

Cultural Clash on Prostitution: Debates on Prostitution in Germany and Sweden in the 1990s

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In 1999 it became illegal to buy sexual favours in Sweden. This new law should mark clearly that prostitution is not accepted by the Swedish society. Two years later, in October 2001, the German parliament passed a law that approves prostitution as a regular profession. The purpose of this law was to counteract the stigmatisation and discrimination of prostitutes.

While the German majority celebrated its law as a big improvement, it was (and still is) a thorn in the side to many Swedish politicians: "I deeply dislike what's going on in Germany. It is a strike against equality. It is a strike against brotherhood," was how the Swedish minister for the equality between women and men, Margareta Winberg, commented on the German legislation.² "The whole parliament should go out and tell that we are strongly against this type of legalisation on prostitution which Germany is advocating," Ulla-Britt Hagström from the Conservative Party suggested.³ Hagström's idea was refined by Ewa Larsson from the Green Party who recommended to use Sweden's "good reputation on issues concerning equality" to counteract the German policy.⁴ Yet, the Swedish law was not much noticed in Germany.

The disagreement between Sweden and Germany about how to answer the question of prostitution can be explained by the fact that German and Swedish politicians do not speak about the same issues when they discuss the question. Both sides define prostitution differently. The first part of this article deals with these different definitions. The second part tries to explain why the legislators in Sweden and Germany choose such different ways to define and treat this subject.

1. What is prostitution?

A. Sex slavery or professional prostitution?

Most Swedish politicians who are engaged in the debate on prostitution assume that prostitution is unacceptable and must be combated. Everybody agrees that prostitution can cause damage to those directly involved as well as to society at large. Prostitution is being compared to slavery and it is described as a tragic trap, as an occupation no parents would want for their children and as an extreme variant of commercialism. "Prostitution serves no positive purpose at all. On the contrary it gives rise to suffering, degradation, spreading of sexually transmitted diseases, compulsion and danger of outrage," as the Social Democratic Party described it in a bill

from 1991.⁵ Gudrun Schyman, at that time the leader of the Left Party, held the opinion that “prostitution is a variant of rape and abuse”⁶, an opinion that is shared by many members of the Swedish parliament. Further, the debaters mean that internal prostitution and international trafficking are connected: “Trafficking can never be separated from prostitution. If we have no prostitution, or if there is no market for it, there is no trafficking”, Ulla-Britt Hagström, a member of the conservative Christian Democratic Party, explained.⁷ Other politicians in the Swedish parliament consider that there are close connections between drug abuse and prostitution, and stress that these connections not only concern drug addicts who try to finance their abuse by selling sex, but also the fact that the environment prostitutes are exposed to can lead to drug abuse.

In Germany the discussion is quite different. Most people do not think of prostitution as harmful in itself. Problems like incest, drug abuse and trafficking, which are very central in the Swedish debate, are rarely mentioned by those involved in the discussion in Germany. One explanation of why the German opinion differs may be that prostitution is not seen as a one sided issue. In Germany prostitutes are divided into groups with differing grades of involvement. Besides professional prostitutes who seem to work voluntarily, trafficking and prostitution which is carried out by people who finance their drug habits are considered to have strong connections to coercion, violence and sexual abuse. Prostitution that is carried out by people who need money to finance their addiction is called *Beschaffungsprostitution* (procurement prostitution). This is similar to the German word *Beschaffungskriminalität*, which describes crimes that are committed by people who need money to buy drugs. German officials and the public agree that trafficking and *Beschaffungsprostitution* are problems that have to be fought fiercely. However they also stress that these types of prostitution cannot be compared to the work of professional prostitutes and therefore have to be discussed in different terms. Irmingard Schewe-Gerigk from the Green Party belongs to the ones who analysed the different concepts of prostitution:

Beschaffungsprostitution which is carried out due to drug abuse is a dramatic problem. These women are addicted to drugs and do not work as prostitutes professionally. Their occupation works according to other laws. To be able to help here, a principal change of the drug policy is needed.

Even the problems of trafficking need other solutions, like an international cooperation, effective criminal law directions, and the enforcement of alien rights to guarantee effective victim protection.⁸

The division of prostitution into different categories is one explanation for the fact that several problems which are associated with prostitution in Sweden are excluded from the German discussion. The apprehension that trafficking and drug abuse are topics which must not intermix with professional prostitution is criticised a lot by Swedish politicians, who do not distinguish between different motivations for prostitution.

B. Johns and their victims or sex workers and their costumers?

In the Swedish debate people assume that all prostitutes are victims of the sex industry; they are abused by others who want to satisfy their sexual needs. Furthermore, it is indicated that prostitutes are often unemployed, homeless, diseased and/or drug addicts and that the majority of them has been exposed to abuse, incest and/or oppression during their childhood. Karin Pilsäter from the Swedish Liberal Party represents the major opinion on the subject:

We know that the majority of the women who are prostitutes have been subject to sexual abuse of some kind during their childhood. Prostitution is often connected to drug abuse in the form of tobacco, alcohol or narcotics.⁹

Prostitutes are described as belonging to a very exposed group and it is emphasized that these women are in need of help. The German debate on the other side is about professional prostitutes who are described as emancipated women, as independent mercantilists or self-confident employees who constitute a representative average of the population, who are in control of their own decisions. Petra Pau, along with the Socialist Party voices the following opinion in a proposed bill of 2000:

New criminological research has shown that, over the past few years, the image of the oppressed woman, who has been driven into this profession, can no longer be maintained. Prostitutes today resemble average businesswomen. [...] People understand more and more that at least the predominant number of the prostitutes make a conscious decision to start and to go on with their activity.¹⁰

Another disparity between the Swedish and German opinion concerns the definition of the commodity of sex trade. While the assumption that prostitutes' customers buy sexual favours dominates in the German debate, most of the Swedish experts argue that prostitution implies men buying women. Inger Segelström from the Swedish Social Democrats expressed in a statement to the parliament: "We social democratic women in the world's most emancipated parliament cannot allow that men buy women for money."¹¹ In Sweden the assumption that prostituted women sell

themselves leads to the notion that prostitutes embody their occupation. Prostitution is not only regarded as pertaining the prostitutes' business but seems to span all-over the prostitute as a person. Prostitutes are regarded as unable to keep their personality, their feelings and their body out of prostitution. It is important to stress that the costumers of sexual services are considered to buy prostitutes, not to consult them. Prostitution seems to affect the prostitutes' lives even after they have had a client. The man has bought a part of the woman that she cannot get back. The conviction that prostitutes are bought leads in the notion that they loose the right to rule over their own bodies as a result. The abolishment of prostitution seems to be the only way to give back that democratic right to the women.

In the German dispute nobody questions that prostitutes have control over their bodies both when they have a client and when they do not. The view that prostitutes sell sexual services, and not themselves, supports the interpretation that the German majority distinguishes between the personality, the private life and the occupation of the prostitutes. Prostitutes are viewed as people who have privacy and leisure time. The in Germany dominating opinion that prostitutes decide on their own which services they want to provide, finds an expression in the choice of the German word *Freier* as term for the sex customer. *Freier* is an old fashioned term for a man who is courting (*freien*) a woman. The term has thus a positive connotation. In Sweden on the other hand, sex customers are often called *torsk* (cod), which is a clearly negative sounding term. The description *Freier* implicates furthermore that the clients cannot be sure to get what they want, but have to exert themselves to win the prostitute's favour. In addition, the term *Freier* arouses associations to love affairs and encourages a romanticising image of prostitution.

C. Feminism or liberalism?

The Swedish legislators base their work on a feminist analysis of the society that shows that women do not have the same access to work, money and power as men. In this patriarchal society the socially more powerful – with other words men (in Sweden it is assumed that the clients of prostitutes are male while prostitutes are female) – have the possibility to buy sexual objects, or as the Swedish Social Democrat Ulla Pettersson puts it: “By accepting prostitution society tolerates a humiliating perception of women. The view that women can be bought for money expresses a disdain for women as human beings.”¹² Independent of why a woman starts to prostitute herself, her status is defined by the dominating analysis of the patriarchy in the Swedish point of view. The distinction between enforced and unsolicited prostitution, which is very important in the German debate, is regarded as being absurd by most of the Swedish experts. Prostitution cannot be a personal choice as it is a part of the

contempt for women in our society. As prostitution seems to be contrary to the norms and values of an emancipated society, the eradication of prostitution is regarded as an important milestone on the way towards more emancipation. The founders of the Swedish anti prostitution law consider their law to be a result of the feminist policy of the country.

Instead of regarding prostitution as socially created and instead of discussing the interests and power structures behind sex trade like their Swedish colleagues, most German debaters assume that prostitution is a natural phenomenon. Prostitution is not called into question, but it is considered to be indispensable for satisfying the constant demand of sexual services. Horst Eylmann, a German Christian Democrat, explained in the *Bundestag*:

Already Solon has established brothels and the religion has built up brothels in the form of temple prostitution in churches. Prostitution is ineradicable. Even the Christian sex moral that condemns every kind of sexuality that does not serve reproduction has allowed it.¹³

While Swedish politicians emphasise that the long history of prostitution does not have to mean that prostitution will have a just as long future, the argument “prostitution is the world’s oldest profession” is considered as evidence for its eternal existence in Germany. The interceders of the German legislation think that prostitution will not disappear due to a prohibition of sexual trades. They are against criminalising prostitution and demand to fight only those aspects of sex trade that are an expression for oppression. The prostitutes’ biggest problem is considered to be the discrimination they undergo due to their occupation. This disregard of the prostitutes’ work shall be counteracted by the acknowledgement of their work as a regular profession. In Germany prostitutes have gotten access to unemployment benefits, health insurance and pension scheme which shall lead to their integration into society. The gender perspective, that is such important in Sweden, does not play a major role in the German prostitution debate. On the contrary it is underlined that sexual satisfaction is not gender-related and that buying sex therefore can be interesting for both men and women. The German legislators understand their prostitution law as an expression for their liberal attitude towards different sexual behaviours.

D. Vision or status quo?

The Swedish prostitution policy is based on a vision: Society without prostitution. Legislators regard it to be their duty to establish directives for the achievement of this future society. In the Swedish debate it is continuously emphasized that the state has the main responsibility for the establishment of norms and values of the society. The prostitution law that

first of all shall be a signal that shows that prostitution is not accepted in Sweden is one example for this practice. Gudrun Schyman, then the leader of the Swedish Left Party, described the signal function of legislation in the following way:

Legislation aims not only at getting hold of criminals and the affectivity of laws cannot only be judged by counting how many delinquents have been adjudged. Legislation is also about the norms and values of society. When beating children was outlawed there were many who argued that this was a meaningless law because it was difficult to control whether it was followed. But this law had standardizing effects and in the same way a law that criminalizes the purchase of sexual services will mark how the society shall look on unequal distribution of power between men and women.¹⁴

A visionary standpoint like this does not seem to exist within the German debate. Instead, politicians try to adapt law to the changing sense of justice within the German society. When arguing for their prostitution law German legislators usually refer to public opinion surveys that show that prostitution is apprehended as a legitimate occupation by the German majority. What is accepted cannot be *sittenwidrig* (immoral) and therefore neither be forbidden. The German Social Democrat Anni Brandt-Elsweiler declared in the *Bundestag*:

Norms aren't permanent values, but exposed to constant changes. Today a large part of the German population does not longer consider prostitution being immoral [*sittenwidrig*]. Even courts join more and more often this opinion. [...]With our proposal we haven't done anything but adapted legislation to the changed awareness of the population.¹⁵

Sittenwidrigkeit (immorality) is a term with a long tradition within German judiciary, where a legal act defines as *sittenwidrig* (immoral) when through its content, motive and purpose conflicts with the tactfulness of the average opinion. The question to what extend prostitution is *sittenwidrig* or not, was a pivotal point for the German debate. The great importance that was attached to *Sittenwidrigkeit* as a juridical term, led to the following reasoning: When prostitution becomes more and more a part of the society and people start to get used to it and accept it, prostitution does not longer strike against conventions and cannot be forbidden. In Germany *Sittenwidrigkeit* – or with other words the view that dominates in the country – is the benchmark for prohibition or permission. In Sweden, in contrast the question is answered depending on how it affects the vision of an equal society.

The analysis of the Swedish and German prostitution argument shows that the laws of these countries were not created spontaneously, crudely or by mistake, but are based on intensive discussions. The arguments that those involved in this discussion apply are logical from their point of view and they are respectively more or less consistent, which makes it impossible to say which of these strategies is the better or more rational. Both Swedish and German politicians think of their prostitution law as a humanitarian way to cope the phenomenon of prostitution. The fact that their decisions nevertheless are so harshly criticised by the respective counterpart is a result of both sides acting on the assumption of different norms and values when discussing the question of prostitution.

The following retrospect on the background of the debates implies an attempt to find the origins of the different approaches. A comparison between Swedish and German strategies concerning other gender related issues, such as family and labour market policy, will finally illustrate the prostitution debate in a larger political context.

2. The background of the discussions

Of course political debates do not take place in a vacuum. Politicians are influenced by their surroundings, by different opinion leaders and lobby groups. This becomes clear by analysing the documents on which politicians in Sweden and German base their arguments.

Before a law is proposed and debated in the Swedish parliament, the government commissions an inquiry on the particular question. The prohibition of buying sex was thus preceded by two investigations that submitted three reports: *Prostitution: Description, Analysis, Solutions* from 1980¹⁶, *Prostitution in Sweden: Background and Solutions* from 1981¹⁷ and *Sex Trade* from 1995¹⁸. The investigators of these studies were mainly social workers and researchers with working experiences from aid organisations that aim to help prostitutes to stop selling their bodies and start a life outside prostitution. All three studies are written out of a feminist perspective and come to the conclusion that prostitution reduces women to sex objects, which in turn opposes the pursuit of an equal society. It is important to notice that none of the reports suggests criminalizing only the costumers of sexual services, as it was later done in Sweden. While the first inquiry recommended not victimising any of the parties, as both sides must be regarded as victims of the patriarchal society, the second wanted to criminalise both parts as there is both a buyer and a seller needed for prostitution to take place. Both propositions were harshly criticised by several organisations of the women's movement that called for criminalizing buyers only. Women's organisations like the association of crisis centres for women *ROKS*¹⁹ or *Fredrika*

Bremerförbundet (FBF) and the women's organisations of the political parties held the opinion that the power relation between the parts of sex trade should be made clear and stressed the powerlessness of the sellers, her drug and alcohol addiction and the sexual cruelty these women may have been exposed to during their childhood. Prostitutes were described as belonging to a risk group and it was underlined that these women must not be punished. In its statement *Fredrika Bremerförbundet* criticised the *Könshandeln*-rapport with the following words:

“For the FBF it is hard to understand the investigation's motive for criminalizing both the seller and the buyer of sexual services. In addition to the abasement it means for a woman to sell her body she will be punished even as a criminal due to the proposal. This double punishment is both inhuman and obsolete.”²⁰

The protests of the women's organisations had a great impact on the debate on prostitution in the Swedish parliament. More and more participants in this debate appeared as advocates in the prostitutes' name. The opinion that prostitutes are victims and the stressing of their exposedness and vulnerability is also an explanation for why prostitutes themselves never played an active role in the Swedish debate, in opposite to the German debate where – as we will see – the sex workers themselves started the discussion about a new prostitution law.

In February 1998 Prime Minister Göran Persson's Social Democratic government followed the line of criminalizing the buyers. In their proposal bill the government declared that it is “unacceptable” in an equal society “that men buy temporary sexual relations with women for money”.²¹

In the *Bundestag* the Green Party was the first to bring forward a legislation proposal concerning prostitution in 1990. Even this initiative was influenced by an intensive lobbying. In Germany several independent prostitution projects were working against the discrimination of prostitutes and sex workers, and for the acceptance of their occupation as a legal profession. These projects can be described as meeting places and counselling bureaus there prostitutes can get advice and help from other prostitutes as well as non-prostituted women. Apart from this the projects ran and still run PR-campaigns that shall decrease prejudices against prostitution by throwing light on the prostitutes' real working and living situation. *Hydra*, the biggest and most famous of the German prostitution projects, was in contact with the Green Party when it was working out its proposal bill, and it is also named in the Party's law proposal from 1990.²² The impact prostitution projects like *Hydra* had on the German prostitution policy cannot be overestimated. However there is one aspect of the projects' argumentation that never gained a broader recognition in the *Bundestag*:

In their magazine *Nachtexpress* the *Hydra*-women write that “it is not prostitution as an occupation but prostitution as an institution of the patriarchy that must be antagonized”.²³ Sex work is thus not seen as something bad in itself, but gets it according to *Hydra* in a patriarchal society. Therefore *Hydra* advocates a radical change of the social power structure, at the same time fighting for the prostitutes’ right to carry out their work. In her book “*Wir sind Frauen wie andere auch!*” (“We are women like others!”) Pieke Biermann, one of the prostitutes who were involved in *Hydra* during the 1980s, stresses that the discrimination of prostitutes is one of many examples for the disparaging treatment of women’s employment in general. As a measure against the suppression of prostitutes and other women in working life, Pieke Biermann demands higher wages for all women. “The battle against slavery starts with the fight for wages, as slavery stops with pay.”²⁴ Women will work as prostitutes even in the future, but they will do it under better conditions than today. Even Pieke Biermann’s book is quoted in the law proposal of the Green Party from 1990.²⁵

The notion that prostitution cannot be abolished was shared by all politicians who took part in the prostitution debate in the *Bundestag*. *Hydra*’s notion that prostitution, as it looks today, is an expression for a patriarchal society that can only be found in the Green Party’s proposal from 1990. In all later proposals, movements and all other contributions to the debate, that aspect was toned down by all parties and it was underlined that not only women but also men are affected by the legal discrimination.

Recapitulating one can say that the lobbying of the prostitution projects had a determining influence on German legislators. However feministic analyses of the distribution of power in the society could never gain ground in the German debate. In October 2001 the prostitution law was passed with the votes of the Social Democrats, the Green Party, the Liberals and the Socialist Party. Only the Christian Democrats voted against the German prostitution law that was established to defend the human right to carry out a profession without being discriminated. Through the prostitution law German politicians could express their liberal attitude towards the role of sexuality in the society.

A comparison of the backgrounds of the legislations in Germany and in Sweden shows that feminist organisations like *ROKS* and *Fredrika Bremerförbundet* were initiators of the Swedish prostitution debate and that they succeeded to influence the legislation. The Swedish parliament inherited the arguments of these organisations and established a gender perspective into their analyses. In Germany on the other hand none of the parliamentary parties regarded, and still regard, prostitution as an example for unequal distribution of power between men and women. Not even the Green Party, which was influenced by *Hydra*’s work, used the analysis

that women do not have the same access to work, money and power as men, as an argument for their proposed legislation. While the Swedish prostitution law in many respects is based on feminist arguments, human rights in general and sexual liberty especially are emphasized in the German debate. Now one can ask why German politicians – unlike their Swedish colleagues – did not and still do not regard prostitution as a gender question. An answer could be that the countries' prostitution policies must be seen in relation to different traditions concerning gender politic and to the parliaments' ways of dealing with other questions that are relevant to women. An overview on these traditions will therefore conclude this article.

3. Equality policy 1970-1990

When the women's-rights movement of the 1970s spread its demands for equal rights for men and women on the labour market, the challenge of the traditional division of labour between men and women, in the home and at the workplace, was a quite untried thought in Germany – but it was not in Sweden. Already in the 1930s the Social Democrat Alva Myrdal, among others, had started to work for social reforms that aimed for women's social and political integration. Myrdal's vision was a family, with both mother and father at work eight hours a day and the children being well cared for at the kindergarten.²⁶ This vision was partly fulfilled already in the 1930s by the founding of day-care centres and other social services. In Germany meanwhile the Nazis carried out a women oppressing fertility policy in the name of motherhood with medals for women with more than one child. Hitler considered women emancipation to be an outcome of the Jewish intellect.²⁷

The German notion of the woman as a mother was not abandoned after World War II, but strengthened by a new constitution that emphasised the role of the family as the foundation of the society. The principle was built on Otto von Bismarck's social laws from the 1880s, due to which the state's task on the social field is subsidiary, which means that the state constitutes an addition to the family that represents the base of society. Due to this strategy the principal duty of the state is to support the family and not the individual as in Sweden.²⁸ While the idea of equality of opportunity between women and men under the influence of Alva Myrdal and others had been introduced to Swedish family- and labour market policy, the Western German society model of the 1960s was still based on the image of women as housewives and men as breadwinners. These differing strategies are manifested for example in the strategies these countries chose to solve the huge lack of manpower which both suffered from in the end of the 1950s and in the beginning of the 1960s. While women during that time were more than welcome on the

labour market in Sweden, German politicians solved the problem by recruiting male workers, so called *Gastarbeiter*, from Southern Europe.

During the 1970s the view that antiquated gender roles and sex discrimination should be counteracted resulted in several reforms of family legislation in Sweden. In 1971 joint taxation was replaced by separate assessment, which made it more profitable for women to be employed outside the home. In addition, the extension of day care centres started and Sweden developed a child care system even for children less than two years old. As opposed to parents in other European countries Swedish families were possible to use full-time childcare, which made it possible to combine parenthood and full-time work. Parents' insurance, the right to work six hours a day for parents of younger children as well as leave of absence for taking care for an ill child 60 days a year, are examples for reforms from the 1970s which stimulated parents to share the responsibility for their children. The rise of the number of women gainfully employed from 53% in 1970 to 83% in 1990 shows that these law reforms led to an increase of equality.²⁹

In Western Germany the development of the equality has been and still is much slower. Until 1976 family laws remained in effect which allowed men to keep their wives from working outside the house if she had left her house-work undone. It was not only the Conservative Parties that tried to keep the traditional division of labour between men and women. During the 1970s a trend came about inside the German women's liberation movement, which claimed a *neue Mütterlichkeit* (new motherhood). This trend did not seek to abolish a division of society into male and female working spaces, but contented itself with emphasizing that women's properties and tasks are as important and as worthy as those of men. The campaign "*Lohn für Hausarbeit*" (salary for housework), with the goal to make either the state or the gainfully employed part in the marriage to pay wages to the one working in the household, was the most famous action of this new motherhood movement.³⁰ One of the women who were engaged in the campaign was Pieke Biermann, who later became a spokeswoman for the prostitutes' project *Hydra* (see above). Biermann's book on unpaid housework is called *Das Herz der Familie* (The Heart of the Family) and was first published in 1977. Many within the women's movement regarded the *Lohn für Hausarbeit* campaign to be a chance for women, especially mothers and housewives, to experience that their unpaid, but for society necessary work, finally would be acknowledged. Others however feared the preservation of the traditional and gendered division of labour. The opinions within the German women's movement, then, were differing. Particular big discussions were started by the so called *Müttermanifest* (Mothers' Manifestation) which some women from the Green Party propounded in 1987. This manifestation promised women a particular social status and a possibility

for self-fulfilment through to their role as mothers. The Green Party's proposal was particularly supported by the Conservative Parties.

Ideas which sustain the traditional female role are reflected in many German laws. Joint taxation for instance is still applied in Germany. Attempts to reform this form of taxation were postponed with the argument that the neutral position of joint taxation towards different forms of living together is not accordable with the constitution that gives prominence to the family as a fundament of society. Instead of extending childcare supply, Germany chose to extend the parental leave that was introduced in 1979. Since 1996 every child has the right to attend kindergarten according to German law. However, in practice the extension of child care services has been delayed due to the competition for public funds after the German Unification and far from every child can go kindergarten today. In contrast to Sweden neither kindergartens nor schools are opened in the afternoon, which requires that someone is at home when the children come home for lunch. In 1990 only 56% of the Western German women were gainfully employed, most of them in half-time jobs.³¹

In Eastern Germany women's role in society developed in a totally different way as it did in the west. According to the Marxist ideology women's exclusion from the labour market was regarded as an origin of women oppression in the GDR, which is one reason why the integration of women into the labour market went much faster there. Especially during the 1970s several measures were taken to make it easier for women to combine family and work, including the reduction of working hours for mothers, the raise of child benefits and aid for studying mothers as well as an expansion of child care and nursery schools. Day care and gainful occupation were self-evident for women in the East. Before the German Unification 91% of the women in Eastern Germany were working outside their homes. The fact that women in the GDR were financially independent does, however, not signify that they really were on a par with men. As in most other communistic countries, the labour-market in the GDR was gendered, and politically and socially important positions were held by men. This one-sided distribution of power between men and women was hardly noticed in the GDR, which can be explained by the fact that women because of their (apparent) equality on the labour-market might have considered the question of women's rights as solved. Even the suppression of opposing voices by the socialistic single political party's dogmatic policy might have hindered the spreading of feminist thoughts. After the German Unification Eastern German women lost their position as employees. Public child care was cut down and schools were adapted to the Western German system. The Christian Democratic government under Helmut Kohl combined – with incisive wording – the modernization of the Eastern German economy with the implementation

of a conservative view of the female role based on the Western German model.³²

The examination of the Swedish and the German labour-market and family policy shows that the strategies of these countries as well as their norms and values not only differ in legislation regarding prostitution. Prostitution policy rather seems to be one example for different basic settings towards women and family, sexuality and cohabitation. The German policy is to a great extent impressed by conservative Christian norms. These values do not only find an expression in the Christian Democratic view of prostitution as something immoral (*sittenwidrig*), but also in the notion of the family as the foundation of society, that is dominant in Germany. Even if there are contradicting voices in the parliament, ideas are particularly acknowledged in the *Bundestag* that can be combined with the traditional social system that is advocated by the conservative parties. The example of the Mother's Manifesto of the Green Party from 1987 makes clear that these ideas do not only descend from the Christian Democratic policy, but have turned into the norm even in other political camps. The manifesto shows that political parties like the Greens who are associated with the feminist movement, do not naturally oppose a traditional treatment of gender in society. The prostitution law that consolidates the ruling society structure is another example. Debaters who analyse the mechanisms of the patriarchy are marginalized in the German debate. In the Swedish parliament in contrast, thoughts that are based on an analysis of the distribution of power between women and men in the patriarchy, establish confidence and bridge divides between the parties. Feminist ideas that challenge effective distributions of power are regarded as radical in Germany while they have become mainstream in Sweden. The replacement of joint taxation by separate assessment and the extension of child care services, which makes it easier for women to work outside the home under the same conditions like men, are examples for Swedish laws that are based on a critic of patriarchal society structures. Sweden's decision to criminalise the buying – but not the selling – of sexual favours is another expression for this policy.

Finally one can state that the disagreement about prostitution legislation between Germany and Sweden rests on the fact that the countries are marked by different traditions and argue starting from different norms and values when they discuss the question. This is the reason why neither statements like Margareta Winberg's "I deeply dislike what's going on in Germany. It is a strike against equality. It is a strike against brotherhood,"³³ nor the German valuation of the Swedish standpoint as prude, unrealistic and naïve contribute to a rapprochement between the countries' prostitution policies. To be able to understand each other the debaters have to acquaint themselves with the social courses and

traditions in which the opposing view has its origin. Whether this can lead to an overcoming of the dissention between the debaters is a question that remains to be answered.

Notes

1. Thanks to Catherina Centanni for proofreading.
2. Sveriges Riksdag, *Svar på interpellation 2000/01:229 om legalisering av prostitution*, Snabbprotokoll 2000/01:67, Anf. 4, 15 February 2001.
3. Sveriges Riksdag, *Svar på interpellation 2000/01:229 om legalisering av prostitution*, Snabbprotokoll 2000/01:67, Anf. 6, 15 February 2001.
4. Sveriges Riksdag, *Svar på interpellation 2000/01:264 om sexköpslagen*, Snabbprotokoll 2000/01:78, Anf. 106, 13 March 2001.
5. Sveriges Riksdag, Justitieutskottet, *Prostitution*, Motion 1990/91:Ju625, 23 January 1991.
6. Sveriges Riksdag, Justitieutskottet, *Med anledning av prop. 1997/98:55 Kvinnofrid*, Motion 1997/98:Ju28, 4 March 1998.
7. Sveriges Riksdag, *Svar på interpellation 2000/01:229 om legalisering av prostitution*, Snabbprotokoll 2000/01:67, Anf. 3, 15 February 2001.
8. Deutscher Bundestag, *Erste Beratung eines Gesetzes zur Beseitigung der Diskriminierung von Prostituierten*, Drs 13/169, 17 April 1997, 15354-15355.
9. Sveriges Riksdag, Justitieutskottet, *Kvinnofrid*, Motion 1997/98:Ju933, 6 October 1997.
10. Deutscher Bundestag, *Entwurf eines Gesetzes zur beruflichen Gleichstellung von Prostituierten und anderer sexuell Dienstleistender*, Drs 14/4456, 1 November 2000, 8.
11. Sveriges Riksdag, *Kvinnofrid*, Snabbprotokoll 2000/01:114, Anf. 139, 28 May 1998.
12. Sveriges Riksdag, Justitieutskottet, *Prostitution*, Motion 1990/91:Ju625, 23 January 1991.
13. Deutscher Bundestag, *Erste Beratung eines Gesetzes zur Beseitigung der Diskriminierung von Prostituierten*, Drs 13/169, 17 April 1997, 15359.
14. Sveriges Riksdag, Justitieutskottet, *Med anledning av prop. 1997/98:55 Kvinnofrid*, Motion 1997/98:Ju28, 4 March 1998.
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16. Borg, Arne et al., *Prostitution. Beskrivning analys förslag till åtgärder*, (Stockholm: LiberFörlag, 1981)
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