedish Sexköpslag. Statements such as 'the restricted law cannot reach you there' and 'PK<sup>4</sup> Sweden' were made (p.71). One sex buyer posted a thorough review of both the brothel he visited, as well as each prostitute he met whilst being in Berlin. This included expressions of how the brothel feels like a familiar and comfortable place, as he had been there many times. The women were commented on in various ways; nice and tight, less attractive, having ugly silicon breasts, being a bit chubby, but at the same time tight, having nice and natural big breasts (p.103-104). Encountering a German-born prostitute was described as 'that's a first' (p.106). The same woman was later described as being '[...] put on earth to give blow jobs and nothing else!' (p.104). There were also mentions of how some 'girls' approaching him were rejected, as he did not find them attractive (p.106).

## 2.5. Prostitution and violence

Significant amounts of violence can be connected to prostitution. There are documented effects of prostitution resembling the effects of sexual violence, such as rape, incest, sexual harassment, and marital rape. Both prostitutes and victims of sexual violence had experienced similar difficulties in establishing romantic or intimate relationships with men, as well as having feelings of hatred towards

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<sup>4</sup> Meaning Politically Correct

men. Previous research showed that prostitutes and victims of sexual violence felt that their sexuality had suffered negative consequences. They experienced flashbacks and nightmares, and a lingering fear and deep emotional pain often resembling grief. Yet another identified effect was suicide. In general, the prostituted women blamed themselves for the violence and damages they encountered, as well as their sense of valuelessness being strengthened whilst in prostitution because of how men treated them. Reportedly the male abusers treated them as non-humans, not noticing when they were crying. This was compared to the traumas found in sexual abuse victims (Jeffreys, p.183). Post-traumatic stress disorder (PTSD) was documented as one of the results of long-term prostitution and the enduring of sexual violence. Survey results showed that 41% of 130 participants (all prostituted persons) met the criteria to be diagnosed with PTSD. This could be compared to battered women in shelters having an incidence of 45% to 84%, and 15% amongst Vietnam veterans (p.183-84).

A study including prostitutes from nine different countries (Farley et al:2004) showed that 95% of those in prostitution experienced sexual harassment which would be legally actionable in a different job setting. Apart from that, 65% to 95% of those in prostitution had been sexually assaulted as children. 70% to 95% were physically assaulted in prostitution; 60% to 75% were raped in prostitution; 75% of those in prostitution had been homeless at some point in their lives. 89% of 785 participants (all prostitutes) wanted to escape prostitution. 88% had experienced verbal abuse and social contempt. Women who serviced more customers also reported more severe physical symptoms (p.56). Physical and psychological symptoms rarely disappeared after the women escaped prostitution (p.59). Prostitutes made comments such as 'what rape is to others, is normal to us' and 'I hate that I have to have sex with someone I don't like or love' (p.60). Findings also point to that a vast majority of prostitutes around the world had experienced prostitution and trafficking as 'being hunted down, dominated, sexually harassed, and assaulted' (p.60).

There were also findings of deadly violence connected to the German sex trade. Between the years 1920 and 2017, a total of 272 victims (murder or attempted murder) were identified. From 1970 to 1999 the statistics increased in each decade. Between 1970-1979 there were twenty documented victims; 1980-1989 there were thirty-eight victims, and between 1990-1999 there were sixty-one victims. After 1999 the number of victims dying of the violence they endured decreased, however, the number of victims of attempted murder rose drastically; four attempted murders in 1990-1999, twelve in 2000-2009, and twenty-three between 2010-2017. Generally the number of victims (murder and attempted murder) between 1990-2017 were the same: sixty-five victims from 1990-1999; sixty-two victims from 2000-2009; and fifty-nine victims from 2010-2017 (Schon&Hoheide, p.6). Reportedly 98% of the victims were women; two were trans women and there was one case where the victim was

male. The age of the victims ranged between 15 and 67 years old. There was a drastic increase in victims of foreign origin. Before 1990 foreigners appeared sporadically as victims. Between 1990-1999 however, they made up 27,5% of the victims, between 2000-2009 nearly half at 48,5%, and from 2010-2018 they made up 60,7% of the statistics (p.7). The location of the crimes was also identified. In the decade before the legalization of brothels in Germany (1990-1999), 50% of murders happened in the streets, 6% in caravans, 28% in apartments, and 12% in brothels. Thus, 58,3% of the murders took place outdoors, compared to 41,7% which took place indoors. In the two decades after the legalization of brothels and prostitution in 2002, this pattern was reversed. 77,6% of the murders between 2000-2009 took place indoors and 22,4% outdoors. The statistics are similar between 2010-2017 with 25% of the murders happening outdoors and 75% indoors (p.8). Overall women in prostitution were murdered in all federal states and also in rural areas, not only in big cities or red-light districts (p.11). There was one finding of a prostitute being murdered in Sweden, this happened in Stockholm in 1984 (Sveriges Radio:2006).

The perpetrators' profiles match those of the usual sex buyers; they cover all ages, occupations, relationship statuses, and general walks of life. In some of the cases (40) the perpetrator had a previous history of violence against women. In cases where a relationship between the victim and the murderer could be identified, a majority of the murderers were sex buyers. Other common characteristics of the murderers were pimps and intimate partners. Usually they had first met the victim in a prostitution milieu (p.9).

## 2.6. Prostitution and migration

A connection between European prostitution and migration has been documented. Reportedly, refugee camps lack sex-segregated spaces and basic hygiene units for women. A significant amount of sexual violence and intimidation of women have been reported on site. Female asylum seekers are afraid to take showers in un-segregated facilities, as they fear being sexually harassed. There is a recurring phenomenon taking place in refugee camps. Strangers pose as humanitarian workers to lure women away by offering them the possibility to shower in secure locations outside the camp. However, these women never return. Findings rather show that these women end up in severe situations of exploitation, such as forced marriage, domestic servitude, and prostitution (Zobnina, p.1). These women mostly end up on the streets of European cities where prostitution is legalized. A report from the European Commission in 2015 showed that out of the 30,000 registered trafficking victims in the EU between 2010 and 2012, almost 70 percent were victims of sexual exploitation. Women and underage girls made up 95 percent of these statistics. Over 60 percent were trafficked internally from

countries like Romania, Bulgaria, and Poland. Victims from outside the EU commonly came from Nigeria, Brazil, China, Vietnam, and Russia. The Eastern European women tended to be difficult for help organizations to reach, as their 'managers' often kept them away from public spaces and had them under strict surveillance (p.2). This was also confirmed by experienced German police officer Manfred Paulus (2014). In his study he describes how the fall of the Soviet Union and the opening of borders to the East led to a remarkable increase in women from East and Southeast Europe being smuggled into the West. This illegal market of East European women has in a lingering process expanded to an extent that cannot be compared to anything previously known. The market has kept growing in the 21st century and shows no sign of decreasing. Perpetrators and their organizations from all around the world are doing everything they can to conquer the lucrative and free sex markets in Germany; a country that is serving as an unreplaceable receiver in Europe when it comes to 'women as products' (Paulus, p.38). As previously mentioned, findings also showed how prostitutes of foreign origin made up a majority of the murder victims in the German sex trade (Schon&Hoheide, p.7).

## 2.7. Police officers' perspectives

Experienced chief inspectors of the German police have reportedly criticized the law. Germany has not managed to find a way to tackle or even decrease the problems that come with prostitution, but rather offers ideal conditions for prostitution and criminal activity connected to it (Paulus, p.16). A study conducted by the universities of Göttingen and Heidelberg showed that the ProstG is not insignificant to the increase in human trafficking. The conclusion from this study also showed that the legalization of prostitution contributes to rising demand (also demand of illegally smuggled victims) and enlargement of the sex markets. In Germany with its liberal law, the markets are sixty times bigger compared to Sweden. Germany is offering ideal circumstances, such as geographical position, stable economy, tolerance, and low poverty. These aspects are a dream for human traffickers, pimps, and brothel owners (Paulus, p.41). Chief detective Simon Häggström of Stockholm's prostitution and human trafficking unit stated that prostitution having a function in society is a myth. According to his experiences in the field, year after year women are transported in and out of different European countries. They are sold as slaves in one city for a couple of weeks, to then be passed on to the next city or country (Häggström:2016, p.409). It is confirmed that the men buying sex come from every part of society; they are friends, fathers, colleagues, relatives, ugly, handsome, poor, and rich (Häggström:2017, p.13-14). Findings have shown that there, to some extent, are collaborations between police and prostitutes in Sweden, which have been proven fruitful. There have been cases of prostitutes contacting the police to help get girls away from known prostitution areas when they thought they were too young. Through the help of prostitutes contacting the police, they have for

example been able to arrest sex buying pedophiles (Häggström, p.39; p.160-161). There were also comments regarding the law's function as a tool for signaling values in society. Häggström argues that a law shows that a country is putting its foot down and takes responsibility for its citizens when they commit crimes. Through his experiences and perspectives a need for the criminalization of sex purchases abroad would be an important step to take. Even if it would be difficult to implement such a law and there would be many judicial obstacles, it would still be necessary. Two surveys conducted in 1996 and 2008 showed that 70 percent of the people answering 'yes' to having purchased sex also stated that they have done so abroad. As the world has 'shrunk', making it relatively easy for people to go anywhere they want, this is to be considered a problem. Sweden may have made it illegal to purchase sex, but the Swedish sex buyer can easily go to another country where it is legal (p.109). This kind of law has to adapt to the current situation. Neither Sweden nor Europe look the same as they did 20 years ago. An increase in globalization, free movement, and open borders are aspects that need to be addressed and a mutual international standing point needs to be found on how to best tackle prostitution (p.110).

### 3. Theoretical framework

To be able to investigate how the actors included in this thesis understand the prostitution field and how they receive the respective laws, a suitable theoretical framework was chosen. The main theory for this thesis is Honneth's theory of recognition. Using this theory helps me interpret the actors' understandings of prostitution and how this might be a cause of social conflict. This approach is considered relevant, as the debate regarding the prostitution laws has been causing social conflicts both within countries and between countries. Additionally, before the research for this thesis began, it was assumed that the *Swedish Sexköpslag* would be better equipped to offer freedom and consent to those in prostitution, than the *German ProstG*. Therefore, the thesis theoretical framework also includes sections on freedom and consent, which are both applied concepts within both feminist and legal scholarly discussions. This is relevant as it enables me to understand how scholars argue and view these concepts and how this could be applied to both a prostitution context and the legal order of that context.

#### 3.1. A law's function

The law is a wide and complex phenomenon, which this research does not attempt to fully define (as this would be simply overwhelming). However, one of the many functions the law has in society is to communicate and reinforce social values. What the law does is to identify these values and assist society by ensuring that they are communicated or enforced by the state. Yet another function that law has is to provide fundamental freedoms for the people. These fundamental freedoms are part of the social contract on which the theory of government is based. They include aspects such as freedom of life and welfare issues; free education, minimum standards of living, and so on (Chukwuemeka:2021).

#### 3.2. Defining prostitution and sex work

The difference between prostitution and sex work is not always crystal clear. In this research these terms are defined as follows. Sex work as a term recognizes sex as an occupation. It is not uncommon that people selling sex prefer the term 'sex worker' over 'prostitute'. They make this distinction because the latter could be perceived '[...] demeaning and stigmatizing', which in itself could contribute to exclusion from '[...] health, legal, and social services' (Open Society Foundations). A perspective that terms the activity as prostitution does not recognize sex as work, but rather defines it as sexual acts in exchange for compensation. Sexual acts could include showing oneself on the

webcam, being recorded in sexual situations, having sex, or performing sexual acts on someone. The compensation could be anything from money, drugs, or a place to stay (Inte Din Hora:2018).

### 3.3. What is recognition theory?

Axel Honneth published *The Struggle for Recognition* in 1995. Based on Hegel's theory of recognition, Honneth developed an empirically anchored theory of social conflict in which an intersubjective view of identity and moral interpretation of social conflict is the focus. The theory was developed to offer a normative standard by which particular struggles can be evaluated, as well as to create a normative ideal that aims to cover a 'middle ground' between overly abstract Kantian theories and potentially parochial communitarian theories. At the basic level, Honneth's theory of recognition is about how humans are constituted intersubjectively, and also a recognition and interpretation of the moral horizon in which humans are created. Recognition is important because the formation of ethical personhood depends on it. According to Honneth, humans do not become ethical subjects through a monological process of internal development, but rather by engaging in social interactions with others and seeing themselves from the perspective of others. These social interactions are all governed by three widely shared norms; *love*, *respect*, and *self-esteem*. These three norms provide the three axes for Honneth's interpretation of the social conflict. A social conflict or struggle can arise from an experience of disrespect, that one experiences an unfair application of these norms from a personal perspective. Therefore, social conflict arises from disappointed ethical expectations, as the grammar of social conflict is moral (Mark:2016).

The three axes of recognition (love, respect, self-esteem) must be fulfilled for a person to be able to become an autonomous ethical agent in the modern world. These axes are each typically realized in various types of institutionalized social relationships (or patterns of social interaction); for example a loving primary relationship, legal relations, or a social state of solidarity. Each axis has a norm linked to its meaning. For example regarding legal recognition, the governing principle is that legal equality respects individuals in virtue of their (equal) capacity for moral autonomy. However, each axis also has a form of disrespect or misrecognition connected to it. This happens when the shared norms are violated in a way. This would be considered a denial of recognition, which does not only result in shame or anger but holds the potential to cause psychic damage by undermining the positive relations-to-self as well. Thus, misrecognition 'represents an injustice not simply because it harms subjects or restricts their freedom to act, but because it injures them with regard to the positive understanding of themselves that they have acquired intersubjectively' (Mark:2016).

### **3.3.1. First axis: Love and self-confidence**

Love is established as the first axis of recognition. It is defined as an attitude of care and concern directed at a person's (concrete) desires and needs. The recognition of love allows the person to gain basic confidence not only in their own needs and desires but also in their expression. Honneth argues that the experience of love is 'both conceptually and genetically before every other form of reciprocal recognition' (reprinted in Mark:2016). Love is conceptually prior, as it is viewed as a condition of any further positive relations to self. Genetically it is prior because the paradigm of a loving relationship is that between a primary carer (a parent) and child. Loving relationships continue throughout life, but loving relationships from early childhood are particularly important, as they are necessary for the process in which the child starts to distinguish itself from the surrounding environment. By receiving continued care and concern from others, the child develops its basic confidence, needs, and trust in the world. Honneth also highlights self-confidence as fundamental importance, as the lack of it can have terrible effects. In the same way, love supports the development of self-confidence, and the disrespect of love undermines it. For example, types of physical abuse that target and take control of a victim's body, such as torture or rape, can have terrible effects. It can damage one's basic confidence (which is learned through love) and this, in turn, can destroy trust in oneself and the world. It can affect all interactions with others and cause damage that lasts even after the abusive moment (Mark:2016).

### **3.3.2. Second axis: Legal recognition and self-respect**

Legal relations enable individuals to develop self-respect. What is defining of the modern legal systems according to Honneth, is that they are legitimated by the idea of a rational agreement between autonomous individuals. For example, a legal order can only be considered valid if it, in principle, appeals to the free approval of all included individuals. This form of legitimation implies that the law has two characteristics; 1) subjection to law implies that a person is capable of rational agreement on the part of the subject (their moral autonomy), and 2) it implies equality. Thus, modern legal systems must treat all subjects equally, and offer no privileges or exceptions. Civil, political, and social rights are considered the most important legal expressions of human autonomy. Individual rights are specifically aimed at preserving moral autonomy's capacity. For example by protecting persons from threats against their physical integrity or their property. Having rights makes it possible for individuals to make socially valid claims, such as using their rights to demonstrate that the person should be recognized as a morally responsible person. Self-respect is the sense of one's autonomy and equality. Thus, if someone is denied legal respect, it could cause injured self-respect. If a person feels legally

unprivileged, it could undermine the person's sense of moral responsibility. It could also bring a loss of self-respect and hurt one's sense of being legally equal to others in society (Mark:2016).

### **3.3.3. Third axis: Esteem and self-esteem**

The third axis, esteem, recognizes personal capacities and achievements that distinguish individuals from one another. It allows a person to see their qualities as valuable. Honneth argues that self-realization requires the recognition of persons as equals. According to his theory, societies share sets of common goals. If members of a community can recognize other individuals' capacities and achievements as valuable, the experience of being esteemed and cherished by others gives the individual the possibility to see their achievements as positive and useful. Thus, it enables a person to feel confident and that their abilities will be viewed as valuable by others. Here, esteem is seen as the social condition of self-esteem. A misrecognition of this axis happens when individual forms of life and manners are viewed as inferior on a shared horizon of values. This in turn takes away the opportunity to apply social value to an individual's abilities (Mark:2016).

## **3.4. Concept of freedom**

In addition to Honneth's recognition theory, this thesis also takes interest in how freedom can be connected to the respective prostitution laws in Sweden and Germany. Therefore it is relevant to explore the concept of freedom and how scholars argue on this matter. When speaking of individual freedom, liberal feminists often argue that the integrity of the private sphere must be maintained, as to preserve individual freedom in society. One recurring objection is that the government should have nothing to do with people's bedrooms, for example. It is also argued that government surveillance of its citizens' private lives poses a violation of individual freedom that threatens democracy. The private sphere should not be monitored by the government (Egbert, p.49). There are however some uncertainties connected to this approach. Even among liberals, the definition of the private sphere is not entirely clear. This makes some argue that a reconceptualization is needed, to not, even if unintentionally, cover oppression or depoliticize harmful experiences of women. MacKinnon (2000) and other feminist scholars (DeCew:2015) argue that a fundamental right to privacy may rather be a derivative right. Also, the division between public and private is not always clear, as the distinction may vary based on context. For example, 'civil society' of public expression or private enterprise might be part of the private sphere, yet at the same time be subject to government regulations. These might be anti-harassment or anti-discrimination laws. Another example is child-rearing, which would be considered a part of the private sphere by most. Yet it is by nature non-consensual, as it involves non-consensual participation from the children (who are autonomous and therefore unable to consent)

(Egbert, p.50). Scholarly discussions put the inconsistency of the private sphere in question, as the liberal private sphere seems to be lacking standards by which right and wrong are determined; using the private sphere as a blanket justification for individuals' behavior or values. It thus supports patriarchal institutions and practices, rather than analyzing or altering hierarchical social structures in which injustice and oppression are shaped (p.51).

### 3.5. Concept of consent

Furthermore, this thesis also aims to discuss the concept of consent. Generally, consent as a concept does not limit itself to only one discipline. It rather moves beyond boundaries and through various territories. Consent attaches itself to both conceptual and practical applications. It is seen as a fundamental principle of both democratic ideology and social organization. It is also a significant element of private and criminal law. Feminist scholars have created a body of various critiques, which goes mainly in two directions; (i) the absence of consent's theoretical demands as an established aspect of political, ethical, and legal orders, and (ii) consent's pragmatic application in concrete social situations. Thus, the critiques can be divided into two, loosely distinguishable, categories. The former is oriented towards political theory, ethics, and philosophy. Here, one is oriented towards the relationship between consent's rhetoric and the everyday experience in women's personal lives (in which consent is of primary practical importance). Feminist legal scholars on the other hand, more often focus on the micro-politics of consent. In this case, one's exploration of how the law treats consent in specific contexts, for example, sexual violence, prostitution, and trafficking of women for sexual purposes. The characteristic that unifies the different approaches, is the examination of consent concerning liberal individualism's vision of humanity. It is not suggested that feminists are or must be advocates of liberal theory, rather that feminist writings understand consent as articulating a normative commitment to liberal subjectivity. This subjectivity privileges representation, both of the consenting subject and the consenting act itself. The entity of consent, according to liberal ethics, lies in its voluntary nature, as well as inner rationality. Thus, consent is the outcome of individual judgement coming from the subject's freedom of will and independent choice. The independent choice is often made to maximize pleasure, welfare, or self-interest, only to be limited by negative outcomes or effects it may have on the interest of others (Drakopoulou, p.1). The outcomes of conceptualizing consent as a function of liberal subjectivity are significant. It shapes the feminist discourse, as well as its direction and solutions proposed to problems the usage of the concept may present. One example is the idea of social contract forming the basis for political association. This is challenged by feminists, stating that contemporary representations of modern democratic society are of post-patriarchal social and political orders. Therefore, it is argued that the notion of the social contract is a disguise, hiding

the real and structural inequalities existing between the genders. Feminists scholars argue that the social structures cannot be truly consensual, as women did not even consent to the original social contract. Thus, women are not given the possibility to genuinely consent (p.2).

## 4. Method and material

This chapter explains how the data for this thesis was collected, which methodological design was considered relevant, and how the data was analyzed. The chapter also includes a presentation of problems and challenges that were encountered along the way, as well as an argumentation for changes that were made and why. Furthermore, the interviewees are presented and what connection they have to the prostitution field. The ethical considerations that were made are presented. These include a brief presentation of the four main rules for research ethics, followed by a description of how these were implemented when conducting interviews. This chapter ends with a brief presentation of the key principles of source criticism and how source criticism was used throughout the thesis, as well as an argumentation of how the different sources met these principles.

### 4.1. Critical discourse analysis

A critical discourse analysis (CDA) has been used as a qualitative method to analyze the collected data. This approach was preferred for this research for more than one reason. One distinctive quality CDA holds is the acknowledgment of the role language has as a carrier of power (Bryman, p.483). Specifically, Norman Fairclough's design of CDA has been utilized. To investigate how the national prostitution laws in Germany and Sweden are received by actors in the prostitution field a textual analysis and a discourse analysis have been conducted on texts/information from the websites of four networks/organizations working with prostitution. *BSD* and *SkF* in Germany, and *RealStars* and *Inte Din Hora* in Sweden. To analyze the aspect of social practice, four interviews were conducted specifically for this research, and one additional interview with a high-ranking German Police Officer published by the EMMA magazine in 2020 was incorporated as well.

CDA was considered useful for this research as it focuses on the relationship between discourse and various aspects of social practice. It assesses the meaning of the language that is used to formulate or describe different things. CDA also states that communicative events are something that should be observed in their social contexts since these communicative events create and also are created in broader societal systems. This means that language can be seen as a tool used to give meaning to the world and also shape people's understandings and attitudes (Fairclough, p.8) The method of CDA is, according to Fairclough (2003), built on the '[...] assumption that language is an irreducible part of social life, dialectically interconnected with other elements of social life so that social analysis and research always has to take account of language' (p.2). Fairclough also argues that no real

understanding of the social effects a discourse has can be reached without examining what happens when people communicate in some form (talk or write). From this perspective, text analysis is something essential to discourse analysis. However, Fairclough's theory of CDA does not view discourse analysis as only a linguistic analysis of a text. Discourse analysis is rather seen as moving between the focus of a text and the order of a discourse (p.3).

A discourse's presence in social life is considered to contain three main features; genres (a way of acting), discourses (a way of representing), and styles (a way of being). One example of a genre is interviewing. The discourse is then 'part of the action' where interaction (interview) takes place. When it comes to discourses Fairclough explains it as a way of representing things. In social life, there are particular ways of representing, for example, parts of the world, and how the representation can be understood differently from different standpoints. Lastly, styles, where discourse is part of the being. Discourse is present alongside the bodily behavior, in which social and/or personal identities are expressed. These identities are thus established through the use of specific discourses (p.26). Furthermore, Fairclough argues that discourse itself can be understood by three additional components; (i) the production; (ii) the (text) itself; and (iii) the reception. It is specifically argued that the interplay between these three aspects is significant. Aspects such as personal, cultural, or political positions of both producer and receiver must thus be taken into account (p.10). A published text might, for example, contribute to different meanings, as it is open to different interpretations (p.11).

I am aware that all the sources used to conduct this analysis (interviews, and website content from organizations/networks) could carry both social and textual value. However, the decision to divide the sources and focus on social value from the interviews was made, as an interview offers the opportunity to ask specific questions in a direct conversation and build on the information that the person is giving. The website content only offers the information the organization has decided to publish and does not necessarily allow receiving answers to further questions. The reader rather makes their interpretations, as mentioned above. Therefore the sources were divided this way for the analysis, as to be able to achieve the best turn-out with the provided information and with it answer the research question.

## 4.2. Data collection

### 4.2.1. Material

The data collection for this thesis has been qualitative of naturalistic nature. This approach to data collection was considered profitable for two reasons; (i) the research aims to explore the experiences

of actors in the field of prostitution and (ii) to create an in-depth understanding of the reality of prostitution. Firstly, relevant secondary sources and official reports were identified to present findings connected to the reality of prostitution, as well as specific aspects of prostitution in Germany and Sweden. These findings are presented in the previous research section of this thesis, to offer the reader a relevant overview and background to the topic. Peer-reviewed previous research on prostitution has been collected mainly online through Gothenburg University's library catalog. To find relevant material, searches such as 'prostitution laws + Europe', 'prostitution + Germany + Sweden', 'effects of prostitution', 'arguments for + against prostitution', 'prostitution + experiences' were made. Relevant material was also found through researchers referring to other researchers' work. At seminars throughout the master thesis course, fruitful recommendations for specific authors and/or previous research were received from professors and fellow students. This helped broaden the material. Recommendations for specific authors and previous research were also received from the thesis supervisor. As laws are significant to this research, legal documents and reports from Sweden and Germany have been collected. They have been found on official state-related websites, such as *Regeringen*, *Polisen*, and *Jämställdhetsmyndigheten* in Sweden, and the *Strafgesetzbuch* and *Bundesministerien* in Germany. Material has also been gathered from the websites of the European Union and its institutions. This was made to get an overview of prostitution in Europe and how the member states may share similarities or differences in that field.

Secondly, to conduct the textual analysis and discourse analysis, four networks/organizations were chosen. Two Swedish and two German. To find suitable organizations I made Google searches such as "Germany + prostitution organization", "Sweden + prostitution organizations", "Germany + national prostitution networks", and "Sweden + national prostitution networks". I then identified the bigger networks/organizations since I wanted them to be represented in the whole or big parts of the respective country. Based on this, *Bundesverband Sexuelle Dienstleistungen e.V. (BSD)* and *Sozialdienst katholischer Frauen e.V. (SkF)* were chosen in Germany, as well as *Inte Dina Hora* and *RealStars* in Sweden.

*BSD* is an NGO functioning as a 'spokesperson' for German brothel managers and sex workers. The aim is described as wanting to have conversations about prostitution with people, organizations, etc. that are interested to know more about the field of prostitution. *BSD* also awards prostitution businesses in Germany with their certificates (BSD:2021). *SkF* is a help organization not focusing solely on prostitution, but it is stated that it is a big part of their work. Their overall aim is to help women, children, families, and young adults in need. The organization was founded in 1900 and has

been working with prostitution ever since (SkF:2022). *Inte Din Hora* is a network for people having experiences of commercial sexual exploitation. The network aims to work towards the vision that no one should be used in the sex trade (Inte Din Hora:2022). *RealStars* is an NGO working towards ‘fair sex’. Their aim is that sex should always take place on equal terms, without force or violence, for everyone around the world. The organization states that trafficking and prostitution are the opposite of fair sex and must be fought against (RealStars:2022).

After having familiarized myself with the networks/organizations, I established keywords for the textual analysis; *prostitution, sex work, freedom, consent, violence, (human) trafficking, criminality, gender/gender equality, sex buyer*, and any mentions of the *prostitution law*. These keywords were chosen based on what was frequently discussed or mentioned in previous research, as to create an understanding of where these actors position themselves in the prostitution debate. This was done to be able to conclude how they view prostitution and respective prostitution law. I carefully read through the information their websites provided several times and identified the sections that would be relevant for this thesis. These sections include every website’s homepage, ‘about us’ section, and a section specifically discussing prostitution if provided. These sections were considered particularly interesting, as this is where the network/organization presents itself to other organizations and people seeking their help, as well as presenting their understanding of what prostitution is. Other sections of the websites were not included, as they only contained information such as the organization’s location, contact information, or what needs to be filled out to become a member. This was not considered to bring fruitful information to the thesis. After having located the relevant sections and marked the keywords, I read through them again highlighting parts where recurring or independent discourses could be identified. All findings were documented in a mind map, one for each website, which presented a clear overview of the findings.

#### **4.2.2. Interviews**

As one step of CDA is to analyze social practice, I wanted to conduct interviews. The interviews have been the main cause of challenges throughout the research. The original idea was to base the research solely on interviews from an intersectional perspective; including various people having different kinds of connections to prostitution (politicians, prostitutes, police, brothel owners, social workers, and so on). The goal, then, was to create a balance between the German and the Swedish interviewees, to be able to build strong and credible data from both countries. This idea, however, had to be abandoned, as the German (potential) interviewees either showed reluctance to participate or ignored several requests for an interview. To base a case study of two countries on interviews, when the participants

would be uneven, did not seem feasible. To find participants for the interviews an advertising approach was used. The overall idea for and aim of the thesis was presented in short and sent as emails to state organs, NGOs, social workers, police, politicians, help organizations, and brothels with a request that they would participate. In some cases, a chain referral occurred, with people recommending others who might be relevant for the interviews as well. The main difference between the answers received from Swedish and German actors was the will to engage in the topic. To illustrate this, one might look at Stadt Köln, a state organ responsible for the registration of prostitutes in Cologne. The interview request was met with a short answer stating they did not have time to participate. When asked if they could direct me to a website or other useful information regarding their work with prostitution, no answer was received. The attempt to establish contact with the Cologne Police Press Office was met with a promise to get back to me, but this was not followed through. Several emails were sent to Pascha, Europe's biggest brothel, but no answer was received. Several requests sent to national and local help organizations working with prostitution in Germany were met with silence. In Sweden, all requests were met with enthusiasm, including comments on the importance of researching this topic. Even when the organization or person did not have time to participate, they directed me to other organizations/persons/sources where relevant information could be found. In one case, an invitation to an online seminar discussing prostitution in Sweden was received. When contacting the Swedish Police, relevant phone numbers and email addresses were received.

Due to this development, a decision was made to collect written material from perspectives related to those of the potential interviewees. In that way, relevant data could still be collected, even if interviews could not be realized as initially intended. Four interviews have however been included in the research. The participants were; *Malin Andersson*, a social worker in Stockholm focusing on prostitution and human trafficking; *Malin Roux Johansson*, Secretary General and founder of the NGO RealStars in Gothenburg; *Margareta Winberg*, a Swedish Social Democratic politician who held various ministerial posts from 1994 to 2003, and she was Deputy Prime Minister of Sweden from 2002 to 2003. She was one of them who worked with the implementation of the Swedish Sexköpslag; and *Elly Arrow*, a German activist focusing on prostitution issues. All interviews were conducted over Zoom throughout March 2022, and one in the middle of April 2022. They were recorded and later transcribed. Furthermore, an already published interview with retired German police officer *Helmut S* for the German magazine EMMA was included as a part of the interview material. Even though this is a secondary source and I was unable to ask my questions, this interview revolved around themes and questions similar to my own. It was also published within a reasonable time frame (2020) and his

experiences in the German prostitution field were considered to be of value since he before his retirement had worked solely with prostitution-related issues for 17 years (EMMA:2020).

The decision to include these interviews was made, as to some extent be able to present personal experiences and thoughts from actors working or having worked in the prostitution field on a regular basis. This in turn helped build strong arguments and bring relevant perspectives to the research and an understanding of the social practice. The questions were in general divided into four overall categories; i) The general prostitution debate and its various arguments; ii) Prostitution and human trafficking; iii) The prostitution laws and their correlation to reality, and iv) Freedom, consent, and the prostitution laws. The decision to have respondents instead of informants for the interviews was relevant as the research strove for elaborated and rich answers. The goal was to get insights into the individuals' perspectives and thoughts, which made respondents the preferred choice. An inductive structure was used together with interpretative methods, which did not make questionnaires, generalizations, or quantitative data relevant or necessary. Semi-structured interviews made it easier to get to know the experiences of others through their own words, as well as adding the flexibility to do follow-up questions on a case-by-case basis, for a more complete understanding (Magnusson&Marecek:2015).

### 4.3. Ethical considerations

When collecting data, the four main rules for research ethics were considered; information, consent, confidentiality, and usage (Vetenskapsrådet:2002). As mentioned above, when approaching the potential interviewees, information about the research was sent out in an email or via their Instagram. This contained the research's topic, the main focus, aims, and goals. Furthermore, they were also informed why they were contacted, in what way they were considered to be relevant for the research, and that they had the option to participate anonymously. They were also informed that an interview would be conducted via Zoom, due to the ongoing Covid-19 pandemic. After receiving confirmation for participation, the date and time were decided by the interviewee. Before the interview began, they were thanked for participating, and again informed about the research. They received a more thorough presentation of me as a researcher (what I study, at what university, and why I chose this topic). They were informed of their rights; that participation was voluntary, and that they could refuse to answer questions. None of the interviewees requested to be anonymous. The participants were asked if they would consent to the interview being recorded, for the sole purpose of being able to better transcribe them. They were informed that the recording was only going to be used for this specific research and that I would be the only one with access to it. All participants consented to the interviews being

recorded. Before the interview began, the participants were also informed that the focus lies on their experiences and thoughts. Thus, they were invited to share only as much as they felt comfortable with. Interest to read the research when finished was expressed by one participant before being asked if they would be interested. Other participants were informed at the end of the interview that they could receive the finished research if interested.

#### 4.4. Source criticism

Apart from the published peer-reviewed academic material used for this research, other sources have also been included. These have been critically reviewed according to key principles of source criticism; credibility, transparency, dependability, and confirmability (Bryman, p.354). The interviewees were considered reliable sources on these accounts. Participants Malin A and Malin R-J both have long-standing experiences in their fields, including countless encounters with prostitution's reality that entitles them to be labeled as credible. Apart from their practical experiences, they also carry the knowledge of legal and political aspects connected to prostitution. Through their work, they are frequently in contact with dissenting voices. This indicates that they have not only been exposed to one perspective but have rather built their experiences and knowledge on various perspectives, allowing them to make informed choices. There is also transparency to the information received. Similar thoughts and experiences have been encountered elsewhere throughout the research, for example in previous research and testimonies from other actors connected to prostitution. Not only in Sweden, but internationally as well. This is even though the countries do not share, for example, similar social norms regarding prostitution. Dependability was also established. As already mentioned, the information received has also been expressed in other work and contexts, but the participants' critical sense was also a factor. Even though they have a 'Swedish way' of working towards prostitution (abiding by the Swedish *sexköpslag*, the social norms, and so on), they still applied a critical lens to it. For example, criticizing some parts of the legislation, commenting on other countries which had improved the law even more, and so on. Even though they both work for the State and an NGO respectively, one could not interpret a subjective approach. The participants appeared transparent, critical, and realistic in their argumentation and train of thought. Thus there was a convincing confirmability throughout the interviews. This was also the case for the other two participants. Participant Margareta has a broad knowledge of the political sphere and normative debate regarding prostitution, she has been active for many years and has seen the 'before' and 'after' of the implementation of the Swedish *Sexköpslag*. Although she was a driving force in the implementation, she did have a critical and objective view of both the law and prostitution throughout the interview. She has also been subjected to many other perspectives and thoughts throughout the years, which

inclines that she has made an informative decision in regards to her standing point on the matter. Participant Elly has been involved in the German prostitution debate for seven years and it was clear that she carries much knowledge. She referred to both national and international studies and organizations, knew of specific cases, and could mention information without hesitation. She, too, held a critical and objective standing point when discussing prostitution and included various perspectives. The interview with Helmut S published by the EMMA magazine was considered trustworthy both from an interviewee-perspective and publisher-perspective. There were no indications that they were presenting information breaking against the key principles of source criticism.

The networks and help organizations included in this research potentially have their own interest in the topic and thus also express this in a subjective way. However, since these networks and organizations operate as actors within prostitution, their position, albeit potentially subjective, could be relevant for the discussion as a whole. Thus, a decision was made to include information they have shared in their website content. Although keeping in mind that this information may be subjective, rather than objective. This in itself could however reflect a part of prostitution's reality and carry importance for the discourse analysis.

The laws used in this thesis were considered to meet all the key principles of source criticism. Since the laws were created by governments, courts, and legal researchers in stable, well-established democracies, I decided to accept their content at face value having ensured to have collected them from reliable government websites.

## 5. Analysis

The following chapter carries out an analysis according to Fairclough's design of CDA. As presented in the method chapter of this thesis, this entails three steps of analysis: i) Textual; ii) Discourse, and iii) Social practice. This analysis aims to connect the results to the research question: *How are the national prostitution laws in Germany and Sweden received by actors in the prostitution field?* All content analyzed in this chapter comes from main actors in the prostitution field. 'Main actors' refers to them having a significant role in the field of prostitution in Germany and Sweden and working/having worked with prostitution regularly. The findings will also be connected to previous research.

### 5.1. Textual analysis

On their website, the organization *BSD* mentioned the term 'prostitution' 37 times, whereas 'sex work' was mentioned 7 times. Furthermore, the term 'prostitution business' was mentioned 4 times. The term 'gender equality' was found 2 times. Mentions of the law 'ProstG' were found 4 times. 'Sex buyer(s)' was found 6 times, however in 2 of the mentions they were referred to as 'customer(s)'. The term 'violence' was found 1 time, as were the terms 'human trafficking' and 'criminality'. Finally, the term 'freedom' was mentioned 1 time, and 'free choice' 1 time as well. There were no mentions of 'consent'. On *SkF's* website, 'violence' was mentioned 11 times, and the term 'prostitution' was also mentioned 11 times. 'Sex work' was found 2 times, and there were also 2 mentions of the German prostitution law. 'Equality' was mentioned 1 time. Freedom, consent, (human) trafficking, criminality, and sex buyer(s) were not mentioned on their website. The network *Inte Din Hora* mentions 'prostitution' 36 times on their website. There are 0 mentions of 'sex work', however, the network does make it clear that they view prostitution as 'commercial sexual exploitation'. This term is also mentioned 8 times. The term 'criminality' was found 11 times. 'Violence' was mentioned 31 times. 'Freedom' was mentioned 6 times, whereas 3 times it was referred to as 'free choice'. 'Sex buyer(s)' was found 14 times. 'Human trafficking' was found 3 times, and finally, 'consent' was mentioned 1 time. There were no mentions of 'gender/gender equality', and no mentions of Swedish law. However, there were mentions of the UN Convention on the Elimination of All Forms of Discrimination Against Women, as well as the UN Convention on the Rights of the Child. Lastly, *RealStars'* website was analyzed. There, the term 'prostitution' was mentioned 12 times. '(Human) trafficking' was mentioned 34 times. 'Violence' was found 4 times, and 'crime/criminality' 9 times. The Swedish *Sexköpslag* was

mentioned 3 times. The term ‘freedom’ was found 1 time, and ‘gender equality’ 2 times. Finally, ‘sex buyer(s)’ was mentioned 2 times. Sex work and consent were not mentioned on their website.

## 5.2. Discourse analysis

Various discourses could be identified from the different networks/organizations. The discourses found at *BSD* were (i) Sex work is work and should be respected; (ii) violence and force are not part of voluntary prostitution, and (iii) Punishment of sex buyers pushes prostitution underground. At *SkF* two discourses could be identified. (i) Punishment of sex buyers pushes prostitution underground; (ii) A prostitute’s choice should be respected. *Inte Din Hora* presents two discourses on their webpage. (i) Prostitution is a form of oppression, and (ii) It is common that prostitution includes (various forms of) violence. Lastly, two discourses were identified at *RealStars*’ website. (i) It is common that prostitution includes (various forms of) violence; and (ii) Prostitution is a form of oppression.

### **(i) Sex work is work and should be respected**

This discourse was identified at *BSD*. The organization presents this in various ways. As already established in the textual analysis, they refer to prostitution as a ‘business’ a few times. When opening their website, the first thing one sees is a small presentation of what the organization does. From this, it is understood that they view prostitution as work and nothing else. They discuss how they can help with business management, further (business) development, and help sex workers professionalize their business. They also explain how the organization has its certificate, which is given to prostitution businesses on various conditions. A part of their work is to organize demonstrations and campaigns, to which examples are mentioned; ‘Sex work is work - Respect!’ and ‘Make sex work equal’ (BSD:2021). From the latter campaign is understood that it does not refer to gender equality, but sex work’s equality to other businesses. It is also mentioned how their work includes giving out information about the prostitution business. This shows that a person’s first interaction with the organization (through their website) gives an understanding of prostitution being work, a business. This approach is also present in the discussion regarding how/why the organization was founded.

‘Most people in prostitution did not believe a strong business association was possible, the previous legal and societal discrimination and exclusion was still widely spread’ (BSD:2015).

*BDS* (2015) argues it is important to work against accusations and create ‘a realistic view of prostitution’. Arguments such as that working in brothels have ‘side effects’ or that brothels, in general, are ‘disturbing’ in society are commented on as untrue accusations and not a realistic description of prostitution. The organization presents a list of the ‘biggest problems and challenges today’, which includes that some groups in society want to abolish prostitution, as well as that ProstG does not allow their businesses to publish commercials, etc. This is also an argument made regarding prostitution’s equal status towards other businesses. If they are allowed to market their businesses, so should the prostitution business. Brothel managers are described as offering space and infrastructure, therefore they need ‘a complete integration in the business trade, and with it the necessary legal rights - this is for the further development of the [prostitution] business’ (BSD:2015). *BSD* calls the decision to enter prostitution, as well as the decision to buy a prostitute, human rights. From the way the organization expresses itself, it is understood that its view of prostitution is built solely on the voluntary decision to enter prostitution and that prostitution in this context is a business. There are no mentions of gender inequality, violence, migration, or any other aspects that previous research has presented. Their view of prostitution is clear - it is work, and should be recognized as work, and respected. Not only has this approach close to no support from findings of previous studies, but it also ignores observations from the EU stating that this could, even if involuntarily, attract and create an outlet for organized crime (European Parliament:2021).

### **(ii) Violence and force are not part of voluntary prostitution**

The second discourse identified in which *BSD* positions itself is that violence and force are not part of voluntary prostitution. According to the organization, sex work should be recognized as a ‘qualified and challenging service for which there is a demand’ (BSD:2021). They make it clear that sex work means that sex workers can decide for themselves ‘[...] when, where, how and with whom the sexual service takes place’ (BSD:2015). Again human rights are mentioned, in the context referring to sexual self-determination being a human right. Therefore, sex work only takes place under the conditions of self-determination, good health, and fairness, *BSD* argues. Under these conditions, there is no room for ‘[...] violence, force, exploitation, sexual assaults or human trafficking. They are not part of voluntary prostitution’ (BSD:2015). Voluntary prostitution is also referred to as ‘quality prostitution’. Even though *BSD* makes it clear that this is their standpoint and belief, one is not offered a thorough explanation of what voluntary or quality prostitution is, or how this is ‘measured’. Findings from previous research have shown that violence has a strong presence in prostitution generally (Farley et al:2004, Jeffreys:1999) and that deadly violence in the German sex trade is statistically significant

(Schon&Hoheide:2021). This would rather disprove *BSD*'s arguments, as previous findings indicate that there seems to be no way of knowing which sex buyer will be violent or not, as well as that the sex worker's status (voluntary or forced) does not matter in this context. Findings from previous research also show that traffickers have various methods of controlling the sex workers (Zobnina:2017, Norak & Kraus:2018), which also creates difficulties in understanding how *BSD* identifies a voluntary choice of entering prostitution. If it is purely based on a person saying that they want to work in prostitution, then it could potentially be because they are told to say so. There have been no findings from the previous research showing that fairness is key when a sex purchase takes place, or that fairness could somehow be regulated. *BSD* viewing it voluntary to enter prostitution does however have support from Dodillet's (2011) argumentation regarding viewing a person as an acting subject, even in situations of, for example, oppression. As *BSD* seemingly does not ask questions about why someone enters prostitution, they accept the person's active choice regardless of the cause for it.

### **(iii) Punishment of sex buyers pushes prostitution underground**

The third discourse in which *BSD* operates is the understanding that punishment of sex buyers pushes prostitution underground and is therefore undesirable. The organization asks its website visitors to sign a petition against the punishment of sex buyers, as the sex buyers' human rights should be respected. From this perspective, one can tell that buying sex is seen as a human right. The list presented with problems and challenges of today, as mentioned previously, also states that the prostitution business faces difficulties due to the EU suggestion to punish customers of forced prostitutes. It is, however, not clear for the reader why they view this as a problem. Especially regarding punishment in the context of forced prostitution. Generally it is clear that they stand on the sex buyers' side. It is stated that customers should be recognized and respected and that they, as part of the prostitution field, '[...] possess the knowledge and make decisions which *BSD* takes seriously' (BSD:2015). One can thus understand that sex buyers are viewed as customers (again referring to prostitution as work) and that they are an important part of the prostitution field. To exclude or punish them is something they actively take a stand against, even in the context of forced prostitution. This argumentation is not supported by previous studies, it rather works against EU observations and ignores the damage sex buyers could cause in the prostitution field (Schon&Hoheide:2021, Farley et al:2004, Jeffreys:1999). The evaluation made by Regeringen (2016) also shows that this approach does not necessarily push prostitution underground.

This discourse was also identified at *SkF*. When presenting their work with prostitution, one specific headline is called ‘No to the Nordic Model’, followed by the sub-headline ‘SkF takes a clear stand against punishing sex workers’. It is understood that they divide the Nordic Model and helping prostitutes into separate categories. ‘[We] welcome the suggestion from Parliament, to position oneself against the implementation of the Nordic Model, and instead, continue to focus on the existing structure of helping and advising prostitutes’ (SkF - Nein zum Nordischen Modell:2022). This is followed by a description of how the demand for the Nordic Model has risen in the last decade at EU level, as well as in single states. *SkF* acknowledges that the political discussion regarding the difficulties to distinguish between prostitution and force and violence is present in Europe, and how the European countries are advised to implement a law punishing sex buyers. ‘The Council president [at the time] suggested a law similar to the Nordic Model for all EU member states as early as 2006’ (SkF - Nein zum Nordischen Modell:2022). Thus, one understands that there is an awareness of the punishment of sex buyers being widely spread within the EU. Nevertheless, it is further argued that the approach Germany has taken is sufficient and appropriate, as it focuses on those wanting to pursue prostitution as a job and does not view prostitutes as victims. Therefore it is understood that focusing on voluntary prostitutes is viewed as positive and necessary, and that viewing prostitutes as victims is something negative. The following quote is used as an argument in favor of ProstG, and against the Nordic Model:

‘Prostitution takes place because people have made this work their profession or because they see no other way of making a living, in whole or in part, in another way. Therefore, only the prostitutes themselves can define the boundaries between voluntariness, necessity, and compulsion, e.g. to earn money for the family (in the country of origin), rent, or drugs’ (SkF - Nein zum Nordischen Modell:2022).

Similar arguments are made in the findings from previous studies (Paulus:2014, Norak&Kraus:2018, Farley et al:2004), but they are rather used to argue against liberal prostitution. Although *SkF*’s position is clear, the argumentation for it is somewhat confusing, as the facts and arguments presented rather speak against their position. Furthermore, it is argued that the Nordic Model has negative outcomes. That many in favor of the Nordic Model claim to argue from women’s political point of view, is seen as negative by *SkF* because it does not include men or LGBTQI who work in prostitution, and does not acknowledge that women also could be pimps, sex buyers or brothel managers. *SkF* states ‘reduced to the perspective of the woman as a victim, women who claim to work voluntarily in prostitution are excluded from the discourse or marginalized.’ This is not supported by

previous research, as the findings rather point toward women making up a majority of prostitutes, and men making up a majority of sex buyers and the perpetrators in criminal cases (Diu:2015, Flitner:2013, Schon&Hoheide:2021, Paulus:2014). This also goes against their own argumentation that ‘women are especially valuable in prostitution’ (SkF - Krisen & Notlagen, Prostitution:2022) and their overall reference to prostitutes as ‘women’ throughout their website content. There were also no findings from previous studies of the Nordic Model having different approaches or aims dependent on the gender of the prostitute, sex buyer, or pimp (Jämställdhetsmyndigheten:2021, Regeringen:2016).

#### **(iv) A prostitute’s choice should be respected**

The second discourse identified at *SkF* is *a prostitute’s choice should be respected*. There are similarities in argumentation to *BSD*’s discourse (i) *Sex work is work and should be respected*, however, *SkF* focuses more on free choice and how this should be respected, rather than prostitution as work should be respected. In the description of their work and understanding of prostitution, there is a recurring reference to the ‘free choice’ and how this must be respected. It is understood that their work as a help organization is centered around prostitutes coming to them, and regardless of what they ask, it is their choice and should be respected. ‘We help women who want to or have to pursue prostitution as a profession, or we help them, when they want to leave’ (SkF - Krisen & Notlagen:2022). Here, there is an acknowledgment of working in prostitution sometimes being forced in some way, but it is still approached as something that should be treated as a person’s free choice. Thus, this could be supported by Dodillet (2011) in her argumentation of always viewing prostitutes as acting subjects regardless of the background of their decisions. There are further mentions of negative aspects related to prostitution. These are acknowledged by *SkF*, however, one understands that their approach is to advise rather than take action. A person’s decision to be active in prostitution is held above the negative effects that might come with it. This is understood by formulations such as ‘you do not have to like prostitution, but you have to accept it as a societal reality’, or ‘[we are there] for all issues regarding life and work in prostitution’ (SkF - Krisen & Notlagen:2022). As an example, it is mentioned that prostitution could affect personal relationships, and how *SkF* can advise and help the person make this work (SkF - Krisen & Notlagen:2022). The acknowledgment of prostitution having negative effects on a person’s relationships is also mentioned in findings by Jeffreys (1999) and Farley et al. (2004). However, in these cases, the findings are used as arguments against prostitution, not further development of it.

### **(v) Prostitution is a form of oppression**

The discourse that prostitution is a form of oppression was found at *Inte Din Hora*. It is understood that prostitution is not viewed as work.

‘Prostitution is often referred to as the world's oldest profession, but that is not true. It should rather be described as one of the world's oldest oppression. That prostitution is a profession is an enduring myth that reduces the vulnerability of people in prostitution and normalizes sex purchases. No child grows up dreaming of selling their body’ (Inte Din Hora:2017).

Connections between their work and the #MeToo movement in Sweden 2017 are also made, signaling their comparison between experiences of sexual harassment and their members’ experiences of prostitution. The network’s members are also described as ‘[...] not sharing the same profession, but the same oppression’ (Inte Din Hora:2017). Furthermore, a connection is made between prostitution and free choice. *Inte Din Hora* observes that for many it is not about a free choice, but a lack of alternatives; ‘For some, prostitution is a consequence of past sexual abuse, while others sell sex to finance an addiction or to deal with a difficult financial situation’ (Inte Din Hora:2018). The different types of oppression are discussed, for example, an outsider might force or persuade one to sell sex, someone might take advantage of the fact that one is in a vulnerable situation, or someone is threatened and have to pursue prostitution as a last resort.

This discourse is also included at *RealStars*. Their standpoint is clear ‘trafficking and prostitution is the opposite of fair sex and must be fought against’ (RealStars:2022). It is thus understood that prostitution and trafficking are viewed as being almost the same thing and that prostitution does not include sex on a fair basis. Although the website content is brief, *RealStars*’ position in this discourse is unmistakable. From their perspective, a sex purchase is always a form of oppression since it ‘[...] does not take place on equal terms, or without any kind of force (outer or inner)’ (RealStars:2021).

This discourse and the arguments both *Inte Din Hora* and *RealStars* present are supported by a majority of the findings from previous research. For example, Norak & Kraus (2018), were being ‘forced without violence’ to enter prostitution is mentioned, or findings of brothel managers oppressing the prostitutes working there, by making them agree to various things and threatening them (Diu:2015). The findings from previous research regarding violence also support this discourse (Jeffreys:1999, Farley et al.:2004).

## **(vi) It is common that prostitution includes (various forms of) violence**

The last discourse identified is that it is common that prostitution includes violence. This discourse was found at *Inte Din Hora* and *RealStars*. The former observes that it is common to be subjected to abuse and how this becomes a part of everyday life. The abuse looks different. *Inte Din Hora* argues that ‘It can be about buyers who take off the condom, refuse to pay or in other ways go beyond one's limits. It is also common to be subjected to aggravated rape and aggravated assault’ (Inte Din Hora:2018). It is also observed that the violence does not have to be physical, violence could also serve serious consequences on a mental level. ‘Many people are afraid of meetings, have an out-of-body experience during the time, and have anxiety afterward, but the psychological consequences do not have to be immediate. Sometimes they can occur several years later in the form of flashbacks, depression, or severe anxiety’ (Inte Din Hora:2018).

The latter, *RealStars*, also positioned itself in this discourse. It is understood that the organization views prostitution as something including various types of force or violence, and that is what they fight against. They want sex to take place under equal conditions for everyone around the world and also without violence. In a world where prostitution is legal, they do not see that as possible. Sex trafficking is mentioned as an example: ‘prostitution is the decisive reason why human trafficking for sexual purposes exists’ (RealStars:2021). To stop this form of violence, *RealStars* refers to Sexköpslagen. It is argued that if the sex buyer is criminalized, the demand and thus the sexual exploitation will be limited naturally.

Again, this discourse and the arguments both Swedish organizations present, are supported by findings from previous research (Norak&Kraus:2018, Jeffreys:1999, Farley et al:2004, Schon&Hoheide:2021, Paulus:2014). *RealStars*’ argument also lines up with the evaluation of Sexköpslagen, where this law is concluded to be significant for the reduction of prostitution in Sweden (Regeringen:2016).

### **5.3. Social practice analysis**

#### **Category 1) The general prostitution debate and its various arguments**

Through the interviews, it was quickly revealed that the 1(a) *amount of validity* many of the arguments in the prostitution debate have is zero, according to the participants’ experiences. Participant *Malin R-J* states that many of the arguments within the prostitution debate are myths. ‘[...] And we [in Sweden] want to work against those myths’. As an example, she mentions her work [RealStars] and

how they continuously create campaigns to discuss these different myths and why they are not true. 'For example things like [prostitution] going underground [when sex purchase is illegal], and that it [prostitution] is about two consenting adults'. According to her experience, this is not the case, she rather sees it as 1(b) *unequal gender relations*. She states that sex purchase is about power relations, that '[...] prostitution would never work if there were not for the exploitation of unequal power relations connected to gender, age, disabilities, and sexual minorities. All of these things are used to make someone more vulnerable'. The myths do not belong in the prostitution debate, as they do not acknowledge the patriarchal power relations that exist within prostitution. She dismisses those making arguments of 'the happy whore', saying she is saddened that '[...] this strong myth apparently lives on down in Europe'. Through her experience, she also states that many of those who hold on to these myths are '[...] mainly men having had the privilege to buy their access to women's bodies, without having any responsibility'. For example through national laws allowing this to take place. This ties to the findings of Paulus (2014) stating that the German ProstG upholds men's (sexual) usage of women and how women have turned into products.

Participant *Malin A* also mentions Sweden and the stand the country has taken in the prostitution debate. The main focus is on 1(b) *unequal gender relations*. She says that viewing prostitution as men's violence against women is something that has a historical background, and is not something that was 'suddenly decided'. '[...] the standpoint in the prostitution debate was an issue driven by the women's rights organizations. It is a historical perspective from which today's standpoint [in the debate] comes'. Additionally, she states that this is why the prostitutes are viewed as victims, and what they experience is seen as a criminal act. '[...] it has a historical background. And this is a value that Sweden has'. Arguments are circulating in the prostitution debate regarding sex buyers and how they, by paying the prostitutes, are helping them financially. That this would be an act of kindness is however something *Malin A* disagrees with and her experience tells us, just like *Malin R-J*, that the 1(a) *amount of validity* for this argument is zero. 'You could be really kind and give how much money you want to a person being in an exposed situation, but demand sex in exchange... For me, that is more hostile than anything'. She also mentions criminality and arguments within the debate regarding making prostitution and/or sex purchase illegal would push it underground and making it unsafe. 'Of course, if nothing is criminalized, it cannot count as a criminal act. But to claim that there would not exist an interest in making money on other people in other countries is simply not true'. She compares it to Germany, where she states that '[...] they have at least, if not more, procuring than us [in Sweden]. The only difference is that it is not seen as a criminal act'. This is also supported by findings presented by Paulus (2014), in which Germany's sex market is significantly bigger than in Sweden. Once again

she mentions it being a question of values, and how Sweden does not find it 'okay' to profit from another person in the sex trade.

*Margareta W* was politically active and worked with the research conducted ahead of the proposition for the *Swedish Sexköpslag*. She says that the prostitution debate looked the same back then. The people working with the legal proposition did look at The Netherlands and New Zealand, which at the time had extensive research on the topic. It showed that allowing prostitution to be a part of society, which is a recurring argument within the debate, normalized it. 'It was normalized that on your way home you passed by the grocery store, the church, the brothel [...] There were barely any differences between them, people got used to this'. She continues '[...] There was nothing unusual about a brothel, that was just where men went, often to introduce their sons to a sexual debut'. At that time, the allowance of prostitution in The Netherlands had led to an increase in demand, which made them '[...] import women, since the Dutch women were not enough. The Dutch women were not willing to do it [prostitution] to the extent that was demanded, so women from other countries came, mostly poor women'. She connects this to the arguments regarding 'the happy whore'. 'That entering prostitution would be a voluntary choice, well, if you cannot get anything else, or do not have another income, then you "choose" prostitution. However, I have never heard anyone being happy about having this job, it is an emergency measure'. Thus indicating that this argument is not valid compared to the reality of prostitution (*1(a) amount of validity*), and also showing how, at the time of the research of the new legislation, there were signs of *1(b) unequal gender relations* regarding 'demand and supply'.

*Elly A* expressed deep concern and frustration regarding the prostitution debate and the arguments that many have in Germany. 'There are so many ideas, they are widely spread, probably because the arguments are so old'. She mentions arguments such as 'men need it [sex]' and 'some women are born to do this [prostitution]'. She finds it really problematic that the sex buyers are not a part of the discussion in the German debate, as well as it is problematic that the discussion revolves around procuring and human trafficking not being a part of prostitution. '[...] they think that all of that happens somewhere else. A lot in the prostitution debate is really frustrating'. Even though she thinks that the debate has changed over the years and that many now understand that the sex industry in Germany is 'problematic', she still states that the ideology of 'that is just work' is very much present in the discussion. The argument 'they are two consenting adults' is something she finds '[...] a really frustrating conversation'. From the perspective of *1(a) amount of validity*, based on her statements one understands that she does find many of the arguments in the prostitution debate to lack validity and

have the wrong focus. That prostitution is not always about two consenting adults and 'just work' has also been seen in findings from previous studies (Diu:2015, Zobnina:2017, Norak&Kraus:2018)

*Helmut S* specifically discusses the recurring argument in the prostitution debate regarding punishing sex buyers and how this will push prostitution underground. 'This is a well-known bogus argument that is very easy to refute' he states. Unmistakingly telling us that according to his experiences, this has no validity (*1(a) amount of validity*). He is convinced that with the Nordic Model, the number of prostitutes in Germany would drop by about 80-90%. He also argues that this would help reduce the number of potential victims '[...] since Germany would not be an attractive country for pimps and human traffickers anymore' (EMMA:2020). This argument ties to findings from Paulus (2014) and shows similarities to the findings from the evaluation of the *Swedish Sexköpslag* (Regeringen:2016).

## **Category 2) Prostitution and human trafficking**

When discussing prostitution and human trafficking, it is clear that all participants share similar thoughts. All Swedish participants address the sub-category 2(a) *distinction*. If it is possible to separate or distinguish between prostitution and human trafficking [for sexual purposes], was met with a determined 'no' from *Malin A*, stating that there is nothing more to say about that. *Malin R-J* also states that '[...] no it is not. When you recruit a person, preferably someone young or exposed in some way, it is to sell them into prostitution to men who pay for sexual actions. That is why it is not possible to separate the two, it [prostitution] is connected to human trafficking'. *Margareta W* agrees with them, stating that statistics show a correlation between prostitution and human trafficking. 'I am very surprised that Germany does not see this [...] Of course, when the market is open and increases, then the demand for women increases'. She also adds 'it becomes very profitable for those pursuing this business [trafficking]'. Based on their arguments, one understands that they see that human trafficking has a 2(b) *presence* in prostitution. 2(b) *presence* is also addressed by *Helmut S*. He states in his interview that 95% of the prostitutes the police come in contact with are foreign women, mainly from southwest Europe. '18-year-old girls from Romania who do not speak a word of German. They are brought there by men who use and exploit them' and he adds that the women and girls they meet are 'scared' (EMMA:2020). Based on statistics it is estimated that about 250.000 women are active in prostitution in Germany, whereas about 95% are foreigners. 'If we assume that about 50% of these women have a typical victim profile [of trafficking], then we are talking about a six-figure number'. This cannot be ignored, he argues (EMMA:2020). *Elly A* agrees with the other participants regarding 2(a) *distinction*; 'In my opinion, it is not really possible'. She also states that the criminal networks

involved in prostitution and trafficking are ‘so dangerous’. ‘That is the reason why so many that have left prostitution do not dare to speak up, they are still under threat from these criminal networks’. She also states that no one can identify the difference between prostitution and human trafficking. ‘[...] social workers cannot see it, the police cannot see it, the authorities [in Germany] cannot see it’. Then she adds ‘and the sex buyer, of course, he cannot know the difference. No one can identify the difference’. This also indicates that based on her experiences, *Elly A* does see human trafficking having a 2(b) *presence* in prostitution.

### **Category 3) The prostitution laws and their correlation to reality**

The interviews showed a strong division between the German and the Swedish participants regarding respective national laws on prostitution and whether the laws mirror the reality of prostitution. *Malin A* thinks that Sexköpslagen mirrors the reality of prostitution, thus addressing 3(a) *adaptation to the field*. However, she would like to see some minor changes (3(b) *need for change*). Women being questioned by police when a sex purchase has taken place are questioned as witnesses. Based on how Swedish authorities are working towards prostitution, *Malin A* rather sees it fitting for the women to be plaintiffs in a case, as they from a Swedish perspective are victims in the situation. That is something she does not view as properly mirroring reality today. ‘If they were witnesses, it sounds as if they were watching from the outside [...] It is a bit weird since they are a part of the sexual encounter’. She adds that this has been discussed, to change the legal status of the prostitutes. *Malin R-J* addresses 3(a) *adaptation to the field*, and describes the Swedish law as ‘amazing, it is an innovation’. She especially likes that the law challenges a lot, all the myths regarding prostitution for example. Just like *Malin A*, she thinks that changes could be made (3(b) *need for change*), she finds the punishment for sex purchases too low. She also mentions that globalization in today’s society must be recognized in general. ‘Globalization has an impact on men with a bad view of women [...] many Swedish men travel to Thailand to treat themselves, and then they come back with this behavior’. This also ties to the arguments presented by Häggström (2017). *Margareta W* also addresses 3(a) *adaptation to the field* and 3(b) *need for change*. She discusses punishment for sex purchase and confirms that this has been changed on a political level. This is however a rather new discussion, thus stronger punishment has not yet been practically enforced. The only thing she views as not corresponding to reality properly is the support for foreign women in prostitution in Sweden. ‘The social support for these women is something we discussed ahead of the legal proposition, however, we have not yet managed to do that sufficiently I think [...] That needs to be discussed more’. She also states that traffickers are smart and use the systems a country has to get around prosecution, for example, therefore it is necessary to prioritize prostitution issues.

It is understood that the Swedish interviewees all think that the law corresponds to the reality of prostitution properly, but they also wish to see some changes. These changes are however in line with the approach the *Sexköpslag* already has, indicating that they want to follow the current path, but make it even stronger.

The German participants' thoughts on German law are quite different. *Elly A* addresses 3(a) *adaptation to the field*, and describes how the German law is 'catastrophic' and 'ignores reality in almost every aspect'. She refers to both the 2002 *ProstG* and its additions from 2017. When creating the law '[...] it was under the impression that a majority of the women do it voluntarily, therefore the law is focused on a person's own choice and that is also how the law operates'. She argues that the law ignores that pimps have methods of controlling women which do not necessarily include brutal or physical violence. This was also found in previous research by Norak&Kraus (2018) and Zobnina (2017). *Elly A* also mentions the example of paying before the sexual encounter takes place. 'The law does not understand that the payment always happens before sex since paying afterward could cause a fight which could easily escalate'. The 2017 addition to *ProstG* made it possible for the prostitutes to take legal action if they did not get paid after a sexual encounter. 'That is bullshit! I am sorry, but it is a stupid mistake that completely ignores reality. This is not my personal opinion, it is a fact that the payment takes place before the sex'. She adds that the law has not understood anything. She also discusses the different kinds of prostitutes and how it is difficult for them to understand and follow all the rules. Some migrants do not understand the language, some prostitutes do it because they are poor, as well as other kinds of forced prostitution. 'The law does not focus on how one could protect these women, the law rather hurts them'. The 2017 addition to *ProstG* also makes it possible to punish persons buying sex from a trafficking victim, which *Elly A* does not think is practically possible. 'How can I prove that she is a trafficking victim?'. The same goes for mandatory condom use, she argues. 'It is practically not possible to know if every sex buyer actually uses a condom'. She does however view it as positive that the women have the legal possibility to demand condom use, but she meets women again and again saying that men still want to have sex without a condom. She continues to discuss further problems with the law. That the sex buyers are barely recognized or discussed in the German legislation is something she views as one of the most problematic aspects. 'I do find it peculiar that when we talk about prostitution, we still talk about how women are beaten, raped, or murdered, but we never use the actual pronoun of the perpetrator'. She adds that a majority of the perpetrators are sex buyers or pimps '[...] but no one talks about that'. That she has a lot to say about the German law is clear, but she also brings up the Swedish law, stating that Sweden has the right priorities. She views it

as realistic to have an understanding of who holds power in the [prostitution] system and who does not. To understand that she [the prostitute] needs money for whatever reasons and that he [the sex buyer] has the money, and how this is asymmetric, is important. ‘That he makes himself punishable through his actions and she does not, gives her back a little bit of power’. *Elly A* also highlights the importance of working proactively. ‘You cannot wait until the women scream for help [...] which Sweden understands’. Even if there is no one perfect system or approach to handling prostitution, she thinks that the Swedish way is the best one as it prioritizes the women’s safety, recognizes the sex buyers, offers help, aims to reduce the demand, and creates new norms in society. Although she does not make any concrete suggestions, it is understood that she sees 3(b) *need for change*.

3(a) *adaptation to the field* was also discussed by *Helmut S*. In his interview, he was specifically asked what the 2017 addition to *ProstG* has improved, to which he answered ‘almost nothing’ (EMMA:2020). He discusses how many aspects would have been ‘logical’ to put in the new legal addition, but were ignored. For example regular health check-ups or an age limit of 21 years old to enter prostitution. ‘If that was enforced, then you would at least have protected the younger women since they make up approximately a third of the German prostitution market’ (EMMA:2020). He continues by saying that the mandatory registration [of prostitutes] has not helped at all. Even if many are registered, the statistics they give are useless, as the reality looks different. ‘A prostitute could be registered in Dortmund, but work in Munich or Dresden. We do not know where the prostitutes are, and we cannot follow any prostitution patterns, as we cannot identify them to begin with’ (EMMA:2020). The mandatory registration does not offer any transparency, it is rather a bureaucratic burden. *Helmut S* states that it is clear who has influenced the German law: the pro-prostitution lobby. Before the *German ProstG* came into force, he was visiting the Parliament many times as an expert. He then showed all the facts and concretely explained the situation. ‘They responded to this by saying that something had to be done immediately’ (EMMA:2020). The outcome was however a disappointment. Even if they were aware of all the facts, a law was presented that created ideal conditions for the megabrothels. ‘A manager of a brothel once told me that he was really happy with the law and that he could not have done it better himself. I think that says it all’ (EMMA:2020). He claims that the State of Germany does not take enough responsibility and does not present effective tools to fight against human traffickers. ‘The current system does not work, we need new laws’ (EMMA:2020). Thus, it is understood that he sees 3(b) *need for change*. When discussing what the legislator must consider, *Helmut S* presents two outcomes. If the legislator wants a liberal law, then he or she accepts that thousands of women will be exploited and abused in prostitution, or they can make a change and choose a different path. He is convinced that when you ask how you can protect and help

the women as much as possible, the Nordic Model is the only way to go. The interview ends with him reflecting on the German legislation; ‘it can only get better’ (EMMA:2020). Unlike the Swedish interviewees, the German participants rather wish to see major changes to the legislation. For example, taking on a whole new approach and changing almost everything in the current legislation.

#### **Category 4) Freedom, consent and the prostitution laws**

As the thesis takes an interest in freedom and consent, and their place in prostitution, the participants were asked about how they think that respective prostitution laws can help to offer freedom and the possibility to consent to the prostitutes. *Malin R-J* discussed the general stand Sweden takes against prostitution, that the basis is that consent can never be bought (4(a) *possibility to purchase consent*) Which does not only include the prostitution law, but also the *Samtyckeslag*. ‘It must come from the will to have sex’, thus consent cannot come from an agreement where one part is in an exposed situation and where inner or outer force is present she reasons. She also addresses 4(b) *prostitution’s voluntary nature*. If a person is forced to do it in any way, for example by being poor, then freedom and consent are not present. She follows up by speculating that the person ‘[...] probably does not consent to have sex with ten different men in a day and to fulfill these men’s fantasies’. She argues that when you are forced to do it in some way, then it is rape. *Malin A* resonates that if the legislation had been different, for example, if selling sex had been prohibited, then the women would not have the courage to press charges if they were raped. She states that the reality of prostitution is not dependent on legislation when it comes to why men go to prostituted persons. She draws on her experiences regarding 4(a) *possibility to purchase consent*. ‘[...] what we see is exactly the same everywhere. When the men have handed over the money, they think they have bought their way out of consent, therefore the sexual actions happen on the buyer’s terms and not the woman’s’. All the sex buyers she meets want to push boundaries, that is what unites sex buyers all over the world, according to *Malin A*. They think they have bought their right to do whatever they want. This mindset of the sex buyers was also present in findings from Diu (2015) and Häggström (2017). *Margareta W* has a similar train of thought. She discusses 4(b) *prostitution’s voluntary nature* and that prostitution could never include freedom if it is something someone has been forced to do, or if it is an emergency decision. ‘You cannot say that this is freedom or a free choice’, she argues. She also discussed freedom in general ‘[...] in a world or society freedom has to have certain limitations. Total freedom cannot exist, because you always have to think about other people. For the buyers, it certainly is a freedom to be able to buy it [sex], but it comes with the consequence of hurting someone else’. Based on their observations, it is

understood that they view *Sexköpslagen* as having the right priorities in terms of trying to improve prostitutes' freedoms and fight against those trying to buy consent.

*Elly A* said that in her experiences the *German ProstG* does not offer this or protect in any way. Although she adds 'it is of course a good thing that women in prostitution are not arrested all the time'. She compares this to the US, where she argues that there is a 'hunt for prostitutes'. In that comparison, she thinks that German law is better. However, she adds that it is '[...] absurd to talk about freedom and consent, you cannot regulate what happens in a brothel once the door has closed behind the prostitute and the sex buyer. It is also absurd to think that you can regulate this'. When discussing freedom and consent, *Elly A* also mentions how it is 'wrong on so many levels' to talk about free choice (4(b) *prostitution's voluntary nature*) and consent (4(a) *possibility to purchase consent*), as her experiences rather show that brothels and the prostitution milieu often are 'the brutal opposite to that for the majority'. This ties to the findings presented by Norak&Kraus (2018). She compares brothels to prisons. *Helmut S* does not specifically discuss freedom or consent in his interview, but he does make many comparisons between prostitution and human trafficking, which is also mentioned above in the second category. Thus indicating that freedom and consent are not present. Furthermore, he discusses how the numbers of actually prosecuted cases regarding human trafficking are around 400-500. Since there are approximately a six-figure number of trafficking cases in the German sex industry, he says that 'only a small fraction of the victims are recognized' (EMMA:2020). This means that two worlds are colliding between the real numbers and how many cases are prosecuted. He argues that the authorities are not offered sufficient tools to address this problem, and thus the human traffickers can continue. 'Procuring and human trafficking happens before our eyes, almost always in official brothels, but we have no possibility to intervene' he adds 'and we are talking about massive human rights violations' (EMMA:2020). He does mention a case that was successfully prosecuted. Over five years the police had infiltrated a German megabrothel, and they could prove how the system worked. There is established cooperation between traffickers and brothel managers, 'Brothel managers are told to always have new women, new fresh meat, being delivered to the brothel. These women have to be manageable and compliant' (EMMA:2020). Although *Helmut S* does not specifically address freedom and consent in his interview, his answers to other questions do indicate that there is a lack of these aspects for those in prostitution, and how the German law does not help in trying to offer freedom or consent to prostitutes. Both *Helmut S* and *Elly A* disapprove of the law in general, furthermore, in terms of freedom and consent, it is understood from their experiences that a majority of prostitutes do not have the opportunity to use their freedom or express their consent. Additionally, it is understood that they view the law as insufficient in trying to improve these conditions.

## 6. Discussion

This thesis utilizes CDA as a methodological approach, which has been fruitful when investigating how the prostitution laws are received by various actors in the prostitution field. The textual analysis and discourse analysis of the website content of both German and Swedish help organizations/networks, as well as the social practice analysis based on interviews, have provided information regarding the actors' respective understandings of the prostitution field. These findings have also been connected to previous research, as presented in the previous research section. In the following chapter, the findings from the analysis will be discussed, connected to the research question, as well as the theoretical framework. By discussing the findings and connecting them to the thesis theory, one can interpret to what extent the actors view the prostitution field as a cause for social conflict.

### 6.1. How are the national prostitution laws in Germany and Sweden received by actors in the prostitution field?

#### Germany

The research conducted for this thesis showed that the laws were received differently in respective countries. The German actors were divided, with the German interviewee and the German Police Officer sharing a negative view of *ProstG* and expressing strong disapproval of the law. These actors also expressed a positive attitude toward Swedish law. According to them, *ProstG* does not adequately reflect reality. Their biggest concerns were that the law only focuses on prostitution as a voluntary choice, and does not recognize prostitution's connection to organized criminality, violence, or lack of other choices. They also raised concerns about how the sex buyer(s), pimps, and brothel managers are not incorporated in the legislation, or only very little. Police officer *Helmut S* also expressed that the law has not helped the police in their work, but rather created ideal conditions for brothel owners, pimps, and traffickers. Also, he observes how the legislation has been influenced by the pro-prostitution lobby and agrees with *Elly A* in terms of voluntary prostitutes only making up a small minority of the whole field. These arguments are supported by findings from previous research as well, where Germany's legislation is recognized as significant to the size of the country's sex market in comparison to other countries (Paulus:2014), as well as a recognition of the law not 'working in reality' to the benefit of brothel managers (Diu:2015). The German interviewee *Elly A* specifically raised concern about how the law does not understand the different reasons for why someone enters/ends up in prostitution, and also how the law fails to offer preventive help. Rather, the

prostitutes get help when they ‘scream for it’, which is something many cannot do for various reasons. She also addresses how the law’s most recent addition in 2017 gives the prostitutes options that are not realistic to the field, for example, the option to press charges if a sex buyer does not pay. Therefore, she argues that the law is insufficient. Generally, words such as ‘catastrophic’ and ‘breaking against human rights’ were used to describe the *German ProstG*, which gives a clear understanding of how they view the law. Their experiences in the field and their arguments are similar to the findings presented in the previous research section of this thesis. For example, the connection human trafficking has to prostitution (Paulus:2014, Zobnina:2017)

The theoretical framework of this thesis presents three main axes of recognition, which need to be fulfilled for a person to lead a decent and equal life in society and not cause social conflicts. Based on the experiences and arguments *Helmut S* and *Elly A* present, one can interpret that many aspects of the prostitution field fail to fulfill these axes. Many of their observations, as well as findings of previous research, show that a misrecognition of love, the first axis, is a pattern rather than an exception in prostitution. Findings from Jeffrey (1999), Farley et al (2004), Schon&Hoheide (2021), and Norak&Kraus (2018) regarding various types of violence, abuse, and risk of death prostitutes face in the field, are similar to what Honneth’s theory noted as having ‘terrible effects’ (Mark:2016). Specifically, physical abuse targeting or taking control of a person’s body (for example rape) is mentioned as a misrecognition of love. Furthermore, it is argued that love supports the development of self-confidence, and the lack of love can damage one’s self-confidence. This in turn can affect all interactions with others and cause damage lasting even after the abusive moment (Mark:2016). These exact effects have also been documented in the previous research section, for example damaging relationships to others and oneself (Jeffrey:1999, Farley et al:2004).

Furthermore, the statements and observations from the German interviewees show that they acknowledge how the German law fails to offer sufficient legal status or protection for prostitutes and that the law rather benefits pimps, brothels, and traffickers. This could indicate, that the prostitution field (in Germany) does not operate under equal legal relations. Apart from the interviewees’ observations regarding legal measures that do not match the reality, findings from previous studies also indicate that there is a legal mismatch between the different actors of prostitution. For example how brothel managers can continue to operate without following the law (Diu:2015), and how the legal opportunities the prostitutes have are really difficult to implement in reality. The picture of the prostitution field that is presented rather indicates a misrecognition of the second axis, which the thesis theory describes as ‘[...] modern legal systems must treat all subjects equally, and offer no privileges or

exceptions' (Mark:2016). According to the German interviewees, this is not the case, which is yet another reason why they do not approve of the law. Honneth argues that legal recognition is also connected to self-respect. Thus, if someone is denied legal respect, it could cause injured self-respect. Prostitutes having fragile self-respect has also been observed in previous research (Norak&Kraus:2018, Farley et al:2004).

Through their observations and arguments, one can also interpret that they see aspects in the prostitution field as not recognizing the third axis, esteem and self-esteem. If one thinks about prostitution as a community, it is possible to see how the prostitutes are valued and recognized for their abilities. However, it seems as if they are not valued in an equal sense, but rather in an unequal power-relation to the benefit of other persons' wants and needs. What *Elly A* describes as an 'asymmetric' system. For example that the sex buyer has money, and the prostitute is in a position where she needs this money. Therefore, it could be difficult to consider this a true recognition of esteem in a communal sense. Furthermore, findings from Diu (2015) and Häggström (2017) regarding sex buyers' perspectives on prostitutes, do not indicate that they are 'esteemed and cherished' by the sex buyers. They rather put their requests above the prostitute's well-being. The observations from *Elly A* and *Helmut S* rather tells us that prostitution is a field with difficulties for building up self-esteem, as the prostitutes rather are used in various ways and are not valued in an equal sense in the context of community. This could be contextualised by findings from Diu (2015), where a brothel manager stated that a prostitute's voluntary status is 'none of his business'. This could indicate that the prostitute is valued in the 'community' as long as she brings money to the table, her well-being on the other hand has little value. If a prostitute has the possibility to pursue other interest or personal talents has not been confirmed, but since prostitution in general has proven to have strong connections to criminal activity, violence and oppression, it could indicate that an individual's desire to thrive and develop is not recognized or prioritized.

Overall, the findings from the thesis analysis show that the German interviewees do see prostitution as a source for social conflict, as the findings can be tied to Honneth's argumentation that a misrecognition of the axes is a cause for social conflict. The participants' observations show that the prostitution field mainly entails aspects in which the axes of recognition from the theoretical framework could be 'misrecognized'. Many of their observations are also supported by findings from previous studies. Additionally, it is understood that they do not approve of the German prostitution law, as it has the wrong priorities. They would rather see an approach in which all the misrecognitions are prioritized.

When it comes to the German help organization *SkF* and the network *BSD*, the approach towards prostitution differs. Since they did not answer requests for an interview it was not possible to do an in-depth investigation regarding their specific views on the law. However, their respective website contents provided information relevant for this thesis. *SkF* and *BSD* both focus on the free choice of entering prostitution and that this choice should be respected and not discriminated against. *BSD* focuses primarily on prostitution being a profession. There are also mentions and references made to quality prostitution, yet there is no clear description of what that means. The network seems to be built on persons entering prostitution out of a free will. No connections to why someone might enter prostitution, prostitution's connection to migration, violence, or globalization's impact on the field were mentioned. As various aspects of criminal activity have documented connections to prostitution, one might question what *BSD*'s definition of free choice is based on, and why they have chosen to exclude the other aspects of prostitution in their work. There is no clear mention of their position on the German law, but based on the textual and discourse analysis, it is understood that they approve of the law, yet want to see some changes for further liberalization. For example prostitution businesses being able to post commercial content and be treated as any other profession. The general discussion on both EU and national levels regarding the Nordic Model (punishing sex buyers) is not received well, as they make it clear that sex buyers are a part of the business and their right to buy sex is considered a human right. If being able to buy sex is a human right, is perhaps something many would consider debatable. Especially when connecting it to findings from previous research, where sex purchases have documented negative outcomes for those active in prostitution (Jeffreys:1999, Farley et al:2004, Norak&Kraus:2018, Schon&Hoheide:2021). Many of the arguments *BSD* makes are not grounded in previous studies or connected to concrete facts, they rather come across as their own opinions. Based on the analysis and the network's lack of including various aspects with documented connections to prostitution, one understands that a recognition of the theory axes for *all* in prostitution is not prioritized. One would rather interpret a focus on making prostitution a field in which a full recognition could only be reached by a minority; those entering prostitution completely voluntary. With their approach, it seems as if misrecognition of the three axes would be the case for many individuals, which also appears to be the case in the legislation's current state. Thus, the prostitution field could continue to be a cause for social conflict, as their approach seems to focus only on a minority and not the entirety of the field. Additionally, one can interpret that *BSD* does not view prostitution as a cause for social conflict, according to them, the conflict rather lays in the field not being fully recognized as a business.

The help organization *SkF*'s main priority is the free choice of being active in prostitution. Even so, they do acknowledge that this might be due to various kinds of force or troubled backgrounds, and recognize that prostitution can be related to crises, emergencies, and difficult life situations. However, they present a clear statement in support of the German legislation and how they welcome the Parliament's wish to go against the EU recommended punishment of sex buyers. Just like at *BSD*, the Nordic Model is not received well by *SkF*. Where the former rather has focus on the sex buyer in this context, the latter focuses more on the prostitute and how viewing the person as a victim is bad. Thus, there is an indirect understanding of them not viewing sex buyers, pimps, or brothel managers as doing anything illegal that would put the prostitute in a victimized position. The arguments *SkF* makes are generally more grounded in previous research, which they also present in their website content, however, on some occasions, they argue against their own standpoint. This makes it somewhat confusing or unclear what they represent. For example, they argue that it is negative that the Nordic Model views the prostitutes as victims, yet at the same time, the organization recognizes that the decision to enter prostitution might be due to force or lack of choices. Also, they consider it negative to argue from a women's political point of view, as this would exclude the men and LGBTQI working in prostitution. However, *SkF* almost exclusively refers to prostitutes as 'women' in their website content.

When connecting these two actors to the theoretical framework, one could interpret that the German network *BSD* only focuses on fulfilling the three axes of recognition for a minority of the prostitution field; those who enter prostitution completely voluntarily, as well as those who profit from prostitution being a recognized business. Although many of the findings from previous research as well as observations from the Swedish and German interviewees point to misrecognition of the axes making up a large part of prostitution, the *BSD* does not discuss this when presenting themselves and their work. Moreover, they focus solely on the free choice of entering prostitution, disregard that violence and criminality might be present, and wish to see further liberalizations in the German prostitution law. One could thus interpret that they do not see prostitution as a cause for social conflict. *SkF* on the other hand seems to make an attempt to address problems connected to prostitution and how this could be harmful to prostitutes. They do, for example, address difficult situations connected to prostitution, drug use, needing to provide for a family, etc. Despite this, they seemingly ignore these aspects in their further work, as they still chose to support the German law and thus prostitution as a profession. The question, then, is how help is offered to those who want to pursue a job in prostitution. Does *SkF*'s offered help end with an acceptance of the person's decision, or is the person also informed about all aspects of prostitution? The documented dangers of the job make it seem as if there is no certain way

of knowing which person is dangerous and which is not. What kind of help could then be offered to prostitutes, if every sex buyer is potentially dangerous, and every prostitute is potentially a victim. It seems as if aspects that could have negative consequences for a prostitute are acknowledged, but *SkF* does not act to fully prioritize working toward an environment where a recognition of love, legal relations, and esteem could be achieved. According to the theoretical framework, these are important and necessary for a person to develop and thrive in society. This rather gives an interpretation that *SkF* has an understanding of misrecognition being a part of prostitution, and how prostitution could be a cause for social conflict, but chooses to ignore this in their work connected to the field.

## **Sweden**

When it comes to the Swedish interviewees, the network and organization, they all present similar thoughts and positions regarding *Sexköpslagen*. All three interviewees view Swedish law as positive and important to the field. Prostitution in general is seen as including various kinds of violence, and it is argued that violence can take different shapes. They all agree on prostitution never being ‘a free choice’ because there are almost always negative reasons or bad experiences behind someone being active in prostitution. They also agree that consent cannot be bought, and that sex buyers should be punished since they try to buy their way out of consent and therefore act in a harmful way. They do express changes they wish to see; harsher punishment for sex buyers, giving prostitutes a different status when prosecuting a case (plaintiff instead of witness), and strengthening the social protection for foreign women ending up in Swedish prostitution. Generally, all three interviewees mention taking a stand, and how the many aspects involved in prostitution are something Sweden as a country has chosen to fight against. Not only is this way of seeing prostitution supported by many findings from the previous research section of the thesis, but this approach to handling prostitution also shows a focus on the well-being of the prostitutes. Thus, one can interpret that according to their experiences and observations, prostitution is an environment that could cause social conflict, since it seldom offers individuals the opportunity to fulfill themselves in terms of the three recognition axes of Honneth’s theory. Also, it is understood that they see the demand for prostitutes as the cause for this. Therefore, sex buyers, traffickers, and pimps are and should be punished, since they stand in the way of a recognition of the three theoretical axes for the prostitutes. For example, since the prostitutes are seen as being used by the sex buyers, then they cannot build up their self-esteem, because their bodies are used on someone else’s terms. The same goes for the first axis; recognition of love. When being bought and used, it can create dysfunctional and negative relationships with oneself, and with others. This is also supported by findings of previous research (Jeffreys:1999, Farley et al:2004,

Norak&Kraus:2018). The experiences and understandings of the prostitution field *Margareta W*, *Malin A*, and *Malin R-J* present make one understand that particularly women are not treated as equals but rather as products, which could be interpreted as a failure of legal recognition and self-respect, the second axis. Thus, it is understood that these actors view prostitution as an environment where the three axes are misrecognized, and their goal is to fight against this and aim to achieve recognition on all three counts for individuals in prostitution. They are also convinced that *Sexköpslagen* is the right approach to make that happen. *Malin R-J*, for example, describes the law as ‘revolutionary’, and *Margareta W* confirms that there have been close to no attempts to change or remove the law on a political level. Research conducted to evaluate the law has also shown a positive development in combat prostitution and organized crime in Sweden (Regeringen:2016).

The network *Inte Din Hora* and the organization *RealStars* share similar views on prostitution in general. Prostitution is considered to be oppression and should not exist. There are no uncertainties about where they stand in their views of prostitution, or that they approve of the *Swedish Sexköpslag*. Just like the observations from the interviewees, *Inte Din Hora* views prostitution as oppression and a lack of other choices, thus not recognizing it as a voluntary choice, but rather something driven by some kind of force. That prostitution should be a job is strongly argued against ‘[...] it is the world’s oldest oppression’. Furthermore, they connect prostitution to various kinds of violence, and this can have serious consequences for the prostitutes, not just in the situation, but also over a longer period. This indicates once more that a misrecognition of the first axis, love, takes place. The textual analysis and discourse analysis create an understanding of prostitution being something negative on various levels, and that it should not be considered work. Through the way *Inte Din Hora* presents itself as a network, it is clear that they share the views of other Swedish actors, and that many of their arguments are supported by findings of previous research presented in this thesis. However, in a previous study where *Inte Din Hora* participated, it is clear that they want to see improvements to the after-care of those having exited prostitution (Inte Din Hora et al:2018). The same can be said about the organization *RealStars*. They also share the views of other Swedish actors included in this thesis, and they also have an understanding of prostitution being an environment where force, violence, inequalities, and crime exist. Their goal is to fight against this and reduce demand, thus one understands that the sex buyers are seen as a problem, as they are the ones creating demand. Furthermore, *RealStars* do not make any real distinction between prostitution and human trafficking. Again, all the arguments and the way *RealStars* expresses itself as an organization, make it clear that they approve of the *Swedish Sexköpslag* and find it a necessary approach to handle prostitution.

Overall, one can interpret a shared understanding of what prostitution is and what it contains among all Swedish actors. Based on their observations and arguments, one understands that prostitution is an environment where the three axes of Honneth's recognition theory would be difficult to achieve. One also understands that the Swedish approach has the goal to create a world where no one needs to be exposed to these kinds of misrecognition. The approach the *Swedish Sexköpslag* has and the arguments presented by the Swedish actors shows how they want to offer prostitutes a different life. When looking at an example from Honneth's theory, one understands that self-confidence is of fundamental importance for a person, and love supports the development of self-confidence. Thus, the disrespect for love undermines this. '[...] types of physical abuse that target and take control of a victim's body, such as torture or rape, can have terrible effects' (Mark:2016). That this kind of abuse happens in prostitution is observed by the Swedish actors and has been established in the previous research (Jeffreys:1999, Farley et al:2004). That the sex buyers also have little love interest when meeting a prostitute has been documented as well (Häggström:2017, Flitner:2013, Diu:2015). Since this and other aspects of the recognition theory appear to be acknowledged as 'misrecognized' for individuals within prostitution according the Swedish actors, one can interpret that prostitution could be a cause for social conflict, and how there is a focus on fixing this problem and limit the cause for social conflict.

## 6.2. Assumption that the Swedish Sexköpslag is better equipped to offer freedom and consent to those in prostitution, than the German ProstG

Before conducting the research for this thesis, it was assumed that the *Swedish Sexköpslag* would better equipped to offer freedom and consent to those in prostitution, than the *German ProstG*. In the theoretical framework of this thesis, the three axes of Honneth's recognition theory have been thoroughly presented as necessary for an individual to develop and thrive, and how a recognition of these axes is important to limit social conflict. These axes are also fundamental for the development of ethical personhood for individuals, and a misrecognition can have terrible effects for the individual and cause social conflicts. By exploring Honneth's theory of recognition and applying it to prostitution, as discussed in the section above, it was possible to see that the prostitution field includes many aspects in which the three axes are misrecognized for the prostitutes. This in turn could already indicate that a person's freedom or possibility to fully consent is hurting. The legislation in Sweden does however acknowledge this and wants to focus on the negative outcomes prostitution brings with it, thus limit the aspects in which a misrecognition could arise. The thesis analysis also shows that this

approach is valued and shared among actors in the prostitution field in Sweden, and some German actors. There is a conviction that consent cannot be bought, and thus a sex purchase cannot be completely consensual due to various reasons. Many of the findings in the previous research section point toward prostitution being an environment in which scholars' arguments, as presented in the theoretical framework section, regarding lack of freedom and the possibility of consent could be confirmed. For example, MacKinnon (2000) as well as other feminist scholars (DeCew:2015) argue that 'freedom' could, even if unintentional, cover oppression or depoliticize harmful experiences of women. When researching the field of prostitution it becomes clear that it is an environment that has negative outcomes on mainly women, either through various kinds of violence, death, or crime, as findings in the previous research section show. Therefore, one could agree with Egbert (2016) that 'freedom' should not be used as a blanket justification for individuals' behavior (in the context of buying sex or pimping), as it does ignore the oppression and negative outcomes it has on the prostitutes. This can be connected to *ProstG*, where findings from previous research and the thesis analysis show how this law does ignore important aspects of the field and how this could cover oppression and justify individuals' behavior in a negative way. Throughout the previous research presented in this thesis, there have been no other indications than women being a significant majority of prostitutes, and men being a majority of those buying sex. Ignoring this and allowing this pattern to continue, also indicates that the patriarchal structures in the field are upheld and accepted. This also ties to scholars' discussions regarding consent. Many of Drakopoulou's (2007) arguments can be justified in the context of Swedish and German prostitution laws. As presented in the theoretical framework, feminist legal scholars focus on how the law treats consent in specific contexts, sexual violence and prostitution being some of the examples. When connecting these arguments to *ProstG*, one can interpret that consent is implied in prostitution, as the law has a pro-prostitution approach and does not question what consent is. Additionally, Drakopoulou (2007) also mentions liberal ethics, and how consent is built on voluntary nature, as well as how it is connected to independent choice. Nevertheless, this independent choice must be limited by the effects it has on others. Adding these arguments to the findings of previous research and from this thesis analysis, one understands that the prostitution field does not operate in a way where consent and prostitutes' freedom are prioritized or even exist. Where the *Swedish Sexköpslag* acknowledges these issues, the German legislation only acknowledges this to a minimal extent and does not incorporate realistic measures to fix or express a will to change this. It rather seems as if the general discussion (in Germany) regarding prostitution is holding on to arguments that all interviewees in this thesis, as well as the Swedish organizations, have claimed to have no real value to the prostitution field. For example that punishing sex buyers would push prostitution underground. Findings from previous research rather point to the opposite

(Regeringen:2016, Paulus:2014). The German focus is still on viewing prostitution as a free choice, and ignoring much of what actors and research point to, as well as recommendations from the EU. The sex buyer, brothel owners and pimps still have little responsibility in the legal sense. The addition to *ProstG* made in 2017 does make it punishable to buy sex from trafficking victims, but according to testimonies from the German interviewees, it is realistically difficult to pursue this and prove that someone is a trafficking victim. Thus indicating that these legal measures offer little power for the target group. Findings from previous studies show that prostitution attracts human trafficking (Zobnina:2017, Paulus:2014), forces prostitutes to endure various kinds of violence (Jeffreys:1999, Farley et al:2004, Norak&Kraus:2018), high risks of facing death (Schon&Hoheide:2021), and objectification by sex buyers and brothel managers (Häggström:2017, Diu:2015, Flitner:2013). These findings also ties to observations from a majority of the actors in the thesis analysis. It is thus possible to see a pattern in which someone's [sex buyer/pimp] free or independent choice has negative outcomes on others [prostitute]. One can interpret a continued pattern of ignorance regarding this when it comes to the German legislation. Furthermore, following the discussion by feminist scholars (Drakopoulou:2007) in the context of prostitution, it is possible to see how prostitution generally upholds and benefits patriarchal structures; since it is mostly about men having the opportunity to 'buy away' consent and have the freedom to pursue their sexual fantasies when they want. This could be seen in the German legislation. The Swedish legislation, however, recognizes the gender inequalities within prostitution and highlights how consent cannot be bought. Based on the thesis analysis, it is understood that Swedish law and the Swedish actors view consent as not being applicable when it comes to sex purchase, since there could be many different reasons behind someone being active in prostitution and that the person thus is not always in a state to properly express consent.

Additionally, findings from previous research have also shown that the German legislation does play a role in the amount of human trafficking existing in the country, as well as how attractive the country is for this kind of business and criminality (Paulus:2014). In the same way, the Swedish legislation has proven to play a role in the country being less attractive for this kind of activity (Regeringen:2016). In terms of a law's general function, as discussed by Chukwuemeka (2021) one can see that in the context of prostitution, the *German ProstG* signal's a social value of a sex buyer's need for sex being more important than the general and basic well-being of a prostitute. Thus, ignoring the creation of an equal social contract. The Swedish legislation does, as mentioned above, acknowledge these inequalities and issues. The law is developed to fight against the injustices connected to prostitution, therefore aiming to improve aspects such as freedom and consent for those in prostitution. Also, the

thesis analysis has shown success in creating a common social value, since the law has much support from the Swedish actors, and also at international levels (European Parliament:2021).

When combining this thesis analysis, findings from previous research, and the theoretical framework, it indicates that the Swedish Sexköpslag is better equipped to offer freedom and consent to those in prostitution, than the German ProstG. Thus, the assumption before conducting the research for this thesis has proven to have truth to it.

## 7. Conclusion

This research aimed to explore the relationship between the national prostitution laws in Sweden and Germany and the experienced reality of prostitution. The analysis showed that the laws were received differently in both countries. The German actors were divided. The German interviewees expressed strong disapproval of the German law and were united in their opinions on the law not reflecting reality in a sufficient way. The police officer also expressed that the law has not helped their work, but rather created ideal conditions for brothel owners, pimps, and traffickers. The German network *BSD* had a pro-prostitution standingpoint and approved of the German law, although they wished to see further liberalization. Their point of view was based only on the free choice of entering prostitution, and not recognizing many of the aspects having connections to prostitution, such as violence or trafficking. *SkF* clearly stated that they approved of the German law, however, some of their arguments were contradictory and it was somewhat confusing to interpret what their understanding of prostitution was and what their work aims to achieve. The German interviewees also expressed a positive attitude toward the Swedish law. Words such as ‘revolutionary’ and ‘important’ were used to describe the *Swedish Sexköpslag*, whereas ‘catastrophic’ and ‘breaking against human rights’ were used to describe the *German ProstG*. The German network and organization took a clear stand against the ‘Nordic Model’.

The analysis also showed that the Swedish actors viewed the law as reflecting prostitution’s reality in a realistic and necessary way. They were united in having a positive view of *Sexköpslagen*, specifically that it puts focus on the sex buyer and challenges social norms. There was a strong argument for having to look at the background of why someone enters prostitution, as there often are some kind of force behind it, and they were united in their criticism towards it being possible to include consent when a sex purchase is made. Swedish actors did express changes that could be made to the law, however they were all in line with the current approach *Sexköpslagen* has. All Swedish actors expressed the necessity of signaling values, and that buying women for sexual pleasure is something Sweden as a country takes a stand against with its legislation. Generally, much of the arguments and observations from the Swedish actors were supported by previous research, whereas some of the German actors’ arguments could not be grounded in findings from other studies. Regardless of who is ‘right’ or ‘wrong’, the Swedish law has a consistency to it, a red thread present among the actors, as well as being argued to reflect the reality of prostitution. The German law lacks consistency. It fails to correspond with reality, reach its goals, as well as gain support from relevant actors. There is no red thread connecting them all.

The analysis and findings from previous research also offered an in-depth insight to the prostitution field. When connecting these findings to the theoretical framework, one could interpret how prostitution as a field entails many aspects in which Honneth's three axes of recognition cannot be or would be difficult to achieve. The field rather came across as being an environment in which many individuals would be 'misrecognized'. Thus, the field of prostitution could be seen as a cause for social conflict. Furthermore, the theoretical framework also took specific interest in the concepts of freedom and consent. This discussion was relevant to be able to comment on the assumption that the *Swedish Sexköpslag* is better equipped to offer freedom and consent to prostitutes, than the *German ProstG*. The Swedish law and the actors recognize the many aspects, such as violence, trafficking, and inequalities exist within prostitution. Many of the arguments presented by scholars regarding freedom and consent were acknowledged by the Swedish approach, and it showed that the legislation focuses on fixing the issues connected to freedom and consent in a prostitution context. The German Law rather seems to ignore or fail to address some of the issues the scholars presented. It seems as if *ProstG* rather upholds aspects of prostitution that continue to have negative outcomes for the prostitutes regarding their freedom and possibility to express consent. Generally, findings from previous research as well as findings from this thesis analysis pointed toward prostitution being a field that cannot fully include freedom or a possibility to consent for the prostitutes, thus the Swedish *Sexköpslag* showed a more realistic approach. Where *ProstG* rather goes in a direction where patriarchal standards are supported, even if they have negative outcomes for many prostitutes, *Sexköpslagen* acknowledges the many different aspects connected to the field, and how many of them have negative outcomes on the prostitutes. Thus, the assumption that the *Swedish Sexköpslag* is better equipped to offer freedom and consent to those involved in prostitution, than the *German ProstG*, has proven to have accuracy.

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# Appendix

## Coding frame for interviews

Interviews were conducted for this thesis as a part of the analytical framework. Specifically, the interviews were relevant for analyzing and understanding social practice. To investigate how the participants view prostitution and how the German and Swedish prostitution laws are respectively received by them, a coding frame was created and the data was divided into different categories. The four main categories are:

1. The general prostitution debate and its various arguments
2. Prostitution and human trafficking
3. The prostitution laws and their connection to reality
4. Freedom, consent, and the prostitution laws

Furthermore, these main categories were divided into sub-categories:

The first (1) main category has two sub-categories:

- a) Amount of validity
- b) Unequal gender relations

The second (2) main category has two sub-categories:

- a) Distinction
- b) Presence

The third (3) main category has two sub-categories:

- a) Adaptation
- b) Need for change

The fourth (4) and final main category has two sub-categories:

- a) Possibility to purchase consent
- b) Prostitution's voluntary nature

## Guidelines for semi-structured interviews

1. Can you describe your connection to prostitution?
  - (a) In general terms, what does this [connection/work/experience] entail?
2. The general prostitution debate sometimes discusses prostitution as male violence against women, but there are also arguments from other directions and perspectives, for example that prostitution is a free choice. How do you interpret the general debate and its various arguments?
3. Why was it important/necessary to import this kind of law [Swedish/German]?
4. To what extent do you think it is possible to distinguish between prostitution and human trafficking [for sexual purposes]?
5. With the experience you have from the prostitution field, how do you think that the Swedish/German legislation reflects that reality?
6. Do you think that the Swedish/German legislation can function as a tool to offer aspects such as freedom or consent to individuals in prostitution?
7. What do you experience as positive and negative regarding the Swedish/German legislation?
8. Do you have anything else you want to add?