**Prostitution in Denmark: Research and neoliberal public debates**

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Abstract: Prostitution is a worldwide phenomenon and so are the controversies surrounding it. In Denmark, as in many countries, there is an ongoing public debate about whether it should be seen as a social/political problem, or as a job like any other. The debate takes place within the tension between welfare state discourses and neoliberal discourses.

You were maybe number three, number five,

 Or number eight that day. Did you really think

 I was mentally or physically hot during intercourse with men

 I had not chosen myself? Oh no!

My uterus was burning

From lube and condoms.

(Rahm, 2014)

**Introduction**

The “prostitution business” is highly internationalized. So are public debates in their diverse national versions. One report estimates that prostitution worldwide involves 40–42 million people, of whom 90% are dependent on a procurer (Fondation Scelles, 2012). The European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers has found that approximately 70% of women involved in prostitution in Western Europe are migrants. Estimates for the number of people trafficked into prostitution vary enormously, but human trafficking for sexualized exploitation is considered to be one of the most lucrative illicit businesses in Europe, with criminal groups making about $3 billion a year (UNODC, 2010, p. 1).

The only restriction on prostitution in Denmark is that it is a criminal offence to profit from the prostitution of others. Individuals involved in prostitution themselves are free to organize cooperatives, to form professional associations and buy pension schemes. Yet intensified lobbying is taking place in support of so-called normalization, opposing any kind of restriction and promoting prostitution as a job like any other. In the legal sense, further normalization is for all practical purposes a question of legalizing pimping and brothel keeping.

**Prostitution research**

Researchers take an active part in the Danish public debate on prostitution. However, little effort is made to obtain a reliable and agreed-upon mapping of the diverse field of prostitution. This in turn hampers the recognition of diversity and the consideration of balanced proposals in the debate. A large part of the research referred to in the debate is based on surveys and interviews. This research frequently represents the points of view of people who are active in prostitution, who state that they have chosen it as a business, without emphasizing that this might be a highly biased sample and that another choice of respondents might have given a very different picture (Groes, 2011).

Apart from the lack of representativeness and other methodological problems, as in a much-cited report used to show that “sex work” is no more of a health hazard than other jobs, research is often naïve in assuming that it may represent informants’ perspectives in any straightforward or “objective” way (Gavey, 2002; Kofod et al., 2011; Mahler, 2011). It is well known that answers vary depending on whom informants are informing. Furthermore, in the field of work psychology it is also well known that individuals have vested interests in their current professional and non-professional occupations. Therefore they tend to present these in a positive light. Frequently it is only when they are about to give up these occupations or even only much later that they take a critical stance. Clearly, this will also be the case for individuals selling sexualized activities. The tendency may even be enhanced since this is a controversial and stigmatizing occupation in danger of regulation.

The shortcomings of such studies do not mean that they are not of interest. Yet, like any research, they are never simple presentations of neutral facts. All participants in research, including informants and researchers, are historically situated. Research drawing on informants’ perspectives constitutes an analytical representation of local practices and personal perspectives, changing with time and context. So, in spite of their limitations, the potential of such studies is to make us see informants as subjects with personal – although partial and situated – perspectives on and reasons for their conduct of life in prostitution. This represents a necessary critique of third-person perspective discourses, in which individuals involved in prostitution are exclusively understood as passive victims of their circumstances, instead of as subjects trying to make the best of their lives.

**Critical research and neoliberalism**

Denmark is still perceived as a welfare state. Yet, welfare states have developed under the governmentality of liberalism (Oksala, 2013). Today, Denmark has taken a neoliberal turn and changed into a competition state. Such a state is oriented towards international competition, self-responsibilization of individuals, dynamisation and continuous reforms, and finally it aims at influencing the international environment in order to serve its own national interests (Pedersen, 2011). Visions of egalitarianism have been partially buried. It is against the backdrop of conflicts between the practices of the welfare state and those of the neoliberal competition state that controversies like those about prostitution are generated (Fraser, 2013). Transnational neoliberalism has redrawn the boundaries between the public and the private and increasingly subsumed the private under the rationality of the market (Brown, 2006; Duggan, 2003). When citizens are depicted as gender-neutral “economic man”, other social concerns are disregarded. Neoliberal discourses and other practices then commodify human relations, including intimacy and sexuality, and turn them into mere economic – although sexualized – activities. Since 2014, prostitution has been included in the calculations of the gross national products of the European Union (Kaufholz, 2014).

Furthermore, in neoliberal discourses and practices, individualized freedom is a goal in itself (Fraser, 2013). Freedom becomes the right to make choices in a world in which anything and everything can be commodified. Our relations with others, society, the body and nature become instruments of our personal satisfaction and pleasure. If the legal regulation of activities like prostitution are based on this concept of freedom and disconnected from questions of poverty and – in some states – a rising feminization of poverty, it leaves the market wide open for the commodification of intimacy. Neoliberal conceptualizations of freedom are thus often promoted as arguments for the commodification of intimate relations.

The neoliberal discourse of a free individual, whose conduct of life is a consequence of what is seen as free and independent self-creation and agency, implies a critique of the idea that individuals can be understood as mere victims of their circumstances. But where the latter overlooks the subjectivity of a person, the former ignores the meanings and consequences of the conditions under which choices are made, thus neglecting aspects like gender, class and ethnicity.

 Concepts such as liberty, which hide their origins in and connections to historical and local processes of society, have been named “symbolic violence”. Symbolic violence involves submission to relations of power in cognitive and emotional processes, to forms and categories of perception, and to principles of vision and division (Bourdieu, 1998). Symbolic violence contributes to blinding us to our own submission to – and participation in – it. Prostitution researchers may then disregard the fact that they, and their subjects, are participating in specific historical economic practices and discourses. They may thus overlook the risk of being involved in the (re)production of forms of symbolic violence linked to neoliberal practices, such as those inherent in the conceptualization of the “free” choice of “working” in prostitution – a “job” like any other.

The discussion of research-based discourses and practices in this and the previous section illustrate how research practices, their questions, empirical results and forms of analysis are part of the society in which we live. Critical research thus implies more than questioning or listening to informants, or the mere voicing of criticism of existing research. To constitute critique, theoretical approaches and empirical findings must be examined and connected to an analysis of the historical and local societal conditions under which the researched practices, discourses and personal perspectives have developed, and which they contribute towards developing (Foucault, 2007). This discussion is lacking in Danish research on prostitution.

**Regulation of prostitution**

The Danish debate takes two main approaches. The first is the normalization, or self-designated “pro sex”, approach. This promotes the regulation of selling and buying sexualized activities in a way that resembles other economic activities, i.e. establishing unions, the right to unemployment benefits and so forth, in order to establish prostitution as a legitimate business. The second approach, the Nordic Model, aims to limit prostitution through reduced demand by criminalizing consumers. A widespread misunderstanding is that this model criminalizes the individuals involved in prostitution. The Nordic Model, in *various* forms, has been adopted by all the Nordic countries except Denmark, and is currently being debated or under implementation in several countries within the EU.

The main arguments in favour of “normalization” are that the situation of the individuals involved in prostitution will be bettered and stigmatization will disappear, while proponents of the Nordic Model argue that this is not the case (Strøm, 2014). Both sides use arguments that are apparently supported by research from countries where prostitution has been organized in ways that resemble normalization, such as Germany and the Netherlands. However, evidence from countries like Germany shows that legalizing pimping and brothel keeping expands the business opportunities for outside interests without giving the individuals involved in prostitution any tangible benefits. For example, one could surmise that the importing of foreign nationals, who have possibly been trafficked, would worsen the situation of everyone in prostitution. Thus Germany and the Netherlands are currently debating a revocation of liberalization.

After the last Danish election, several parties in our government revoked their prior support for the Nordic Model. The Minister of Social Affairs recently expressed the opinion that he sees no reason to re-evaluate the current situation, since the recent positive Norwegian evaluation of the implementation of the Nordic Model was not trustworthy (Ritzau, 2015). He may very well have been drawing on a critical article in one of our major daily newspapers (Groes, Heinskov, & Skilbrei, 2014). Opponents of the Nordic Model have recently turned to arguing that we lack research in the field, and that existing research supporting the implementation of the Model is so problematic that it is useless. As with the critique above of the kind of research upon which protagonists of normalization lean, some criticism of evaluations of, and research on, the Nordic Model may be to the point. But, in this debate, criticism has a tendency to become mere criticism of research that is not supportive of one’s own standpoint.

Last but not least, these debates are taking place in a society in which women may live sexual lives of their own choosing, but also in a society characterized by a growing commodification of all aspects of the private sphere. Women who have received money for sexualized activities may still be stigmatized in diverse contexts. But, as Foucault (1984) pointed out, sexual and sexualized practices are no longer taboo, nor are persons selling sexualized activities systematically stigmatized. In some media they are pictured as heroes and heroines of a necessary sexual liberation.

**Concluding discussion**

The Danish debate has become somewhat futile. The possible consequences of the Nordic Model or normalization for gendered, commodified, and/or sexual practices in general cannot be very accurately researched and evaluated within a short-term horizon. Our understanding of the sexualization and commodification of (women’s) bodies is formed by centuries of gendered discourses and other practices intersecting with and changed by neoliberal ones. And by constructing the sale of sexualized activities as a question of free choice, neoliberal discourses reinforce the opaqueness of their own relations of power.

 Additionally, on the international stage the prevention of trafficking has a high priority and plays a significant role in national discussions on the regulation of prostitution. But in this debate the border-crossing nature of prostitution is not given due consideration. Traffickers tend to move their business to countries with the most favourable conditions and the lowest risk. In consequence, research shows that where prostitution and related activities are legal, there are higher inflows of trafficking into the sex market (Cho, Dreher, & Neumayer, 2013; Jakobsen & Kotsadam, 2013). Another pull factor is generally lax law enforcement in the sex market, which is also an issue in Denmark. Here there seems to be a common understanding between different authorities that the law does not really apply in this area. This is extended to migrant women, who are allowed to be illegally active in prostitution. Whatever their intentions, the authorities are thus setting the scene for trafficking and other forms of exploitation of individuals involved in prostitution. To quote Kelly, Coy, and Davenport (2010, p. 86) who examined prostitution regimes in nine countries:

Regulation is invariably under-enforced and under-resourced, with a lack of clarity in law and policy as to who is responsible. This has led, in many regimes, to unchecked growth in illegal sectors and/or a failure to police the exploitation of prostitution offences. Both create disincentives for the licensed sector to comply with policy goals.

In the same vein, Huda, the United Nations Special Rapporteur on Trafficking in Persons stated (2006, pp. 42–43):

For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking (...). Thus, State Parties with legalized prostitution industries have a heavy responsibility to ensure (…) that their legalized prostitution regimes are not simply perpetuating widespread and systematic trafficking.

As current conditions in Denmark and throughout the world attest, State Parties that maintain legalized prostitution are far from satisfying this obligation. The legalized institutionalization of the commodification of sexualized services will invariably lead to more transnationalization of prostitution, and growth in access to prostitution.

Debaters who oppose the Nordic Model may understand themselves to be critical of “new puritanical” tendencies, and of what they understand as infringement upon human sexual rights. But if we want a true critique in the controversies on the commodification of sex(uality), we must understand neoliberal consumption-oriented discourses as naturalizing, individualizing and essentializing emancipated(?) human practices. Regulation should therefore counterbalance the radical commodification of sexuality, in particular that of poor people, children, migrants and others at risk. Supplemented with good, regulated social welfare, it may then support the development of a true self-determination of sexuality

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