

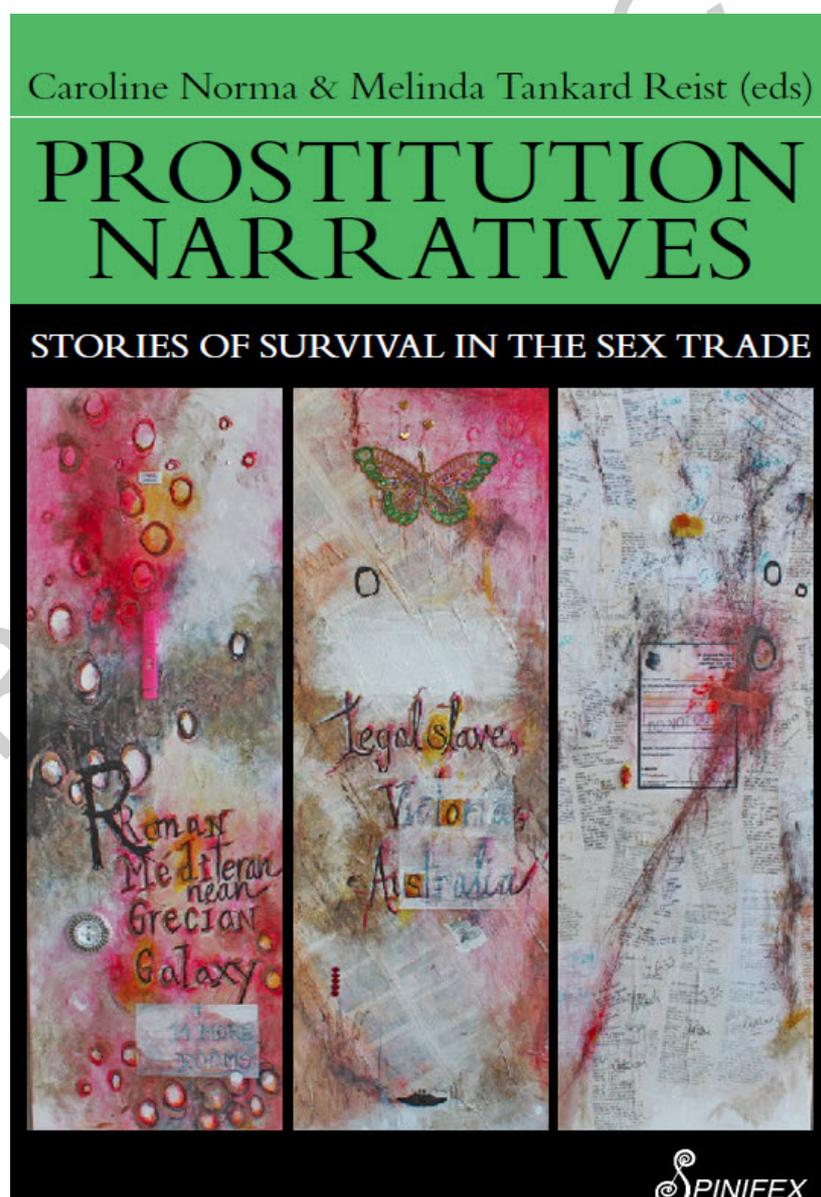
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10 MYTHS ABOUT PROSTITUTION, TRAFFICKING AND THE NORDIC MODEL

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10 MYTHS ABOUT PROSTITUTION, TRAFFICKING AND THE NORDIC MODEL

Whenever the Nordic Model is raised in public discussions there is a set of predictable objections raised by those who oppose it. Many of these responses rely on a variety of misconceptions about, and misrepresentations of, prostitution, sex trafficking, and the Nordic Model itself. These falsities and fabrications will be familiar to anyone who has written or said anything that publicly criticises the sex industry. The same claims, usually without reference to relevant evidence, are repeated so frequently in certain spheres that they have practically become mantras. It appears as though some people believe that if you simply say something often enough, it will become a sound basis for policy.

Increasingly, the most heated public arguments about the sex industry are occurring online, in particular, on social media. These forums are often not the most conducive to reasoned engagement and debate but they do demonstrate the monotony with which the same arguments are used by sex industry supporters to shut down survivors, feminists and other advocates of the Nordic Model. In the interests of being able to offer more than 140 character responses to these predictable pro-industry lines, I have compiled a list of rejoinders to some of the most common criticisms I have come across.¹

1. I'm a sex worker, I choose sex work, and I love it.

This is one of the most popular retorts *de jour* and it is treated by many who use it as a sort of checkmate argument, as though any one person stating that they enjoy “sex work” makes all of the other evidence about violence, post-traumatic stress disorder and trafficking in prostitution,¹ magically disappear.

The callous individualism of arguments like this was succinctly skewered by Maud Olivier, a Socialist MP who first introduced a Bill to prohibit the purchase of sexual services in France in 2013. She slammed the “hypocrisy” of such assertions, asking her fellow National Assembly members: “So is it enough for one prostitute to say she is free for the enslavement of others to be respectable and acceptable?”²

That an individual experience does not invalidate structural analysis should be obvious but the persuasive power of the “I love sex work” refrain endures largely because it is seen as nullifying the claim by radical feminists and others that systems of prostitution are harmful to women.

¹ For a useful (and easily accessible) overview of this evidence, see Dr Melissa Farley’s website, *Prostitution, Research and Education*: <http://prostitutionresearch.com/>

See also: Maddy Coy (ed.) (2012) *Prostitution, Harm and Gender Inequality*. London: Ashgate.

² BBC News (2013) ‘France prostitution: MPs debate ban on paying for sex.’ *BBC News*, 29th November. Available from: <http://www.bbc.com/news/world-europe-25118755> Accessed: 10/01/2016.

The idea that claims of prostitution's harms are disproved by an individual claiming to personally enjoy prostitution relies on fundamental misunderstandings of radical politics, the concept of structural oppression and tired old debates about false consciousness. Just because you like something does not mean that it cannot be harmful, to you, or to others. Radical feminists, for example, often criticise beauty practices as harmful³ and some women stating that they enjoy wearing high-heels and make-up does not make the critique wrong. Nor does it mean radical feminists hate women (as is sometimes claimed) for wearing high heels and make up, or for being in systems of prostitution.

Similarly, when anyone practicing radical politics points out that free choice is a fairy-tale, and that all our actions are constrained within certain material conditions, this does not equate to saying that we are all infantilised, little drones unable to make decisions for ourselves. It only means we are not all floating around in a cultural vacuum making decisions completely unaffected by structural issues like systemic economic inequality, racism and sexism.

2. Only sex workers are qualified to comment on prostitution.

This myth is often used in tandem with the first and while this may be part of a wider problem of attempting to spuriously employ personal experience to trump research and disprove wider social trends (the 'sexism doesn't exist because I've never seen it!' excuse), there is more to these interactions in the context of prostitution. Repeating that only current "sex workers" are qualified to talk about the sex industry is an attempt to a) silence survivor's voices, and b) pretend that the consequences of prostitution apply only to those in prostitution.

The growth of vocal prostitution survivor groups in recent years has clearly been threatening to sex industry profiteers. Organisations such as *SPACE International*, *Survivors for Solutions*, *Organisation for Prostitution Survivors* and *Sex Trade 101*⁴ have mobilised to make survivor voices heard and to advocate for abolition and policies that target demand. To try and reduce the impact of groups like this, it is common for industry supporters to claim survivors cannot speak as "sex workers."

As Helen Lewis explains, this argument operates to excise survivor voices from the conversation altogether:

³ Sheila Jeffreys (2015) *Beauty and Misogyny: Harmful cultural practices in the West*. 2nd edition. London: Routledge.

⁴ For further information see: SPACE International - <http://spaceinternational.ie>, Survivors for Solutions - <http://www.survivors4solutions.com>, Organisation for Prostitution Survivors - <http://seattleops.org>, Sex Trade 101 - <http://www.sextrade101.com>

Unsurprisingly, women who experience prostitution as little more than paid rape will do everything they can to leave the trade. But that means they're not sex workers any more. So – hey presto – their opinions can be discounted. We end up in a “no true Scotsman” situation that skews the answers we get; only people with an overall positive view are permitted to talk about that industry. It's as if the Leveson inquiry had only heard from *News of the World* journalists.⁵

Indeed, her central point is that it would be considered absurd in other policy areas to ignore those who are most harmed. The same should be true of prostitution.

It is also true that much feminist opposition to prostitution has focused specifically on the harms to women in prostitution, and rightly so, these harms are serious and endemic.⁶ But, as advocates of the Nordic Model point out, the existence of systems of prostitution is also a barrier to gender equality. As long as women (and, yes, there are men in prostitution, but using the word “people” here would only obfuscate the fact that the vast majority of those in prostitution *are* women) can be bought and sold like commodities for sex, this will be an issue for all women. The Swedish government recognised this when the first Nordic Model legislation was introduced in 1999.⁷ An understanding that systems of prostitution are an impediment to gender inequality was a key element of the framework underpinning the laws banning the purchase of sex. Unsurprisingly, this is an element of the Nordic Model often ignored by its detractors.

3. All sex workers oppose the Nordic Model.

Firstly, it is important to point out that for every “sex worker” rights organisation that opposes the Nordic Model, there is a survivor-led organisation that advocates for it. The idea that every woman with any experience in the sex industry detests the Nordic Model is tactical claim by a number of sex worker rights' organisations around the world and it relies heavily on myth number two. This claim is, more often than not, followed by links to various “sex worker” blogs which prove, or so we are told, that all women in prostitution hate the Nordic Model and would prefer full decriminalisation.

It is clear that there are a number of very vocal opponents of the Nordic Model within the sex industry who have a significant platform, but it can hardly be said that these organisations represent all women in prostitution, all around the world. Indeed, it is

⁵ Helen Lewis (2015) 'Listen to the sex workers – but which ones?' *The Guardian*, 9th August. Available from: <http://www.theguardian.com/commentisfree/2015/aug/09/listen-to-sex-workers-but-which-ones> Accessed: 10/01/2016

⁶ Melissa Farley (2013) Prostitution, Liberalism and Slavery. *Logos: A journal of modern society and culture*, v12(3): 370-386.

⁷ Gunilla Ekberg and Kajsa Wahlberg (2011) The Swedish Approach: A European Union country fights sex trafficking. *Solutions Journal*, v2(2): n.p.

important to question how representative these organisations are, especially in light of investigations by Julie Bindel and Kat Banyard that have exposed pimps in important roles in a number of prominent sex worker rights organisations such as the Global Network of Sex Work Projects.⁸ Nor can it be said that the odd blog post (light on references or other evidence) *proves* that the Nordic Model is a failure. We need more independent research into the experiences of women who wish to exit prostitution and we need to amplify the voices of survivors who speak out about the harms they have endured.

4. The Nordic Model denies sex workers' agency.

One of the things that critics seem to find so difficult to comprehend about the Nordic Model is that it is actually about restricting *buyers*, not about restricting those in prostitution. That is why it *decriminalises* prostituted persons. The Model does not discount the possibility of prostitution by “choice” but rather establishes that the buying of women in systems of prostitution is something that the state should actively discourage.

It is pretty simple. The Nordic Model acknowledges that less demand for prostitution, and less demand for trafficking, equates to less prostitution and less trafficking, thereby reducing the number of women exposed to these particular types of abuse and creating a better chance of achieving gender equality.

If you think that the state should encourage the growth of the prostitution industry and treat it as a form of gainful employment for women, then you are bound to disagree, but that does not mean the Model denies anybody's agency.

5. The Nordic Model conflates prostitution and trafficking.

Many proponents of the Nordic Model adopt the understanding of trafficking advanced by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (see Article 3a). This is a more nuanced understanding of trafficking than the “people moved across international borders at gun point” version that is popular in much of the mainstream press. Perhaps this is where the confusion sets in.

⁸ Julie Bindel (2013) 'An Unlikely Union'. *Gaze: A modern review*. April, n.p.
Kat Banyard (2015) 'Why is a pimp helping to shape Amnesty's sex trade policy?' *The Guardian*, 23rd October. Available from: <http://www.theguardian.com/commentisfree/2015/oct/22/pimp-amnesty-prostitution-policy-sex-trade-decriminalise-brothel-keepers> Accessed: 10/01/2016.

Even in employing the more realistic, UN-endorsed understanding of the mechanics of coercion and trafficking, however, the Nordic Model does not assume that every woman in prostitution is necessarily trafficked. What the Nordic Model *does* do is recognise that there is a *connection* between the markets for prostitution and sex trafficking or, more specifically, that the demand for sexual services fuels sex trafficking. So, if you want less sex trafficking, then you need to shrink the market for prostitution. This logic has been further supported by a comprehensive study of 150 countries, conducted by economists in the UK and Germany, showing that “the scale effect of legalised prostitution leads to an expansion of the prostitution market, increasing human trafficking.”⁹

6. The Nordic Model does not work / pushes prostitution “underground”.

The contention that the Nordic Model has not reduced demand for prostitution is one often repeated without supporting evidence, but occasionally it is claimed that the Swedish government’s own review of their legislation showed the Nordic Model to be a failure. As legal scholar Max Waltman has demonstrated, it did no such thing.¹⁰ Research commissioned by the Swedish government for its official review showed that street prostitution had halved as a result of the changed laws.¹¹

In response to this, some claim that the study employed a flawed methodology and that prostitution has merely gone underground. Perhaps, but that overlooks other sources, including research indicating the number of people in Sweden buying sex has fallen and that police report having intercepted communications from traffickers declaring that Sweden is a “bad market”.¹²

It is also worth considering what “underground” is supposed to mean in this context, as in legalised and decriminalised systems, like some in Australia, “underground” is taken to mean street prostitution. So if prostitution has moved off the streets, where has it

⁹ Seo-Young Cho, Axel Dreher and Eric Neumayer (2013) Does Prostitution Increase Human Trafficking? *World Development*, v41(1): 67-82.

¹⁰ Max Waltman (2011) Sweden’s Prohibition of the Purchase of Sex: The law’s reasons, impact and potential. *Women’s Studies International Forum*, v34(5): 449-474.

¹¹ Government Offices of Sweden (2010) The Ban against the Purchase of Sexual Services. An evaluation 1999-2008. English Summary. Available from: <http://web.archive.org/web/20131113102557/http://www.government.se/content/1/c6/15/14/88/0e51eb7f.pdf> Accessed: 10/01/2016

¹² Kajsa Claude (2011) *Targeting the Sex Buyer: The Swedish example*. Stockholm: The Swedish Institute. Kajsa Wahlberg (2010) Speech given to the Third Swedish-Dutch Conference on Gender Equality: Trafficking in Human Beings and Prostitution at the Swedish Embassy den Haag, The Netherlands. 6th December.

gone? Online and indoors, is the assertion of critics, which is quite odd given that advocates of legalisation frequently tout the benefits of indoor prostitution.¹³

7. The Nordic Model deprives women of a living.

This myth is the most intriguing because it is actually an admission that the Nordic Model works, directly contradicting myth six. The Model can only deprive women of a living if it does, in fact, reduce the demand for prostitution. Moreover, comprehensive exit programs are a critical part of the Model, involving access to a wide variety of services including retraining and employment support.

Hashtags like #nothingaboutuswithoutus (used by a number of groups, not exclusively sex industry organisations) regularly appear alongside this claim as though the only satisfactory option available is for everyone to accept a flourishing prostitution market because some people want it that way. Not just any people though, of course – workers – if you buy the line that “sex work is work”. Leaving aside the problems with the concept that prostitution is a job like any other,¹⁴ if we accept this premise, then the argument does not follow: workers in any given industry do not get to unilaterally determine whether or not that industry continues.

Take the brown coal or forestry industries in Australia, for example. These are sectors that have been deemed by governments to be harmful in a number of ways and that, as a result – while they are still potentially profitable – they no longer have a social license to continuing operating uninhibited. Workers in these industries are often, understandably, incensed at seeing their jobs threatened, which is why unions advocate for “just transitions”.¹⁵ That is, unions push for providing retraining and facilitated access to social and employment services for affected workers. For the most part, these unions have given up arguing that the harmful industry in question should continue simply to avoid employment disruption for workers. Funnily enough, these “just transitions” sound an awful lot like the exit programs proposed by those recommending the Nordic Model.

If sex work is work, and prostitution is just another industry, then it is open for wider public discussion and policy changes like other industry, including the possibility that governments will no longer want it to function.

¹³ See for example: Ronald Weitzer (2005) Flawed Theory and Method in Studies of Prostitution. *Violence Against Women*, v11(7): 934-949.

¹⁴ For useful sources on why this is problematic see: Mary Sullivan (2007) *Making Sex Work: The failed experiment of legalised prostitution in Australia*. Spinifex: Melbourne. Also: Janice Raymond (2013) *Not a Choice: Not a Job: Exposing the myths about prostitution and the global sex trade*. Melbourne: Spinifex.

¹⁵ See for example: Jim Young (1998) Just Transition: A new approach to jobs v. environment. *Labor and Society*, v2(2): 42-48.

8. The Nordic Model has made prostitution unsafe.

First things first, prostitution *is* unsafe. To suggest that the Nordic Model is what makes it dangerous is disingenuous. Such declarations also ignore research showing that traditional forms of legalisation and decriminalisation do virtually nothing to protect women in prostitution from very high odds of physical and sexual violence as well as psychological trauma.¹⁶

Secondly, systems of legalisation foster greater demand and create an expanding illegal industry surrounding them, so it is a fallacy to pretend that in localities where prostitution is legalised, all women are actually in legal forms of prostitution. In addition, rates of trauma are similar across legalised, decriminalised and criminalised systems of prostitution.¹⁷ Sadly, even the Nordic Model is not capable of fully protecting women still in prostitution from many of these conditions – as long as there is prostitution there will be harm – but the idea that it makes conditions worse is spurious.

Thirdly, the “more violence” claims mostly relate to a widely cited ProSentret study which found that women in prostitution had reported an increase in certain forms of violent acts from johns, including hair pulling and biting, after the introduction of the Nordic Model in Norway.¹⁸ What is often left out from these accounts, however, is that the study also found women reported a sharp decline in other forms of violence, including punching and rape.¹⁹

Finally, as to women in prostitution not being able to access adequate social services; this may well be a problem on the ground. If so, it absolutely needs to be addressed, but this is an issue of implementation rather than a flaw in the Model itself. The original version of the Nordic Model, introduced in Sweden, was part of the *Kvinnofrid* reforms to funnel more government money and support to a variety of services tackling violence against women, including specifically in prostitution.²⁰

¹⁶ See for example: Melissa Farley (ed.) (2003) *Prostitution, Trafficking and Traumatic Stress*. Harworth Press: New York.

¹⁷ Melissa Farley (ed.) (2003) *Prostitution, Trafficking and Traumatic Stress*. Harworth Press: New York.

¹⁸ Ulla Bjørndahl (2012) *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to*. Oslo: Pro Sentret.

¹⁹ Samantha Berg (2013) ‘New research shows violence decreases under Nordic model: Why the radio silence?’ *Feminist Current*, 22nd January. Available from: <http://www.feministcurrent.com/2013/01/22/new-research-shows-violence-decreases-under-nordic-model-why-the-radio-silence/> Accessed: 10/01/2016.

²⁰ Gunilla Ekberg (2004) The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings. *Violence Against Women*, v10(10): 1187-1218.

9. The Nordic Model is (*de facto*) criminalisation.

During the last few years, the Nordic Model has come under serious consideration in an increasing number of jurisdictions across the globe. Again, this has posed a threat to the sex industry. One of the latest ways to try and discredit the Model in this context has been to claim that it threatens the safety of women (linked to myth eight) because it has the same outcomes as full criminalisation: where there is criminal sanction for both male buyers and for prostituted women. Sex industry advocates frequently use this misrepresentation, but it has also been taken up by researchers, especially those working in criminology.²¹

It should be readily apparent that any criminologist claiming a legislative framework where those in prostitution are *decriminalised*, and offered targeted social services and exit programs as victims of crime, is the same as one where those in prostitution can be fined or incarcerated as perpetrators of a crime, is being intellectually dishonest. But some have adapted the argument to assert that the Nordic Model works as *de facto* criminalisation. This modified claim suggests that because buyers are criminalised, prostituted women are unlikely to report violent assaults and other crimes to police.

As a number of prostitution survivors have argued, however, this is counter-intuitive. In legalised and decriminalised systems it is often extremely difficult for prostituted women to secure convictions against buyers for sexual assault, or even to have police and prosecutors take such cases seriously. Whereas, under the Nordic Model, a buyer can be charged automatically, simply as a result of having paid for sex.

Furthermore, the *de facto* argument is exposed as almost entirely disingenuous by the fact that many using it favour the model of full decriminalisation found in New Zealand. If it is women's safety we are concerned about – and indeed we should be – then full decriminalisation has not been found to offer any great police protection. The New Zealand government's five-year review of the Prostitution Reform Act showed that a majority of respondents felt that decriminalisation made no difference with respect to the violence of johns [buyers] in prostitution, that "few" prostituted persons "reported any of the incidents of violence or crimes against them to the Police."²²

Last, but certainly not least, if we are to apply this same *de facto* logic to other legislative and policy options, the proponents of full decriminalisation and legalisation are in trouble. We know that full decriminalisation and legalisation lead to an increase in

²¹ See for example: Rebecca Hiscock (2015) 'Celebrity activists get it wrong on Amnesty International's sex work policy.' *The Conversation*, 10th August. Available from: <http://theconversation.com/celebrity-activists-get-it-wrong-on-amnesty-internationals-sex-work-policy-45863> Accessed: 10/01/2016.

²² New Zealand Government (2008) *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*. Wellington: New Zealand Government: 14, 57, 122.

demand and in trafficking inflows (see myth five). So, if we are to judge and label these approaches only by a particular outcome, then proponents of full decriminalisation and legalisation will have to accept that they therefore support the *de facto* decriminalisation of trafficking.

10. The Nordic Model is really a moral crusade in disguise.

Despite the evidence-based policy of the Nordic Model being introduced by a number of progressive and socialist governments, the notion persists that this is some kind of underhanded religious or conservative attempt to curtail sexual expression, rather than an effective way of tackling trafficking and violence against women.

Maybe this all depends on how you define “moral crusade”. If you view the movement for women’s equality as a moral crusade, then I suppose it is. If you are determined to dismiss all of the evidence in support of the Nordic Model and instead want to debate this on a “moral” level, then by all means do. Those of us who think violence against women is a bad thing are bound to win that argument.

¹ This list originally appeared at *Feminist Current* in December 2013: <http://www.feministcurrent.com/2013/12/08/10-myths-about-prostitution-trafficking-and-the-nordic-model/> It has been edited and updated for this collection.