

Chapter 6

Sexual Politics And Social Policy: Swedish Policy Reviewed

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Abstract

Why does Sweden, given its global standing as a leader in promoting gender equality, follow a policy approach to dealing with prostitution that seems to be at odds with evolving approaches in countries in the South and elsewhere? The state's gender equality project has extended to the criminalisation of the purchase of prostitutes' sexual services based on the view that prostitution is an aspect of patriarchy and hence detrimental to women's gender interests. This policy approach seems at odds with developments elsewhere that increasingly recognise women's agency as a mediating variable in determining policy responses to issues such as sex work and trafficking. Four features of the debates and policy actions on prostitution and gender based violence are identified to explain the Swedish position. Given the global nature of debates on prostitution and the transnational dimensions of sex trafficking, the paper also explores the extent to which the Swedish approach can be applied in contexts that, unlike Sweden, have no meaningful safety-nets or welfare policies that can address the forms of social and economic vulnerability that may drive women and girls into the sex trade. Drawing on recent case material from India, the paper discusses the importance of spaces where the voices of women conventionally constructed as "victims" can be articulated and heard, in contexts where states and families may fall short of the task of ensuring their survival with dignity and respect.

Introduction

Why does Sweden, given its global standing as a leader in promoting gender equality, follow a policy approach to dealing with prostitution that seems to be at odds with evolving approaches in countries in the South, and elsewhere, especially in its Nordic neighbours and other regions in Europe? This is the central question that this paper addresses. The state's gender equality project has extended to the criminalisation of the purchase of sexual services of prostitutes based on the view that prostitution is an aspect of patriarchy and hence detrimental to women's gender interests. The emphasis on prostitution as patriarchy is made by imposing penalties only on the [male] client and the intermediary – the punter and the pimp – and not on the seller of the service, the prostitute. To an external observer, this policy approach seems at odds with developments elsewhere that increasingly recognise sex workers' agency as a mediating variable in determining policy responses to sex work and trafficking.

This approach to the incorporation of sexual politics into the social policy framework of the Swedish state – that is, addressing the rights of women to control their bodies and the place of commoditised sexual labour in relation to these rights – merits attention for two principal reasons. First, it signals an approach to social policy that sees the state play a decisive role in determining a normative position on the commodification of female sexual labour. Second, it signals the state's role in determining what livelihoods options are acceptable for citizens, a role made possible by its commitment to protect the welfare of its citizens through economic and social safety-nets.

A noteworthy feature of the Swedish position on prostitution is that the state's authority to define the public position derives from consensus evolved through democratic processes, such that political debate in the public political arena and the representation of women in large numbers has in fact shaped it. The Swedish case demonstrates the powerful coming together of historical and contemporary forces and a shift onward from dealing implicitly with "body politics" [e.g. policies relating to motherhood] to a more explicit regulation of the female "body" in the context of prostitution. The paper examines dimensions of this shift, and offers some reflections on the applicability in other contexts of the ideas which ground it.

An underlying issue that will be addressed concerns the implications of an increasing recognition that women's agency is a mediating variable in policy response to issues of sex trafficking and sex work.¹ In many European countries, a combination of predominantly pragmatic policymaking – recognising the resilience of the sex industry over centuries – and the influence of feminist activists who argue for a greater appreciation of female agency, has influenced the development of a "shades of grey"

¹The use of different terminology in referring to sex work needs to be briefly addressed here. While use of the language of 'sex work' and 'sex worker' is prevalent in the rest of the world, reflecting the growing demand for rights for those in the sex trade who have long been at the receiving end of derogatory treatment from society and state, 'prostitution' and 'prostitutes' seems to be the preferred official terminology in Sweden. My preferred usage is the former, which will be reflected in the text that follows.

approach to sex work. This recognises that not all women are necessarily exploited by sex work, and that the role of public policy is to help deal with the worst excesses and abuses associated with it, such as coercion and violence. In Germany, which passed a law in 2001 approving prostitution as a regular profession, prostitutes are differentiated in public policy into “groups with differing grades of involvement”, thereby, for example, distinguishing those who sell sex for financing drug addiction to those who sell sex as “professionals”. In contrast to Sweden, Germany views the biggest problems of prostitutes as the stigma that is attached to their profession, and sees this policy position as reflecting general public acceptance of prostitution as a legitimate occupation (Dodillet 2004). Such calibrated approaches to prostitution entail making the trade visible, and regulating it, as opposed to abolishing it and decrying its existence.

These debates are now global, but have particular salience for fledgling social policy approaches in developing countries. To explore the social policy dimensions of the issue of sex work, I contrast the statist approach to tackling prostitution in Sweden, based on a welfare state with a firm commitment to gender equality, on the one hand, with multiactor struggles in India, on the other, where sex workers seek to earn their livelihood with dignity in the absence of social safety nets, relative gender inequality, and in the absence of meaningful economic choices. In India, growing evidence of widespread trafficking of women and children for sexual and other labour has raised debates about the links between trafficking and prostitution, and the distinctions between voluntary and forced migration in a context of widespread poverty and economic marginalisation. In a country with no universal safety-net provision, limited focus through law or policy on

employment rights for women, and a continuing role played by communities in terms of mutual support, debates on the link between sexual rights and social policy are not strongly developed and public policy in this area seems doomed to failure in the absence of the ability of the state to guarantee universal basic needs.

Further, in contexts where female labour has long been treated as without value apart from the reproductive function, the commodification of women's sexual labour has in some situations transformed perceptions of the value of women as contributors to household domestic income, giving those women enhanced status within their communities (Shivdas 2003). This complicates the reading of "prostitution" only in terms of an exploitative practice, and demands engagement with wider issues such as: how choices and opportunities are shaped in the context of the large-scale experience of poverty, what access women have to these choices and opportunities and on what terms, how changing economic structures impel mobility and hence migration, and how these forces may combine to offer or deny women the means to lead their lives with some dignity and security. The juxtaposition of the Swedish and Indian cases helps to question whether the Swedish approach to prostitution/sex work may over-simplify complex sets of choices for women, and invisibilise the possibility that prostitution may in many cases offer women an exit option from other oppressive experiences – such as an oppressive marriage or domestic violence – that is, it offers a means of survival in contexts where options are a luxury.

The Swedish case, however, remains the main focus of analysis in this paper, in keeping with the theme of this volume. The Swedish approach to prostitution is explained by a model of social welfare that attaches much importance to gender equality, accompanied by a political discourse that has historically emphasised the importance of inclusiveness and consensus as a basis for social policy development. The wider metaphor for this project, encompassing both the policy and the politics, is of course, the “People’s Home” (*Folkhemmet* in Swedish) – an ideological concept of a society that includes all people in the state, and in which the needs, interests and security of the lower and middle classes are met, not just those of the elite. In relation to prostitution, however, the policy project of the People's Home appears to be paradoxical: while an engine of gender equality has been women's identity as workers, and a focus on labour, this does not extend to an acceptance of prostitution as a form of work or employment like any other.

Regarding the “protection” that the Swedish State accord prostitutes (criminalising the buyer but not the seller of sexual services), it is notable that the policy has received widespread support from within the feminist community in Sweden as well as from the public. While there is some dissent, the overall impression drawn from the literature on the passage of the legislation is of broad consensus that the Swedish approach is the “right” one, and in keeping with its reputation as the leading guardian of women's right to equality (Svanström 2004).

The feminist satisfaction with the state's position can be largely explained by the preoccupation in Swedish feminism with the limitations of the Swedish welfare model,

particularly in addressing issues relating to women's bodily integrity. The prevalence of violence against women, particularly within the home and domestic relationships, is argued to uncover deep structures of resistance to gender equality in Sweden, and the continuing power that men wield over women through its exercise. Taken as a clear articulation of the operation of power in society, the continuing prevalence of domestic and sexual violence in Sweden is seen to constitute a blot on the otherwise impressive progressive political project that gender equality in Sweden is recognised to represent to the world. Both external and internal commentators have thus drawn attention to this issue, focusing on the role of the women's movement in shaping (or not) the policy space and discourse on violence, and the ways in which constructions of the family, particularly the rights of the child, continue to determine the ways in which femininity and masculinity are constructed.

The condemnation of both gender-based violence and prostitution within the mainstream of Swedish feminism indicates that the two phenomena – women's sale of their sexual services and the physical abuse perpetrated on women by men with whom they are often in intimate relationships – are seen as similar, that is, as forms of male violence against women and girls. Both prostitutes and women experiencing violence are seen as “victims” needing protection from the state. In this paper, I am less concerned with exploring the ideological and normative dimensions of this conflation – particularly the link between bodily integrity and sexuality. Instead, I am interested in understanding *how* this conflation has arisen, and what it says about the relationship between women's bodies and social policies in Sweden. The juxtaposition of these two themes – violence

and prostitution – draws its orientation from the broader international feminist arena, where the issue of sexual violence does indeed elicit unanimous condemnation whilst the issue of prostitution/sex work is the subject of great contestation in terms of perspectives on women's bodily rights and sexual integrity, with significant policy consequences.

“What Sort of Freedom is it to Choose to Sell Your Body?”² Prostitution Policy in Sweden

In 1998 it was estimated that there were 2,500 women in prostitution who worked through a variety of *modus operandi* in Sweden, of whom 650 were street prostitutes. This number is considered to be fairly small, especially in contrast to countries like the Netherlands (Kilvington et al. 2001). 125,000 men were estimated to purchase sexual services each year in Sweden,³ and 10-13 per cent of Swedish men were estimated to have bought sex from women prostitutes (Boëthius 1999). Trafficking is also seen as a growing problem. Immense borderlines especially in the more inaccessible parts of northern Scandinavia, visa freedom with the Baltic States and the use of the Internet have made trafficking harder to control (IAF 2001).

The evolution of an approach

² Conservative politician quoted in Gould 2002:206.

³ Also reported in a Reuters article cited in Coalition Against Trafficking of Women's (CATW) website: *Factbook on Global Sexual Exploitation: Sweden*, <http://www.Uri.edu/artsci/wms/Hughes/Sweden.htm>, accessed October 25, 2004.

Despite being considered a “liberal” society – for example, marriage has historically drawn on diverse traditions most of which acknowledged premarital sex and recognised cohabitation as a form of marital alliance – the Swedish policy approach to prostitution is abolitionist. Purchase of sexual services is seen as incompatible with the traditions and values of Swedish society. In 1998, purchase of sexual services was legislated as an imprisonable criminal offence.

In 1993, a Commission was constituted which investigated the growth and change in the sex industry and submitted its report in 1995. Prostitution was argued to be a degradation of women, and a form of violence against women (Gould 2002:443). Gould (2002) attributes the perspectives of the Commission to growing concerns about the growth of the sex industry, particularly in terms of political and economic change in Eastern Europe. In the context of Sweden's emphasis on non-exploitative gainful employment, there was resistance to seeing prostitution as a part of the mainstream labour force and to espousing the liberalism evident in countries such as the Netherlands. While the “neo moralism” of this approach was denounced in particular quarters, the tenor of the public and policy debates was firmly abolitionist. Although several women activists and politicians were keen to only penalise the punters, and succeeded in ensuring that this was enshrined in the law, the overall abolitionist approach was supported in most feminist quarters (Gould 2002: 207).

The 1993 Commission found its roots in a longer history of political and civil debates on the issue of prostitution, driven by increasing concerns about violence against women

being articulated by women's movements. A Commission had been set up in 1981 as a response to women's movements criticisms of an earlier commission on sexual offences that had sought to soften rape charges and reduce penalties.⁴ Commissioner Hanna Olsson⁵ stated in the report that prostitution was not a “woman question”, but rather one of human dignity (Svanström 2004:227). Yet, the report did not suggest criminalisation, arguing that this would increase the stigma associated with prostitution, and in all possibility drive it underground. Instead measures proposed focused on criminalising the (male) purchaser of sexual services, placing strictures on landlords not to rent properties used for prostitution, creating positive material incentives to enable prostitutes to leave this line of work, and also banning public pornographic shows. Parliamentary and wider debates on the report found general support for the proposals, particularly the move not to criminalise prostitutes, while criminalising the client.

⁴ The Sexual Crimes Report of 1971 enraged feminists with its view that rapists could be merely fined if it was deemed that their crime was 'less than serious' (Boëthius 1999:3). Furthermore, the report suggested that the state be involved as little as possible in people's sexuality, and did not refer to prostitution at all. A major focus of the public protest and debates was to disband the report and appoint a new Reporting Committee. This point is recorded as a turning point in more recent Swedish history, bringing both prostitution and violence under the spotlight.

⁵ Hanna Olson was the Secretary of the Prostitution Report, and at that time a section head at the Swedish National Board of Health and Welfare (Boëthius 1999).

The construction of prostitution in these debates and subsequent statements surrounding the enactment of a government bill in 1982 had three particular features: one, the problem was framed as a societal one, not particularly about either men or women, but about the relationship and imbalance of power between them; two, it built on a widespread view that the commercialisation of sexuality was not to be encouraged or indeed was to be condemned outright; and three, it placed prostitution within an analytical framework of gender relations, and recognised patriarchy as the wider problem. The framing of the issue as not about women alone, but about society more widely, was the basis on which men, as clients and pimps, were brought into the debates on prostitution.

Furthermore, the social welfare state was posited as an alternative to prostitution. When the law came into force, some media ran sob stories: what about the prostitutes who could no longer make a living? Naturally, prostitutes will lose income, but the idea is that social welfare will help them find other occupations that do not involve humiliation and oppression (Boëthius 1999:5).

The debates revealed non-tolerance for any approach to prostitution that allowed for the possibility of prostitution as the outcome of the exercise of choice, however limited, and posited the state's support and patronage through the social welfare system as the appropriate counterpoint to the exploitation and abuse that was assumed to go hand-in-hand with prostitution. The moral condemnation of the exploitation of women that was considered to define prostitution received backing, or rather was made possible, by the policies of a paternalistic welfare state.

While these initial debates flirted with the idea of criminalising the client, the 1982 law prohibited public pornographic shows but went no further. However, Svanström (2004:233) notes that between 1983 and 1993, over fifty bills were proposed, thirty of which advocated the criminalisation of the client. The 1993 Commission was set up to investigate both the prevalence of different types of prostitution (homo- and heterosexual), and to propose solutions to tackle them, including the question of the effectiveness of criminalisation as a measure. This Commission proposed criminalisation of both the prostitute and the client – arguing that one could not be punished and the other let off. Dissenters from this Commission argued that the proposal did not address the patriarchal structures that resulted in women prostituting themselves. The issue of male power over women would be glossed over if the prostitute were criminalised alongside the client. Reactions in the media supported the view that women were the victims and that punishing them would not be appropriate. The final bill proposed by Government in 1998, accepted many of the arguments made and proposed criminalisation of only the client (Svanström 2004:235).

The proposal put forth in 1998 for *Kvinnofrid* (Violence against Women Act) was greeted with great debate both within Parliament and outside of it. Svanström (2004) notes gender differences within some of the parties, where women members were more in favour of criminalising just the buyers. Those in favour of the proposal argued that as much of sex work was already underground, it was important to legislate in a manner that would decrease demand for services. The law enacted in 1999 went ahead and

criminalised only the buyer, with penalties of fines or imprisonment for up to six months. Criminalisation was seen as an adjunct approach, with a central focus on providing counselling and support services to buyers⁶(IAF 2001). The “discourse of distinctions” (Westerstrand 2002) was rejected⁷ and all forms of prostitution were seen as a social problem (Kilvington et al. 2001).

It could be argued that the active presence of women in politics, and of coalitions of women across party lines, was what drove the passage of the bill. In 1994, Swedish voters placed more women in Parliament than anywhere else in the world, with 41 per cent of Riksdag members being female (Boëthius 1999). Boëthius (1999:3) points out that: “As women storm into the political arena, something extremely interesting occurs: what has been seen as ‘natural’ – such as prostitution – is suddenly being questioned.”

Impact of the law

As Svanström (2004) notes, the passage of the Kvinnofrid law has not marked the end of the debate. A significant reason for this is that the issue of whether the sex trade has declined as a result of the act is not yet resolved. Although the Rikskriminalpolisen report (2004:22) suggests that the sex trade has declined significantly as a result of lower

⁶ An approach followed also in the legislation prohibiting drug use

⁷ In contrast with the Netherlands, for example, where a distinction is drawn between forced and voluntary prostitution (Kilvington et al. 2001).

demand, with significant knock-on effects on trafficking,⁸ it also acknowledges that cross-border methods of disturbance of networks for prostitution “...will hardly lead to the disappearance of the sex trade”. Writing in the newsletter of the International Abolitionist Federation (IAF 2001), Sjögren and Petterson (2001:10) claim that the first visible effect was that street prostitution in the biggest Swedish cities declined dramatically as a result of police actions. Although numbers went up again after a time, they remained lower than previously (see also Socialstyrelsen 2003; Kilvington et al. 2001). They also note changes in methods as the sex trade has adapted to the law’s enforcement, with more mobile phones being used, and more women falling out of contact with the outreach workers of IAF, and possibly hence also of the State. Further, they note that prostitutes themselves have varied opinions of the law – some carry on as before, others see the law as an opportunity for change.

Mechanisms for enforcing the law include counselling as well as police enforcement. A common national coordination mechanism is in place for prostitution and violence, and a National Centre set up for dealing with violence against women has prostitution included within its remit (IAF 2001). Anti-trafficking initiatives are coordinated by the Police to enable cooperation with cross-border police and authorities in other countries (Rikskriminalpolisen 2004). Sjögren and Pettersen (2001) note that while the police were given funds to cover their extra duties in enforcing the legislation, social work institutions

⁸ The report notes that through interrogations with women as well as interception of telephone calls, it appears that traffickers and pimps have found it difficult to find purchasers of sex for the women (Rikskriminalpolisen 2004:38).

received no extra funds to deal with prostitution. Given the difficulties of reaching both clients and prostitutes who continued in the sex trade despite the law, both social workers and the police have found it difficult to have a comprehensive effect. For example, social workers in a project that provides counselling to prostitutes' clients found that they were not attracting more clients than they were prior to the law's enactment. For the police, male clients are less likely to come forward to report on pimps and profiteers, as they can be legally implicated in the process (Östergren 2004).

The irony with the law is that while it was designed to "protect" prostitutes by not making it illegal for them to offer sex, prostitutes have been possibly exposed to greater harm in the course of their "legal" activities. This is a theme that Petra Östergren⁹ develops in her substantial critique of the Swedish policy. Aside from pointing out the lack of representation of the voices of prostitutes in the whole debate in Sweden, most of whom she claims oppose the law, she notes that sex workers have become more vulnerable, been forced to turn to deceit in order to rent premises, and also in some cases forced into street work as a result of the ban on procurement.¹⁰ This is compounded by their fear of turning to the police as they are worried that they will be forced to complain formally about their clients. The overall decline of street prostitution has also reduced the chances for women to network, which prevents them from sharing information about

⁹ Petra Östergren is a Swedish writer and social commentator with a Master's degree in Social Anthropology.

¹⁰ Anyone profiting from the sale of sexual services by another is subject to the law. This includes, of course, pimps, but also landlords of properties hired for sexual services.

dangerous or violent clients. She reports that sex workers face greater competition as a result of a decline in customers, which forces them to engage in forms of sexual activity that they otherwise may refuse. Overall, reduction in the control of sex workers over their trade has been damaging to them. These reports are supported by reports on the implementation of the law by official enforcement agencies (see, for example, Socialstyrelsen 2003).

While the law's intention was to cut down demand allowing prostitutes to then turn to the social welfare state, reality has not followed the policy model's expectations. Östergren reports that many sex workers do not think that what they do is wrong, and feel that the law has the far worse effect of stigmatising them and making them view the state as opposed to their interests. She notes that according to the law, the women are neither criminals nor the victims of criminals, which makes their position in courts of law highly ambiguous when they are called upon as witnesses against their clients. What the Swedish law does is confer a status of *social* victimhood on prostitutes (through arguing that they are the victims of patriarchy) rather than *criminal* victimhood, which places them at the receiving end of continuing stigmatisation of their profession, and without rights when they appear in courts of law.¹¹

¹¹ Though, as Kilvington et al. (2001:85) point out, women involved in cases in Sweden are not required to appear in court when their clients are being tried, to preserve their anonymity.

In the contested debates around prostitution in Sweden, the famous pragmatism of the Swedish policy approach seems somewhat absent. Instead the debates have seen the characterisation of those in favour of the decriminalisation of prostitution as “libertarian”, believing in free choice, and ignoring the “systemic oppression and subordination of females by males and men's eroticization of females as objects for their sexual pleasure” (Ekberg 2002). Westerstrand (2002:55) criticises opponents of the legislation for choosing “a fragmented individually-oriented view that obscures the complexity of the issues and the gender political dimensions”. Such a polarisation is not surprising, characterising as it does much of the international debate on prostitution.

A final point to make here is that criticisms of decriminalisation policies seem equally applicable to criminalisation policies – at least as far as some of the Swedish literature has revealed. For example, D'Cunha (2002:38-39) lists the following limitations of decriminalisation policies:

- greater product, service and market expansion and diversification, and newer more brutal or bizarre forms of exploitation
- the difficulty of controlling the industry once it has been normalized
- the lack of attention to the structural forces that have conditioned women's entry into prostitution and the perpetuation thereby of a vicious cycle, where opportunities for developing “reciprocal, equal, just and empowering relationships” between women and men are undermined and the grounds laid for more girls to enter the trade

- women in legalised brothels are likely to be subject to even greater controls by their pimps

Each of the above issues has been argued in Sweden to occur despite criminalisation.¹² The one exception is D'Cunha's (2002:38) observation that decriminalisation indicates sanction for “an exploitative and oppressive institution that has emerged from the historical vulnerability and subordination of women”. In that sense, the biggest advantage of the Swedish policy approach is, arguably, that it has consolidated a majority view about the undesirability of prostitution on Swedish soil, and indirectly reflected a move toward commitment to gender equality based on an analysis of male power. Even so, the reasons for this development in Sweden merit attention, and an effort is made in the next section to highlight factors that may explain this shift.

Social Policy for “Social Victimhood”?

As argued at the outset, there is a linking of gender-based violence and prostitution suggested in some of the advocacy around feminist struggles to address bodily integrity in Sweden. Both violence and prostitution share a tendency to attract generalised stereotypes, which often are used to construct static notions of “victimhood”. Accounts relating to both survivors of violence as well as sex workers often suggest that excessive

¹² Kilvington et al. (2001) point out the complexities of appropriate policy responses, arguing that both liberal/ regulatory and abolitionist approaches have particular negative effects on sex workers/prostitutes, in terms particularly of driving the phenomenon underground.

dependence – on male relationships or drugs – mark their common experience of male power. Sex workers are by and large assumed to have experienced some form of violence at the hands of men.¹³

A wider limitation of the protective approach is the faith demanded in the state's management of a gender equitable social order. Such a paternalistic policy approach can restrict spaces for women to come forward and articulate the violations of their rights. Gender equality as a “discursive truth” in Swedish policy (Elman 2001) first resisted efforts to provide evidence of flaws in the social democratic project in the form violence, and second, when this neglect was corrected, creates a paradox where announcing abuse is seen as a sign of vulnerability not strength. Women who are strong – “the strong victim” – provide a counter-image to the “vulnerable victim” – that is, “the prosecution requires the victim's willingness to cooperate but the withdrawal of the cooperation indicates that the victim is frightened and that the case should indeed be prosecuted” (Elman 2001)

An approach to gender equality that emphasises women's victimhood at the hands of patriarchy may result in an overemphasis on women's vulnerability to the detriment allowing the women who are the subjects of violence and prostitution to script policy responses to their situation. Much recent Swedish feminist writing refers to patriarchy to explain why, despite the advancement of several rights for women and a measure of

¹³ This is a general assumption associated with sex work, but is not easily substantiated.

Violence when experienced is not necessarily from clients, but may be from partners.

economic security afforded by the state, women still experience violence, or resort to selling their sexual services to men. Westerstrand unites the two strands by promoting an approach that “sees violence as a life context for men and women” and also “sees prostitution as a gender cultural arena” or a site where relations between women and men are reproduced within a patriarchal framework of power and control (2002:55).

Insisting that both violence and prostitution should be seen solely in terms of larger gender regimes of ideas and norms, and by declining to allow that an individually-oriented perspective may also be appropriate in determining policy, Westerstrand argues that prostitutes are not the “legitimate interpreters of the sex trade”, but rather “everyone is responsible for taking a stance on the existence of the sex trade” (2002:55.). Equally, she argues, any argumentation based on the rights of women over their bodies and what they do with them cannot be considered acceptable (2002:53). Implicit in Westerstrand’s argument are the views that the experiences of both women in prostitution and women who are in violent relationships can be analysed within an overarching framework of patriarchal gender relations, and that both categories of women are deserving of state protection. The complexities in difference between women who experience violence and those who sell their services are by and large overlooked – or when addressed, not seen as sufficient to merit a delinking of the two issues in terms of policy discourse.

From Motherhood to Personhood to Parenthood – Underlying Currents in Swedish Social Policy

Four features of the debates and policy actions on prostitution and gender-based violence have been raised in this chapter thus far. First, in the current phase of Swedish policy discourse, protection of women who are “bodily” vulnerable is treated as a measure of gender equality, moving on from a focus on labour and employment rights. Second, this reflects correction of a history of policy-making that is considered to have been largely gender-neutral in its approach to gender equality (Eduards 1991). Third, that this could to a great extent reflect the high levels of women in Parliament, and the articulation of their voice, with external feminist allies, on issues that continue to affect women in Sweden. Fourth, in keeping with traditions of policy development in Sweden, the approach continues to be paternalistic, casting women as requiring protection, and strongly normative, potentially discouraging the subjects of such policy initiatives from voicing their opinions and experiences.

However, I argue that a further part of the explanation rests in the particular development and articulation of “personhood” in Swedish welfare and gender equality policy. Despite shifts from motherhood to a gender-neutral worker, women's personhood is still associated strongly with reproductive responsibilities. The partial success of paternity leave policies in influencing the division of labour, and the continuing positioning of women within the labour market as mostly part-time and lower-paid workers are issues treated at length elsewhere in this collection of papers. However, gains made by women

have enabled them to retain a fair degree of autonomy by replacing dependence on men with dependence on the state.

The origins of the Swedish welfare and gender equality approaches were based on motherhood and had roots in the foundation of social democracy and the vision of a classless society represented by the People's Home. Arguing for bimodal career patterns for women, encompassing both work as well as motherhood, the Swedish welfare model supported both motherhood and flexibility from employers.¹⁴ Lewis and Åström (1992) argued that in lay the seeds of the distinctive Swedish approach to women's welfare: emphasising both equality as well as difference, on terms that privileged motherhood rather than women themselves. In the 1960s and 70s, the shift was toward emphasising a dual breadwinner family model, building this in to the social insurance system. Economic and labour market policy thus was oriented toward a notion of personhood that recognised individual rights as well as gender-based identities, particularly in relation to motherhood. Through this “bimodal” understanding of women's claim to equality, the Swedish model is seen as offering important implications for discussing women's social citizenship elsewhere, particularly regarding how both equality and difference arguments have been used (Lewis and Åström 1992).

However, the normative (masculinist) underpinnings of citizenship have not been fully challenged. First, citizenship for women requires both recognition of “personhood” (an individual's independent claim to rights as a human being) as well as a strong welfare

¹⁴ See Lewis and Åström (1992) for a detailed discussion.

model that backs political citizenship. The gender equality model of the Swedish state is premised on the welfare state; however, the full employment model that underpins the welfare state means that those who benefit most are those who work full-time all their lives – “men, in other words” (Eduards 1991:174). A high proportion of women work, but on different terms to men – nearly half work part-time, and continue to have primary responsibility for children, and women generally still earn less than men for similar work. “Equal status policies have not succeeded in changing these well-established narrow social definitions of what is useful work and productivity, and have thus been of little value in the struggle for a less sex-segregated society” (Eduards 1991:174).

Second, the focus on children's welfare has brought new dimensions to both the state's relationship with the family unit, whether defined by marriage or not, with implications for gender relations that may compromise women's independence and autonomy.

Parenthood has become a new mode through which the state regulates the family, with policies that particularly strengthen the rights of women (as mothers) such as the payment of subsidies to mothers and not fathers. Florin and Nilsson (1999) associate this concern with the effects of greater gender equality – rising levels of divorce and the increased tendencies for people to cohabit rather than marry may have put concerns for children's welfare on the radar of government policy. A spate of government investigations were instituted in the mid 1970s, putting children's welfare centre-stage in the social policy arena. Sweden's ratification of the UN Convention on the Rights of the Child also played a role, as reflected in legislation for children's protection such as the law against hitting children.

The construction of children as central to the project of gender equality underlies Swedish family policy “which presupposes shared parenting and a high degree of parental co-operation post-separation/divorce”¹⁵ (Eriksson 2002). The ensuing focus on fatherhood through the lens of gender equality, argues Eriksson (2002), results in the impact of violent fathers on the child's well-being being subordinated to the right of the child to be raised by both parents, regardless of the relationship between the parents. For example, a controversial amendment to the law governing custody and visitation rights made in 1995 places a woman who does not actively support her child's contact with its father at risk of losing custody of the child. That is, family policy becomes particularly interventionist at the point when the family unit breaks down. The policy is based primarily upon the notion of the child's right to a close contact with both (biological) parents, as the aim of Swedish welfare reform has been to enable both parents to take part in the everyday care of children (Eriksson 2001/2:9).

However, the privileging of joint custody (even if against the will of one parent), could result in difficulties for women where the father has a history of violence toward his partner. Elman (1996) found that women in shelters for battered women were still obliged to entitle their spouses to equal rights over the child. In cases where this meant disclosing the address where the women were staying, even shelter organizations could be penalised for colluding with women unwilling to disclose this information (Elman 1996). Further,

¹⁵Rights to divorce in Sweden have never been particularly contested, although procedures for formalising divorce may have been convoluted.

this also made abused women think harder about leaving their spouses, as the children would anyhow be obliged to maintain a relationship with their father. The presumption is that a violent husband is not necessarily a violent father, with the burden resting on the woman to prove otherwise. Dahlberg and Taub (1992:149) argue that the legal codes on parenthood suggest that: “the sexual contract’ of Sweden today is thus a male-centred right to take care of or have access to his own children, and via the children, contact with and even control of their mother”.

These two examples – the normative construction of personhood through the social welfare model, and the possible impact on gender relations through the regulation of child welfare – are used to highlight the difficulties of crafting a gender equality model that can both grant “personhood” and at the same time recognise the complex web of emotions and power that constitute inter-personal relationships. The Swedish response to prostitution reflects the complexity of these issues, yet gives rise to solutions that deny those involved their “personhood”, through imposing a status of social victimhood and not making room for prostitutes themselves to exercise their voice in the public debate or in the implementation of the policy response

On a more practical level, the reliance on the state as an alternative to those inter-personal relationships that result in abuse and exploitation experienced by women may need to be called into question, and may also explain why the law on prostitution has not fully had the desired effect. As the welfare state rolls back, there may be a question of how far it can be the provider for all, both materially and in terms of covering the choices that

people may want to make. Further, as Kilvington et al. (2001) have pointed out, policy discourses need to recognise the impact of transnational migration on the state-citizen relationship. The issue of prostitution is not a matter merely to be resolved for Swedes by Swedes. The presence of women of different races and nationalities in the Swedish sex trade, with their own stories and struggles, requires perspectives on the Swedish state's responses to global patterns of labour movements and a more global citizenry.

A counter-view reflects on the changing circumstances of young women and children in the context of globalisation, economic distress, and the decline of the state in many parts of the world, and argues that the changing nature of the sex industry needs to be understood (Kilvington et al. 2001). Such an approach emphasises the importance of a “third way”, between the routes of abolition and regulation, to allow sex workers to organize themselves so that some sex workers are not driven underground either by being compelled to register to enjoy state benefits, or by the criminalisation of their clients. Drawing on experiences from the UK and Germany, they argue that allowing localised action on the part of sex workers and support workers, alongside a recognition that many sex workers may be migrants whose vulnerability forces them to hide from authorities, may offer more pragmatic options to address the issue. This means placing at the centre of efforts a concern for the well-being of sex workers, regardless of normative and moralistic considerations that may be a part of public debate. Some of these issues are elaborated in the next section.

Emphasising Voice in the Absence of Choice: An Indian Contrast

The focus on Sweden's policies on prostitution and gender-based violence has raised the following points. The shift from implicit to explicit regulation of women's bodies has been first, a natural development of the policy trajectory that has emphasised consensus-based social policy with a strong emphasis on social engineering as a necessary role of the welfare state. Second, it has been in keeping with Sweden's strong self-perception as well as an external perception of Sweden as a champion of women's rights and gender equality. Third, it has been influenced by the strength of the feminist movement, particularly as a force operating within the political system.

Yet, the Swedish state in its attempt to shape gender equality has taken a on a particular approach which appears to deny the agency and voice of those women it seeks to protect. Is this approach a model for the rest of the world? While many would welcome a state that protects its citizens from exploitation, it is not clear in this case whether the policy has been entirely successful. As noted earlier, there is a concern that through criminalization, the whole phenomenon has been driven underground, hence preventing the state from protecting those it seeks to protect. This risk explains policies elsewhere in Europe which have chosen to decriminalize sex work with a view to more effective regulation. Further, how relevant can this policy approach be in a context where poverty and constrained economic opportunities remain a deep concern? The importance of disaggregating the phenomenon to unpick differences in circumstances of those who undertake sex work, and to acknowledge differences in the degree of agency that women may exert to come into or leave the trade on their terms, is not reflected in the Swedish

discussion. Below we consider briefly some of the issues that arise from exploring the issue of sex work in the Indian context.

Sex work in India is hard to measure and has its roots in diverse economic and socio-cultural phenomena. A Government of India (1998) report on the issue identifies several drivers and variations, including: forcible abduction and kidnapping; induction through family members or brothel owners and pimps; traditional social caste or tribal groups who on losing their traditional livelihoods such as performing or music, push their womenfolk into sex work; traditional cultural practices such as the ritual dedication of young women to temples, a form of prostitution under the guise of “marriage” to the God; women in economic distress on account of widowhood, abandonment or separation from the family; and those women who work on the fringes of the sex industry such as bar dancers who may or may not be sex workers.

Data on sex work and trafficking is hard to gather. A compilation of statistics from diverse sources by the Coalition Against Trafficking of Women (CATW) shows that in 1996 there were an estimated 10 million sex workers in India. An estimate (undated) of trafficking suggests that between 5,000–7,000 women and girls from Nepal are trafficked into Indian brothels, joining the estimated 200–250,000 women from that country already present. Cross-border trafficking from Bangladesh is also a large-scale phenomenon. In the context of widespread migration more generally, a number of distinctions become

important for policy purposes: first, that between coerced migration and voluntary migration, and second, between trafficking and prostitution¹⁶.

Formulating a single policy position in the face of such scale and complexity is clearly a challenge. A large-scale study¹⁷ recently conducted by the National Human Rights Commission in India concluded that addressing the vulnerability of women in the sex trade and who are trafficked is a critical basis for formulating policy. For instance, they note that addressing the vulnerability of migrants is critical for dealing with trafficking, as many are lured by traffickers with promises of jobs. Similarly, marriage is another incentive used to get women to move to cities (NHRC 2004).

These economic and social vulnerabilities are such that a single protective approach is unlikely to work. Many attempts to “rescue” girls from brothels and rehabilitate them through state sponsored economic schemes fail spectacularly because most state and NGO interventions do not or choose not to understand sex workers’ own motivations and desires, even where the latter are unhappy about their choice of trade:

¹⁶ The Government of India’s position as reflected in a report (1998) clearly recognises that all trafficking is not for prostitution. This is in contrast with the Swedish position which views international trafficking and internal prostitution as connected (Dodillet 2004).

¹⁷ The study covered 4006 respondents in 13 States and Union Territories, including women who had been trafficked into prostitution, brothel owners, traffickers, clients, and trafficked children rescued police officials.

...while state interventions sought to either rescue and rehabilitate, or incriminate the women, and non-governmental initiatives attempted to rescue, protect and empower the women, the women themselves were preoccupied with pursuing their livelihood, devising ways to gain social acceptance and resisting the intrusion of outsiders (Shivdas 2003: 174)

In addition to questions about the feasibility of a single approach in the context of diverse motivators and opportunities for sex workers, there are also issues about diverse normative worlds within which sex work is defined. Sex work may be considered more acceptable in some social settings than it is in a policy domain dominated by particular elites from particular social groups holding particular worldviews:

The emphasis in trafficking discourses about the pretexts under which women, mostly young girls, get trafficked by strangers and also the implication that ethnic minority women are more likely to be trafficked become problematic as other key issues in the trafficking of women get ignored. Recognition of family collusion in trafficking is often unacknowledged by such representations because the imagery is mainly about a male stranger who lures innocent women and girls for sale in Indian brothels. Other issues such as the women's knowledge and agreement to migrate for sex work, the role of frequent comers and the

remittance from sexual labour that benefit the women's families do not find a place in these discourses (Shivdas 2003: 13).

These diverse perspectives, circumstances and dimensions render any approach that would seek to impose one way of judging or analysing sex work both undesirable and unviable. Two cases from recent times are discussed briefly below to elaborate this point.

Perspectives from Sex Workers in Calcutta, India¹⁸

Findings from a recent study from Calcutta, India, (Bandyopadhyay et al. 2004) offer a lens on prostitution and trafficking from the experience of those women who have been sold, exchanged or lured under false pretexts to the brothels of the city, in a context of poverty and livelihoods deprivation. The workplace – whether households where they worked as domestic labour or informal manufacturing units – was often a site of sexual harassment, where their physical labour was exploited in that they often received little or no wages. For some, boyfriends who they had left home with brought them to the sex industry; some women chose to become sex workers when they left home based on information from neighbours who had been sex workers. The study highlights the role of multiple layers and levels of networks of informants who influenced or aided women's journey from the home to the outside world. It also reveals the complex web of decisions that women make in the process of working out their choices and strategies. While for many the entry into the brothel may not have been a matter of choice, engagement with

¹⁸I draw here on the case study by Bandyopadhyay et al. (2004) which in turn draws on findings of a recent research study with the Durbar Mahila Samanway.

other sex workers enabled them to find practical ways out of their trafficked situation. Importantly, a constraint to their exit options was the stigma associated with having been in the sex trade – for many this removed the options of returning home where they feared rejection from their families and community. Where women had actually left relationships, there was fear of returning to a violent husband. By uncovering the motivations and thought processes of women in the sex trade about moving on and beyond their positions as trafficked women, the study helps dispel a founding myth of trafficking – that it confers a form of permanent victimhood on women.

Women identified the local police, local petty criminals, brothel owners and local politicians as oppressive forces. Support was sought from the state, or from other community networks. However, state interventions that see trafficked women as victims in need of “rescue” often do more harm than help in the course of their raids aimed at removing women from brothels. Placed in rehabilitation centres run by the state, trafficked sex workers are often at further danger of being harassed and exploited within the remand homes.

In the absence of state interventions that offer a meaningful (or less exploitative or abusive) alternative to the world of the sex trade, women rely strongly on each other to provide alternatives. In Calcutta, this has taken the shape of a sex workers' forum, an organized attempt by sex workers to regulate the trade and their working conditions. The Durbar Mahila Samanway Committee (Durbar) in 1999 established three Self-regulatory boards aimed at ending exploitation in the sex industry by setting business norms for the

conduct of the sex trade. Taking a strong stand against trafficking, the organization rejects any form of sex work that is based on coercion or deception. As an organization representing sex workers and defending their rights, the focus is on “restoring a degree of control to the trafficked individual”; conviction of the trafficking agent is seen as a matter for the state. Thus focus is placed on ensuring that no trafficked woman or child is recruited as a sex worker within the sex trade. Drawing on their own networks of sex workers, the forum is able to gain confidential and accurate information about the movements of women and children and gain access to these women. Unable to trust those who offer “rescue” for trafficked women, the forum acts as an intermediary between sex workers and the world that seeks to “save” them, yet stigmatises them and their experiences.

This quick sketch is intended to highlight a few key issues that arise when looking at issues confronting sex workers in the global south. For women entering the sex trade in Calcutta, as elsewhere, the journey was a culmination of a quest for some form of change in their lives. While the journey to the brothels may not have in most cases been a matter of choice, handled as they were by a range of male and female intermediaries, the quest for change invariably came from either situations of familial breakdown, marital or relationship conflict, or a search for economic opportunities. Within the narrow world of choices in a context of poverty and deprivation, the situation in brothels was not always as bad as or worse than what they faced at home in terms of coercive sexual relationships and subordination.

A further point that the study makes is that the lives of women who are trafficked are not devoid of relationships. The world of the sex trade becomes an all-important resource given the stigma placed on them and their livelihood by external actors. Approaches that are abolitionist may underestimate the effects that such extreme positions may have in consolidating rather than dislodging the relationships that constitute the sex trade.

A final point concerns the form through which women choose to express themselves and deal with their “victimhood”. The inability of women to place faith in the state has seen the evolution of new forms of organization. *Durbar* is one such example, where women have initiated their own systems, but involve others on their boards to represent more “mainstream” society. The work of Sangram, an NGO working in Maharashtra state on peer education in HIV/AIDS, has given rise to a collective of women in prostitution called VAMP, which is independently registered. Members of VAMP arbitrate community disputes, lobby with the police, help women access government programmes and develop leadership potential. VAMP has also interacted with local policy makers to demand better-quality condoms, better medical treatment, and placed a call for addressing trafficking on the South Asian Regional Co-operation (SAARC) agenda (Point of View 1997).

Women's collective action is also increasingly evident as a strategy to counter domestic and other forms of gender-based violence. An example is of *Nari Adalats* (Women's Courts) and *Mahila Panchs* (Women's councils). These are forums where women can access justice that is accessible, respectful toward them and inexpensive. These forums,

initiated by women, enabled a public face-to-face arbitration in violence cases, bringing together both sides involved in domestic violence disputes. The central point of their actions, similar to Durbar, is to focus on the woman herself, strengthen her position, her self-confidence, and her ability to make decisions and devise solutions to her problems (Mahila Samakhya et al 2002).

The contrast with the Swedish context, where reliance on machinery of the state to implement laws, and the simplification of what is a very complex set of issues are the outcomes of a particular trajectory that has been pursued over time, is striking. In contrast, the emergence of the Indian state from a context of colonialism, as well as the struggle to move social structures forward from feudal social relations through the infrastructure and values of democracy, among others, are relatively nascent. Alternatives to the state become more meaningful for groups for whom citizenship is denied because of the stigma associated with what they do, and whose access to the state is mediated by layers of intermediaries belonging to community and other social networks; and where the state is itself in the process of defining its rules, norms and procedures. The state, becomes only one, albeit critical, agency that women turn to in order to struggle for justice. This point is highlighted in the next brief case study below, the recent struggle of “bar dancers” in the state of Maharashtra to resist the state’s intention to close down dance bars on the grounds that they are a “breeding ground” for prostitution.

Bar dancers' and the struggle against the state

A recent decision in Maharashtra state to ban¹⁹ dance bars, where young women dance for the entertainment of their customers, mostly to popular film songs, has met with widespread resistance from both bar owners and the dancers. Newspaper reports on the issue, which has dominated headlines in the city and elsewhere, quote senior government Ministers as decrying the bars as a site where women are exploited and young men engage in crime (BBC News, 30th March 2005). The state has an estimated 1,500 dance bars, employing 100,000 women.

Findings released from a study by a number of women's organizations, however, challenged assumptions that all bar dancers offer sexual services in addition to their dance entertainment, and that the women are trafficked into the bars (The Hindu, June 15 2005). Interviews with 153 women working in 15 dance bars in Mumbai revealed that 89 per cent of the women came from outside the city, and many from different states in India. The average age of the women was between 21 and 25 years, and the majority of the women had entered the profession through other members of the family. In that sample, all the women barring one said they preferred to work in the bars despite the stigma attached to the job, as they had insufficient education to qualify them for other jobs. While a few admitted to offering sexual services, many said they were only dancers. Another study (Kale, cited in Seshu 2004), also based on interviews with bar dancers in the state, revealed, however, that in addition to waiting on tables and dancing, the sale of

¹⁹ The bill authorising the ban was passed in the Maharashtra Assembly on 22 July 2005. It provides for three years' imprisonment and a penalty of Rs. 200,000 (US\$ 4650 at the time of writing) for those violating the ban.

sexual services was expected of the women. This study concluded that the presence of young women from various parts of the country and beyond suggested trafficking and migration as related phenomena. This study also revealed that most of these women are from the underprivileged, lower castes or minority communities. Despite the disputes over whether bar dancers do offer sexual services or not, the state government's move has met with resistance from both bar owners and bar dancers. A series of raids conducted by the police led to a massive demonstration by 30,000 bar dancers on August 20, 2004 (Seshu 2004). Although the protests were aimed at highlighting several issues – including the “hypocrisy” of the state where both police and politicians are alleged to make profit out of informal taxes levied on bar owners – it is clear that despite the conditions under which the women work, the decision to either close down or “regulate” the business was not agreeable to the women themselves. The bar dancers' protests have led to the incipient formation of a union, led by the “Womanist Party” a recently-registered women's political party. The union, the “Bharatiya Bar Girls Union” is aimed at strengthening the women's position within the industry, while also recognising the vulnerabilities they face in the course of their work. Seshu notes that the range of issues that the Union is seeking to tackle includes actions to loosen the control of bar owners over the women, as well as ensuring regular medical check-ups, HIV/AIDS awareness, encouraging regular savings and familiarizing the women with sex workers' unions across the world.

The question of “choices” is highlighted by Roy (2005), who reports that in the wake of the decision to close dance bars, agents are receiving more demand than before for

opportunities to go to bars and brothels in the Gulf States. She notes that “excess supply” is halving the money that agents are offering the women. Many of the young women she interviewed are either the sole wage-earners in their families, or sought work in the bars as a result of family economic crisis. Many of them are not interested in alternative vocational training being offered to them because of the lower potential incomes in these alternative trades – such as applying *mehndi* (henna) or cooking – and the income that will be foregone in the course of learning new skills.

Both the cases referred to here demonstrate the difficulties of intervention, where there is a need both for an overarching analytical approach to gender equality, while at the same time recognizing the richness and diversity of women and men's experiences, needs, interests, choices and aspirations. Thus an important medium for intervening in “social problems” that have negative outcomes on women is to work directly with women themselves, thus recognizing their unequal status, while at the same time developing their inner resources to overcome the situations with which they are confronted. As Shah et al. (2002:23) note “A rights-based approach acknowledges the agency of adult women and respects their choices, trying to offer a range of real alternatives for informed choice.”

Conclusion

This chapter has sought to look at why Sweden, departing from developments in neighbouring and other countries, has since 1999 taken an abolitionist approach to prostitution. I have chosen to make my surprise at this development explicit, thereby making my position on the issue also explicit. Yet, the aim is not to join the chorus of

critique from outsiders on this issue; the intention has rather been to use this development as a way of exploring how it may be explained as one in consonance with a history and trajectory of policy in Sweden. In a sense, I sought to explain to myself why this development should not be seen as surprising, reflecting as it does several features of Swedish models of gender equality – first, a tendency to paternalism and reliance on the state; second, a backlash against the politics of pragmatism and gender-neutrality, resulting in a swing away from pragmatism toward radical perspectives on Swedish society; and third, a policy approach that seeks to retain its identity in the face of many global changes that make gender equality policies more complex, particularly in relation to “body politics”, thereby, paradoxically, underestimating the need for Swedish policy making to recognise that the concept of “protection” needs to transcend older state-citizen models, and recognise the diverse choices and influences operating on Swedish territory.

Yet what the review of literature on the issue uncovers is that bringing together violence and prostitution under one overarching ideological approach to gender equality represents a moral struggle on the part of a majority of actors of Sweden retain an ideological distaste for sex work. While this ideological distaste is shared by many global actors, pragmatism combined with a recognition of the complexity of choices and trade-offs in a global order marked by inequalities of all forms, have allowed for approaches to sex work that are open to the possibility of regulating it, and conferring some social and economic rights to those in the sex trade. Given the difficulties of crafting an approach to gender equality, and recognising the vast strides made by Sweden to push for greater social equality and gender equality, there is a sense here that with the issue of

prostitution, Swedes may have finally found the limits to the social engineering project that the Swedish welfare state represents.

The differences in constructions of personhood between the Nordic and Indian contexts appear relevant. The community as a mediating site in India stands out in relation to the Nordic experience, where, as Niemi-Kiesiläinen (2001) suggests, the approach is communitarian in the sense that people share many common values and have a strong sense of solidarity – “but rely on the state to organize societal functions rather than on private initiative in communal life”. In India, on the other hand different forms of identity continue to be privileged in policy terms over gender, and women thus face challenges in terms of both state as well as community for the construction of their personhood. If family, state and market are seen as the foundational pillars of the welfare state (Esping-Andersen 1990) then it is no surprise that the transferability of Nordic models to the developing country context is questioned; the role of community as a key player in the shaping and realising/practising of rights is particularly pertinent in states where institutions of modernity are still in the process of being constructed.

A second dimension of comparison in this chapter, therefore, refers to the role of the state in shaping and legitimating rights claims and the role and strategies of the women's movement (and other social movements) in expanding the categories of rights that women are to claim. While in India the regulatory power of the state is weak, particularly in terms of enforcing rights claims made by women (and other disadvantaged groups), the state continues to be an important site for the feminist project. This has an impact on the

strategies of the women's movement, which has to both attack the state as well as cooperate with it (Gandhi and Shah 1991). Reforming the state in order that it serves better as an upholder of gender justice has therefore been an integral aspect of feminist activism, as has building trust in state institutions so that women are able to bypass community institutions and take refuge in more broadly defined entitlements when required. In many instance, as in the case of sex workers, this can cause contradictory or paradoxical motions in their struggle for rights.

The lack of state capacity and institutions has also meant that women's movements in India have focused on building alternative institutions for women. These alternative institutions (whether in the form of women's self-help groups, or new forms of collective association) have also pointed to the salience of community (or non state spaces) as a regulatory site. This is another area where differences are worth exploring. For instance, sex workers in Calcutta have focused on self-regulation as a means to combat trafficking, setting up their own organizations, rather than relying on external actors as discussed above. Alternative forms of mobilisation also include using folk and local cultural media to reconstruct women's struggles for respect and dignity. In Sweden, a highly developed and proactive state and a history of strong support for the welfare state by feminists and women politicians has resulted in the lack of space for women who do not feel embraced by the paternalistic state to create their alternatives. Edwards (1997) suggests that this is changing, and that more women in Sweden are dissatisfied with the state, and are creating their own networks.

While I noted at the outset the apparent paradox of the Swedish approach in empowering women through recognising and promoting their opportunities as workers, whilst more recently moralising about one aspect of that work – commercial sex work – the contrast with the Indian case raises questions about the regulation of “work”. The informality of labour markets in India – both legal as well as illegal – means that for women the exploitation of different workplaces may have little relevance in terms of the choices they make. Family structures may be as exploitative and abusive of women's sexual services as those in the commercial market. Where neither family nor state can be relied upon, women's own spaces to organize in a way that best meets their needs are critical.

References

- Bandyopadhyay, Nandinee. et al. 2004 “‘Streetwalkers show the way’: Reframing the Debate on Trafficking from Sex Workers’ Perspective” *IDS Bulletin* Vol. 35 no. 4
- BBC News, 30th March 2005 http://news.bbc.co.uk/2/hi/south_asia/4394277.stm. Accessed June 28, 2005
- Boëthius, Maria-Pia. 1999. *The end of prostitution in Sweden?* Swedish Institute, October 1999. Published on www.sweden.se (Accessed 25.10.04)
- Dahlberg, Anita and Taub, Nadine. 1992. “Notions of the Family in Recent Swedish Law.” *International Review of Comparative Public Policy* Vol. 4:133-153
- D’Cunha, Jean. 2002. *Legalizing Prostitution: In search of an Alternative from a Gender & Rights Perspective*. Seminar on the Effects of Legalisation of Prostitution Activities– A Critical Analysis. Stockholm, 5-6 November. Pages 28-46

- Dodillet, Susanne. 2004. *Cultural Clash on Prostitution: Debates on Prostitution in Germany and Sweden in the 1990's*. Paper presented at the 1st Global Conference on Sex and Sexuality in Salzburg, 14th October 2004
- Eduards, Maud. 1991 "The Swedish Gender Model: Productivity, Pragmatism and Paternalism" *West European Politics* 14, No. 3, 1991:166- 181
- Eduards, Maud. 1997. "Interpreting women's organizing." In Gustaffson (ed.) *Towards a new Democratic Order? Women's Organizing in Sweden in the 1990s'*. Publica, Stockholm
- Ekberg, Gunilla. 2002. *The International Debate about Prostitution and Trafficking in Women: Refuting the Arguments*. Seminar on the Effects of Legalisation of prostitution Activities, Stockholm 5-6 November 2002.
- Elman, R. Amy. 2001. "Unprotected by the Swedish Welfare State Revisited: Assessing a Decade of Reforms for Battered Women" *Women's Studies International Forum*, Vol. 24, no. 1:39-52
- Elman, R. Amy. 1996. *Sexual Subordination and State Intervention: Comparing Sweden and the United States*. Berghahn Books, Providence
- Eriksson, Maria. 2002. "Men's violence, men's parenting and gender politics in Sweden" *Nora*, Vol. 10 no. 1:6-15.
- Esping-Andersen, Gösta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton University Press, Princeton, N.J.
- Florin, Christina and Bengt Nilsson. 1999. "Something in the nature of a bloodless revolution: how new gender relations became gender equality policy in Sweden in the nineteen-sixties and seventies" in R Torstendahl (ed.) *State policy and gender*

- system in the two German states and Sweden 1945-1989*. Historiska institutionen, Uppsala.
- Gandhi, Nandita and Nandita Shah. 1991. *The Issues at Stake. Theory and Practice in the Contemporary Women's Movement in India*. Kali for Women, New Delhi)
- Gould, Arthur. 2002. "Sweden's Law on Prostitution: Feminism, Drugs and the Foreign Threat." In Thorbek and Pattanaik (eds.) *Transnational Prostitution. Changing global patterns*. Zed London.
- Government of India. 1998. *Report on the Committee on Prostitution, Child Prostitutes and Children of Prostitutes and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children*. Department of Women and Child Development, Ministry of Human Resource Development, New Delhi.
- IAF. 2001. "Special Issue: Prostitution in the Nordic Countries" *Newsletter of the International Abolitionist Federation*, August 2001
- Kilvington, Judith, Sophie Day and Helen Ward. 2001. "Prostitution Policy in Europe: A Time of Change?" *Feminist Review* no. 67, Spring 2001, pp 78-93
- Lewis, Jane and Gertrud Åström. 1992. "Equality, difference, and state welfare: Labor market and family policies in Sweden." *Feminist Studies*, 18(1), 59-73.
- ICRW. 2002. "Women-Initiated responses to Domestic Violence in Gujarat: A Study of the Nari Adalat and Mahila Panch" in *Domestic Violence in India: Exploring Strategies, Promoting Dialogue* Washington: International Centre for Research on Women Pages 47-84.

NHRC. 2004. *A Report on Trafficking in Women and Children in India 2002-2003* Vol.

1 : National Human Rights Commission, UNIFEM and Institute of Social Sciences, New Delhi

Niemi-Kiesiläinen, Johanna. 2001 "Criminal Law or Social Policy as Protection Against

Violence" in *Responsible Selves*, Kevät Nousiainen, Åsa Gunnarsson, Karin Lundström and Johanna Niemi- Kiesiläinen (eds.) Aldershot. Ashgate

Point of View. 1997. "Of veshyas, vamps, whores and women". Point of View, Mumbai.

Rikskriminalpolisen. 2004. *Trafficking in human beings for sexual purposes*. Situation

Report 6 (KUT/A-492-226/04) Stockholm: National Criminal Investigation Department. 53 pages.

Roy, Saumya. 2005. "Chandni Barred" *Outlook*, 6 June 2005. New Delhi)

Seshu, Geeta. 2004. "Bar Girls Seek Rights." *Women's Feature Service*, September 6.

Source: <http://www.boloji.com/wfs2>. Accessed June 28, 2005.

Shah, Vidya, Beverly Brar and Sonam Yangchen Rana. 2002. *Layers of Silence: Links between women's vulnerability, trafficking and HIV/AIDS in Bangladesh, India*

and Nepal. Draft paper prepared for the UNRISD project HIV/AIDS and

Development March 2002 Geneva: United Nations Research in Social Development

Shivdas, Meena. 2003. *Resisting stigma and interventions: situating trafficked Nepali women's struggles for self-respect, safety and security in Mumbai and Nepal*.

Unpublished PhD Thesis. Institute of Development Studies: University of Sussex, Brighton

- Sjögren, Torgny and Elisabeth Petterson. 2001. *Sweden: Early effects of changing legislation on Prostitution*. IAF
- Socialstyrelsen. 2003. *Prostitution in Sweden 2003. Knowledge Beliefs and Attitudes of Key Informants*. National Board of Health and Welfare, Stockholm
- Svanström, Yvonne. 2004. "Criminalising the john – a Swedish gender model?" In J. Outoshoorn (ed.) *The Politics of Prostitution*. Cambridge University Press, Cambridge
- The Hindu, June 15 2005 <http://www.hindu.com/2005/06/15/stories/2005061511010300.htm>. Accessed June 28, 2005
- Westerstrand, Jenny. 2002. *Prostitution and the Cunning Patriarchy – Towards a New Understanding*. Seminar on the Effects of Legalisation of prostitution Activities, Stockholm 5-6 November 2002. Pages 47-55.
- Östergren, Petra. 2004. *Sex workers Critique of Swedish Prostitution Policy*. <http://www.petraostergren.com/english/studier.magister.asp> Posted 06-02-2004. Accessed 25.1