

Prostitution as Morality Politics or Why It Is Exceedingly Difficult To Design and Sustain Effective Prostitution Policy

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Abstract This paper argues that prostitution policy is less developed than more established policy domains such as health, education, social welfare, or the environment. While all policy is about the struggle over values and categories, conceptually prostitution policy can best be understood as an instance of morality politics. Without hypostatizing morality politics, we define it as having six characteristics: it is ruled by an explicit ideology; experts have limited authority as everyone feels they “own” prostitution policy; it is highly emotionally charged; it is resistant to facts; the symbolism of policy formulation is seen as more important than policy implementation; and it is subject to abrupt changes. We then analyze three implications of the adversarial nature of prostitution policy. First, we discuss the cavalier attitude of relevant actors towards precise and reliable numbers. Second, by focusing on “forced prostitution” and “trafficking”, we discuss the ideological and obfuscating nature of key concepts in prostitution policy. We suggest instead using the concept of “exploitation”. Finally, we focus on policy implementation. We argue that the common concept of policy regime has limited value and

that to understand the development of prostitution policy, its outcomes, and its impact on society, attention to the mundane details of policy implementation is required. The paper suggests some conditions to prevent prostitution policy to enter the realm of morality politics and to attain an effective and humane form of policy making.

Keywords Prostitution · Sex worker · Morality politics · Policy implementation · Policy instruments · Exploitation · Trafficking

Introduction¹

This paper discusses prostitution *policy*, the concerted attempts of administrators and elected officials to deal with the societal impact of different forms of prostitution and the

¹ For various reasons, some of which are explained in footnotes 2 and 3, this was a difficult paper to write. As a common Dutch expression goes: we often felt we were walking on eggs in the writing of this paper. Our writing has benefitted tremendously from the comments of the participants of the ESF Workshop “Exploring and Comparing Prostitution Policy Regimes in Europe” at Birkbeck University, London, September 15–17, 2010, where we presented a first draft of this paper. Also, the extensive and detailed comments of four anonymous reviewers of this journal were invaluable in pointing out where we fell into the morality trap ourselves and in nudging us to formulate key sections of the argument more precisely and carefully. Joyce Outshoorn provided us with helpful and encouraging commentary. Finally, John Mollenkopf, Yuri Kazepov, and John Forester, members of the international scientific committee of Nicis Institute gave us valuable feedback on a later draft of the paper.

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position and rights of sex workers.² Whoever discusses the subject of public policy in an international context immediately encounters semantic problems. “Policy” is a concept that has different meanings in different countries.³ For this reason, it is important to state that we largely follow the Anglo-Saxon meaning of the terms “policy” and “politics”. The term “policy” then attempts “to capture the idea that policy making is a technological process of defining and matching goals and means among constrained actors” (Howlett et al. 2009, 4). Howlett et al. (2009) argue that policy has two dimensions. First, a technical one that seeks “to identify the optimal relationship between goals and tools”. This is generally seen as the business of state agencies whose task it is to manage public problems (Ansell 2011, 4). The second dimension of public policy is a political one “since not all actors typically agree on what constitutes a policy problem or an appropriate ‘solution’” (ibid.). Politics is thus society’s ways of dealing with the deep pluralism, the inevitable conflicts of belief, religion, value, and interest that characterize all societies (Wagenaar 2011, ch. 10). It refers to practices and institutions that “seek to establish a certain order and organize human coexistence in conditions that are always potentially conflictual” (Mouffe 2000, 101). These institutions are the executive and parliament who bargain, negotiate, and deliberate over policy goals and broadly defined courses of action.⁴ In democratic terms, policy making as a technical process of managing public problems is at the “tail end” of the

² A central argument in this article is that prostitution policy must be considered an instance of morality politics. One of the characteristics of morality politics is that it proves to be impossible to write about prostitution policy without being immersed in morality politics oneself. There simply is no Archimedean point from which to write about this topic unencumbered by value positions. This manifests itself among other things in the use of language. Terms such as “prostitution” or “sex work” suggest moral positions towards the provision of sexual services for money. We have chosen to use the term “prostitution” when we talk about the phenomenon of selling sexual services, and “sex worker” when we discuss the women who are engaged in prostitution. We realize that this is not very consistent. Our argument is that “prostitution” and “prostitution policy” are widely accepted terms that almost, although not quite, transcend moral debates. However, the term “prostitute”, we feel, has an unmistakable denigrating feel to it. For this reason we prefer the term “sex worker”. Moreover, this reflects our own moral position about sex work as work, with all the rights that accompany work in our society.

³ In the Anglo-Saxon world, it is common to make a distinction between politics and policy. The latter roughly refers to the executive arm of government, the public agencies that manage societal problems, and the first to the decision making process by elected officials. In the German-speaking world there is no term for policy; policy, polity and politics are all referred to as “Politik”. There is a separate term for public administration (“Verwaltung”) that strictly refers to the executive branch of government. In Norway “politick” covers both policy and politics. (source: anonymous reviewer). In Italy there is no word for policy; everything is politics. (oral communication David Nelken) To make things even more complicated: nowadays the concept of “policy” has fallen out of favor as being too statist and is being replaced with the term ‘governance’ signifying the decentered nature of contemporary policy making.

representative chain that starts with election campaigns and parliamentary debate (Ansell 2011, 4).

We emphasize policy in this article because until recently policies regarding prostitution received little attention in the literature⁵; this despite the fact that prostitution is a widespread public phenomenon of ancient heritage, and despite the fact that all countries, for better or worse, engage in some kind of public reaction towards prostitution. Despite the abundance of scholarly and popular literature on prostitution, publications on prostitution policy are remarkably scarce (for an exception, see Wagenaar 2006; Danna 2007; Agustín 2008; Sullivan 2010; Weitzer 2011). When prostitution is discussed in the scholarly literature it is usually in terms of law, discourse, or sociology (Outshoorn 2004; Scoular and O’Neill 2007; Bernstein 2007) These are important aspects of public policy, particularly at the agenda setting and policy formulation phase (we will come back to this later in this article). Also, critical discourse analyses of large changes in policy approaches undeniably help us to position prostitution policies within broader societal trends of risk assessment and social control (Scoular and O’Neill 2007; Scoular 2010). But often, these analyses lack the detailed, fine-grained empirical underpinnings that ground them in the everyday reality of urban policy making. For example, the crucial elements of policy design and implementation—crucial that is for the outcomes of policy and its immediate impact upon the position and the rights of sex workers—are rarely if ever discussed in the scholarly literature. Furthermore, there has been an inordinate emphasis on certain aspects of prostitution, such as violence or

⁴ The implicit normative principle is that there is a division of labor between the executive and public agencies in the management of public problems. While the first is at all times democratically accountable, the latter operates in relative freedom, although under a strict political mandate, to design and implement public programs. In this way politics and administration are more or less kept separate. The key argument is that this allows specialized technical expertise to inform the design and implementation of policy programs. In fact, as Manin (1997) argues, a cadre of specialized experts, wedged in between elected officials and the people, and who design and execute solutions to politically identified issues, is one of the key characteristics of representative government. However, in practice the normative boundary between politics and administration is highly permeable. Politicians regularly ignore or intervene in administrative processes, and in an increasingly plural, complex and adversarial society public agencies have to engage in complex negotiations with stakeholders to attain a modicum of effectiveness. (Wagenaar 2011, ch. 10; Ansell 2011, 4)

⁵ The last couple of years have witnessed an increased interest in prostitution policy. The New Zealand Collective published an excellent collection of papers on the implementation and effects of the 2003 Prostitution Reform Act (Abel and Fitzgerald 2010). Swiss and German researchers have engaged in comparative studies of several middle-European countries (Pates and Schmidt, 2009). Recently, Ron Weitzer has published a book-length study of the (effects of) the legalization of the prostitution business in some European countries (2012).

trafficking, to the point that these have come to be seen in the public mind as more or less synonymous with prostitution (Goraj 2012).

We think that the neglect of policy, and particularly the mundane, unglamorous area of policy implementation, in the literature is not accidental. In fact, as we argue, it is the peculiar nature of prostitution and, by implication, prostitution policy that has resulted in the dearth of attention for policy matters in the field of prostitution. The argument of the paper can be quickly summarized. For several reasons, prostitution as a social domain presents policy makers with a number of challenges that makes the design and implementation of public policy exceedingly difficult. First, due to the high mobility of sex workers, accurate and reliable numbers about the size of the prostitution field are hard to get by. In addition, the main actors—proprietors, sex workers and clients—have strong incentives to resist and deflect policy measures. Proprietors, even in countries where prostitution has been legalized, operate on a shady business model that aims at maximizing profits by denying sex workers basic labor rights and decent work place conditions (Roessing and Ramesar 2011; Wagenaar and Altink 2012). Because of the stigma that is attached to prostitution, the majority of sex workers prefer to work as anonymously as possible, making their organization as an interest—or pressure group difficult to accomplish (Abel and Fitzgerald 2010). The effect is a sector that prefers to operate in the shadows, that is not shy to resist or accommodate policy measures, and that is therefore highly policy resistant (Agustín 2008). However, these real-world obstacles are augmented by the observation that prostitution policy has all the characteristics of morality politics (Mooney 1999). This explains a number of peculiar aspects of prostitution policy, such as, the lack of a robust policy theory, the confusion around core concepts, the persistent lack of, and we will show, disinterest of key actors in reliable data, the prominence of ideology in formulating prostitution policy, the impatience of policy makers with the implementation of formulated policies, the abrupt swings in policy course, and the absence of an international community of experts.

In this article, we will first discuss what we mean by morality politics. We will then discuss three implications for policy making that follow from the contested nature of prostitution policy. First, we will focus on the absence of precise and reliable numbers, one of the key conditions for effective policy making. Then, we will discuss some conceptual confusions which follow from the ideological and contested nature of the policy discourse around prostitution. We will suggest alternatives that we think are a more accurate reflection of the problems surrounding the position of sex workers. Finally, we argue for more attention to the all-important issue of policy implementation.

Our data and insights derive from an international comparative study of prostitution policy in which the authors are engaged. In this study, we compare Austria and the

Netherlands. The project is organized around the following questions: Which policy instruments are used in both countries? What are the effects of the mix of instruments on the prostitution field, on the stated goals of the policy, but also on public order, trafficking and illegal prostitution, labor rights and work conditions of sex workers. What effects do extraneous influences such as immigration trends have on prostitution and prostitution policy? What unintended consequences does the policy have? The study is designed as a most similar systems international comparative case study (Landman 2000). A large part of the project consists of the collection of data on a wide range of variables such as the number of sex workers, mobility, earnings, and migration histories. To this end, we employ insider field workers to collect both quantitative and qualitative data.

What is Morality Politics?

Although policy theorists feel the need for the concept of morality politics, even a cursory glance of the literature shows it to be notoriously difficult to define in a clear, unequivocal way.⁶ In a general sense, it refers to policies in which first principles are at stake, over which exists deep conflict in the public, and which do not necessarily coincide with the left-right, liberal-conservative political divide (Mooney 1999a, 675; Mooney 2001; Engeli et al. (2012)). This results in the ubiquitous list of “issues” that belong to the class of morality politics: abortion, contraception, gambling, same-sex marriage, drugs, pornography, capital punishment, physician-assisted suicide, and prostitution. Yet, on closer inspection both of the defining characteristics of morality politics raise doubts. In many countries some of the usual issues, such as abortion, soft drugs, physician-assisted suicide, or the availability of contraception to teenagers, are not the subject of deep conflict. Perhaps they once were, but the public and policy makers have managed to arrive at a pragmatic consensus over these issues. Moreover, other, allegedly “nonmorality” politics can also be the subject of deep policy conflict. Think of the controversies over taxation, education, climate change or gen-technology that rage in many countries. Deep conflict is not an intrinsic quality of morality policy.

In fact, the latter argument raises the question of what distinguishes “first” principles from “other” principles. Going by the usual examples, morality politics seem to refer to issues that concern central, often embodied, aspects of personal life. Thus, policies that regulate aspects of birth, death, and the

⁶ An indicator of definitional problems are the circular definitions that describe morality politics as policies in which moral arguments prevail: “at least one advocacy coalition involved has portrayed the issue as one of morality or sin and used moral arguments in its policy advocacy.” (Haider-Markel and Meier 1996, 334)

body, such as contraception, abortion, physician-assisted suicide, or prostitution, fall within the domain of morality policy. But does this exhaust the list of first principles? What about such deep values as liberty, equality or solidarity? In Anglo-Saxon countries, the adherence to negative freedom (Berlin 2002) is at the heart of many policy controversies, such as health care, education or the right to possess fire-arms. In most European countries, equality and solidarity are driving forces behind many policies, making health care reform, cuts in social protection programs or development aid the topic of policy controversy (Stone 1997; Prainsack and Buycks 2011). The conclusion is that values are at stake in every policy. In fact, the policy theorist Deborah Stone argues that the essence of policy making in communities is the “struggle over ideas”. As she states: “Ideas are the center of all political conflict... Each idea is an argument (...) in favor of different ways of seeing the world.” (1997, 11) and she devotes a considerable section of her book to showing how challenges over five key values (equity, efficiency, security, liberty, and community) determine most policy making. According to this view, there is nothing intrinsic about a policy topic or domain that makes it moral. In fact, almost any policy topic may drift in or out of the field of morality policy. All policies can become the subject of contestation, with fierce debates raging over (the realization of) basic values, the diagnosis of key problems, the definition of key categories, and the design and implementation of effective policy solutions (Stone 1997; Considine 2005). Without further explanation, the observation that prostitution policy is morality politics is, thus, in itself hardly informative.

The Effects of Morality Politics

Instead of hypostatizing morality politics, perhaps a more promising tack is to consider the effects that contestation over moral principles has on the policy-making process. We will argue that while it may be difficult to define morality politics in a clear and consistent manner, certain policies that are characterized by seemingly irresolvable conflict over deep values show characteristics that not only set them apart from other policy fields, but also have the effect of making the design and implementation of an effective and humane policy exceedingly difficult.⁷ We speak of morality *politics*, instead of policy, to indicate that the issue has moved from the realm of policy making (which despite unavoidable conflicts over ideas and instruments has the moral and instrumental aim to resolve or ameliorate a collective problem) to that of deep and intractable conflict (in which the struggle over the

prevalence of symbolic positions takes precedence over resolving collective problems).⁸ Differently put, morality politics indicates a situation where the minimum common ground, that is a condition for engaging in effective collective problem solving, has broken down into irreconcilable conflict over moral positions about what is right or virtuous with regard to the issue at hand. Our definition of morality politics is denotative, empirical, and prophylactic. It is denotative and empirical in that when a policy domain exhibits all or most of the characteristics and effects listed below, we consider it as belonging to the category of morality politics. One of the characteristics below doesn't move a policy into morality territory; all of them do. When only a few or none of these characteristics apply, it is a case of “normal” politics in the sense of Deborah Stone: policy as the struggle over ideas in a political community. It is prophylactic in that we suggest that morality politics as defined above is something to avoid. Instead of a struggle over partisan positions that is the hallmark of all functional democracies and that results in better, more intelligent public policy (Lindblom 1965), morality politics has the effect of restricting open debate, preventing the design and implementation of effective, consistent, and reasonable public policy that will ameliorate or improve social conditions and/or the position of the actors involved, and inhibit policy learning (Mooney and Lee 1999). Defining morality policy in this way has the advantage that it doesn't restrict the concept to certain a priori domains, that the difference between morality and “normal” policy making is gradual, and that it keeps open the possibility that, in principle, almost all policy fields can at one time or another drift in or out of the category of morality policy.

Finally, with the focus on the effects of morality policy, we take a clear moral stance towards prostitution policy. “Good” prostitution policy, we believe, is a policy that improves the rights—both human rights and labor rights—of sex workers and lessens the negative impact of prostitution on communities. We realize that there are different ways of attaining these goals, and that there are no blueprints for “good” policy in this or any other policy field. However, we take the position that the focus on rights and community impact should be the touchstone for assessing prostitution policy.

We define morality policy by a configuration of substantive characteristics and effects:

⁸ What tilts a policy into morality territory is thus a matter of degree. By scoring on the extreme values on (most) features that characterize all policy (ideological grounding, lay ownership, absence of technical authority, emotionally charged discourse, etc) a policy takes on the quality of morality politics. However, gradual increments can result in qualitative differences. A comparable example is fever: although the body temperature is only a few degrees Celsius above the physiological average, the qualitative change in the body's functioning is massive.

⁷ See also Engeli, Green-Pedersen and Larsen who move away from a listing of characteristics of morality politics and argue for an impact-based approach, which focuses on the political dynamics of conflict. (2012, 2)

1. *Morality policy is ruled by ideology.* As Deborah Stone points out, all public policy is a struggle over the prominence and interpretation of basic values. Concrete policy solutions embody different interpretations of such values. In addition, policy theory suggests that all policy is shaped by more or less tacit ideas and understandings that determine which statements have intellectual and political standing in a field (Schön and Rein, 1994; Considine 2005, ch 5). These configurations of ideas, referred to as frames or discourses, define professional rules, demarcate areas of expertise, and define what counts as acceptable or unacceptable knowledge. Such “deep” frames naturalize a particular moral and cognitive order to the point that it has become so self-evident and hegemonic that policy makers and target groups have a hard time to recognize it as a position at all. Overt policy conflicts are nested inside such broad cognitive-ideational frameworks (Rein 1983).

Two things distinguish morality politics from “regular” policies with an ethical dimension. First policies turn into morality politics when it is based on an unabashedly explicit ideology. Morality policy is usually a vehicle for a larger moral cause. For example, its supporters often use prostitution policy as a platform for various feminist causes or to promote a conservative or emancipatory public order cause. Similarly, those who oppose genetic modification of plants do so, not only because of its alleged dangers, but to articulate a more “natural”, organic life style. Second, morality politics often has a pedagogical thrust. In its full-fledged form morality politics can turn into a moral crusade for one or another position (Gusfield 1986). For example, one of the explicit aims of the Swedish Sex Purchase Act, for which the Swedish government allocates funds and mobilizes its foreign service, was to export it to other countries. As Dodillet and Östergren observe: “Pamphlets, websites, articles, books and movies have been produced and lobby activities have been conducted towards the European Union (EU) and the rest of the world with the help of this material and via workshops, seminars and debates... At the core of the marketing campaign has been the stated success of the Sex Purchase Act” (2011, 2). However, there is very little impartial research on the effects of the Swedish law to support its alleged effectiveness. By way of contrast, and to show that even “moral” topics such as prostitution do not necessarily need to transform into morality politics, the New Zealand decriminalization approach or the Dutch regulatory approach to prostitution policy have not been internationally marketed, while their effects have been subjected to extensive evaluative research (Abel et al. 2010; Daalder 2002, 2007). The pedagogical thrust in morality politics is the dead-knell for the open debate that characterizes democratic politics. All argument in policy debates is

aimed at persuading the opponent, but the overt goal of ideological politics is to become hegemonic in that it effectively crowds out other ideas and positions to the point that these appear dubious, wrong, or even utterly unintelligible. This makes mutual listening impossible.⁹

2. *Morality policy is lay policy.* Mooney considers this one of the key characteristics of morality policy (Mooney 1999, 676). Because the debate is about first principles and not the technical details of policy design and implementation, he argues, almost anyone can legitimately claim to be well informed. Most policies are “owned” by certain recognized organizations that collect data, issue reports, formulate diagnoses and predictions, and suggest policy solutions (Gusfield 1984). That is, while in more mature domains, such as pension, health or social security, experts occupy a central and generally accepted role of technical authority, in cases of moral politics everybody feels he has something worthwhile to say about the issue at hand. Morality policy is owned by everyone, while sources of technical authority that might arbitrate conflicts of belief or opinion are either absent or drowned out. Instead, every member of the public and of a nation's administration believes that he has an expert opinion about the issue at hand. The influence of the public makes it difficult for administrators to formulate and implement policy, as they always have to take into account assertive media reporting, pundits pronouncing strong opinions on policy measures, or elected officials who, spurred on by the media, impose abrupt changes in policy. In our research in Austria and the Netherlands, for example, we found that policy implementation was deeply influenced by the pronouncements of elected officials, resulting in policies-in-use that deviated from the espoused policy goals (Amesberger 2012).¹⁰

Generalized issue ownership in combination with the dominance of first principles gives the media an influential role in morality policy. In our research, we found that the media exhibited a strong bias towards depicting prostitution as dominated by violent organized crime. Sex workers were overwhelmingly described as the passive, hapless victims of trafficking. In general, the language in which prostitution was described was sensationalist, emotive and consisted of

⁹ There is an interesting parallel here with the distinction between antagonism and agonism in pluralist politics. In antagonistic politics the parties do not share any common ground and therefore rational solutions to conflicts are not possible. In agonistic politics on the other hand there is recognition of the legitimacy of the demands of the other party. (Mouffe, 2000)

¹⁰ The distinction between policy-in-use and espoused policy is from Don Schön (1973). In Vienna for example, prostitution policy, although declaring the rights of sex workers, was in practice strongly influenced by the law and order stance of powerful populist right-wing parties on the city council (Amesberger 2012).

detailed descriptions of sexual and physical abuse. In addition, media reports are replete with vague, elastic, but unvaryingly alarming indications such as “hundreds of thousands”, “millions”, “rapidly increasing”, “epidemic”, or the currently popular “tsunami” (Goraj 2012, see also Fitzgerald and Abel 2010).

3. The explicit and hegemonic ideology and the public ownership that drive a moral policy have several effects. *Morality politics is emotionally charged*. It is exceedingly rare to encounter in the public domain a dispassionate, measured discussion of prostitution or prostitution policy. The emotional charge of morality politics goes beyond the emotional investment that characterizes all public policy. Expert reports, opinion pieces and sometimes even government documents are often written in the style of a moral crusade: a great wrong lives among us, here are some representative examples, it is imperative that we act forcefully and immediately. The purpose of a policy discussion is rarely a dispassionate exchange of ideas or the measured assessment of the expected effects of a policy alternative, but rather an opportunity to demonstrate the correctness of the speaker's position in the face of much allegedly wrong-headed opposition. The result is that debates about prostitution and prostitution policy have all the characteristics of a “dialogue of the deaf”: the angry reiteration of original positions, the unwillingness to listen to the opponent's point of view, the demonization of those who think differently.
4. *Morality policy is resistant to facts*. There are remarkably few precise, reliable facts available in prostitution policy (there are good reasons for that, which we will discuss later), but important for the characterization of morality policy is the apparent lack of interest to get the numbers right. It needs little commentary that those who are on a crusade will have a strong incentive to inflate numbers. Also, the media are remarkably deficient in reporting reliable numbers.¹¹ But more serious scholars also uncritically cite numbers they have found in other publications. For example, Bernstein, in her otherwise readable and interesting book, claims, without mentioning any references, that there are 30.000 sex workers working in the Netherlands.

¹¹ For example, a recent report on the prostitution market in Amsterdam (van Wijk et al. 2010) gives several careful, and well-founded, estimates of the number of sex workers working in the city in all forms of prostitution. The researchers were careful to distinguish between daily numbers and cumulative numbers (that is, the number of different women that have at any one moment in the year worked as a prostitute in the city). They estimated the annual, cumulative number at 1090 to 3380, with the daily numbers for all types of prostitution about half the lower estimate. Nevertheless all newspapers and media reported that “5000 sex workers were working in Amsterdam”, with some newspapers, wholly unwarranted, adding another 50 per cent to that number to arrive at a total of 7500. We will return to this later in the article.

(2007) This is a number that circulates on the internet and is often quoted in reports about the Netherlands, but there are good reasons to assume that it is a serious overestimation of the size of the prostitution market in the Netherlands. In general, as we will argue later in this article, the numbers are much more modest.

5. A fifth characteristic of morality policy is *a certain impatience with policy implementation*. It has the appearance that the formulation and announcement of policy is seen as more important than its implementation.¹² Mooney thinks that the clash of first principles that characterizes morality politics leads to a lack of interest in the outcomes of the policy. A stark example is the Swedish Sex Purchase Act. Ten years after the Act was passed in Swedish parliament, the results are downright disappointing. The decision to prosecute clients of sex workers has led to only a modest decline in the number of sex workers and men's attitudes towards prostitution have not changed (Dodillet and Östergren 2011). In fact, there is evidence that the situation of sex workers has deteriorated, with some cities phasing out all harm reduction policy. When confronted with these results, the Swedish minister brushed it aside as insignificant in light of the larger pedagogical goals of the law (ibid.). Without generalizing too much from this example, we can conclude that in moral policy the symbolic dimension of the policy is at least as, if not more, important than its instrumental aspect (Gusfield 1984; Edelman 1985; Yanow 1996). The purpose of the policy is to send out a signal to the world—both to supporters and opponents—that proponents of a certain policy proposal hold the right position on the issue.
6. Finally, *morality policies are vulnerable to abrupt and drastic change*. With abrupt and drastic, we mean changes towards policies that are based on wholly different values and underlying principles. While in the face of unsustainable budget deficits large changes in the organization and delivery of education, health care or retirement policy have been and are currently proposed in many countries, their realization is checked by institutional drag or resistance. Institutional drag is the awareness that the functioning of a social domain depends upon many taken-for-granted institutional practices, habits and traditions that support other valued or necessary elements of the domain. Institutional resistance emerges from actors who have a vested interest in

¹² A good example is the recent announcement by the French minister for women Najat Vallaud-Belkacem, to abolish prostitution in France and Europe in general and to create a “society without prostitution”. Apart from vague references to client criminalization, there was no announcement of how to attain this lofty moral objective (The Economist, July 14, 2012).

the status quo, experts who have a deep understanding of the underlying principles and real-world effects of the current system, and/or the public who have come to appreciate the benefits of the program. No such situation exists in the case of morality politics. In fact, it has been argued that the noncompromising nature of morality politics results in a situation in which policy debate is never settled (Mooney 1999a, 678; Tatalovich et al. 1994). That is what makes it *politics* instead of policy. The current new national prostitution law in the Netherlands, for example, contains elements of client criminalization.¹³ This drastic shift from the regulatory approach towards legitimization that was adopted in 2000 is based on the unsubstantiated belief, fuelled by sensationalist media reporting about trafficking and violence that the 2000 law has failed wholesale. Ideological hegemony and the concomitant lack of interest in data and implementation effects, makes moral politics vulnerable to sudden shifts in moral climate.

To sum up, the purpose of this section is not to provide a hard and fast definition of morality politics. We have characterized morality politics through its extreme ranking on a number of characteristics of public policy and the effects this has on the policy-making process. Our argument is that if policies are driven by explicit ideology, almost exclusively owned by the general public, impervious to facts, discussed in emotionally highly charged language, concerned more with the symbolism of heroic measures than the details of implementation, and prone to sudden policy reversals, we can characterize them as morality politics. We conclude that in most countries prostitution policy can be characterized as morality politics in this sense. This, to our mind, has negative implications for its formulation and implementation. In the remainder of this article we will discuss three such implications: the problem of obtaining reliable data, the dominance of ill-considered key concepts, and the lack of interest with elected officials and the academic literature in the implementation of prostitution policy. The argument that ties these three sections to the preceding characterization of prostitution policy as morality politics is that the inherently political nature of policy facts, policy categories, and policy implementation make them vulnerable to the negative effects of morality politics.

¹³ At the time of writing this article (March 2012) the proposed law is still pending. The Dutch Senate has so far refused to approve the law because it is dissatisfied with the government's answers to concerns about the registration of sex workers and the client criminalization aspect of the law.

Why it is Difficult to Obtain Reliable Data on Prostitution

One of the most striking characteristics of the literature on prostitution, both the scholarly literature and media reports, is the absence of precise and reliable data. More specifically, we think that there are two reasons for this state of affairs. First, because of the high mobility among sex workers it proves to be extremely difficult to count the number of women (and men) working in a particular location on a particular time. Second, because of the symbolic value of numbers in morality politics, policy makers and experts have little interest in actual numbers, and more in startling images and symbols (Stone 1997).

Frustrated by the lack of reliable numbers, we set out in our comparative study of prostitution policy—in hindsight rather naively—to obtain precise and reliable numbers on the number of sex workers who worked in the various types of prostitution in a particular location. We had noticed that reports on the number of sex workers in a city or country often did not distinguish between daily and aggregate numbers. The daily numbers (the number of women working in prostitution in a particular area on a given reference date) will give an indication of the actual size of the prostitution market in that area. The aggregate number (the number of different women who worked in the area at least once in a given year) gives an indication of the total number of women who engage in prostitution in that area and of the intensity of mobility. The aggregate number cannot be used as an indication of the size of the local, or even national, prostitution market as it contains a large amount of double counting (women working in different cities in a particular year). It is useful, though, for service agencies to get an indication of the capacity needed.

We started out with what we thought would be the easiest type to count: window prostitution. The number of windows is available from the city administration, and that number doesn't fluctuate very much. We used different sources: police records, municipal statistical offices and health agencies. We also went out to do our own counting. Our field workers took position on a street corner and counted the number of women working the windows within our field of observation on several successive days. They also counted the number of women working in a representative sample of clubs. What we discovered was an astonishing amount of mobility. For example, of a particular group of 6 windows, 3 would be occupied from 13.00 to 18.00 h, then all of them until midnight. However the next day, none were occupied until 18.00 h and only 2 in the evening, and so on. Some women would only work for 2 h; others the whole day. We discovered that mobility applied to location, geography, type of sex work, and working hours. Here is a sex worker telling us about her working life over the past 6 months:

R. lives in Rotterdam and decides to work as independent contractor in a club in her home town. She registers with the Tax office in Rotterdam. However, she has a falling out with the club owner and decides to work in a window brothel in Amsterdam. She does not register with the Tax office in Amsterdam, as this is not required. She says that she liked working behind the window until the proprietor changed the house rules: she could no longer bring her dog. She finds another brothel window but doesn't tell the proprietor that she has worked for one of his competitors. However the work in Amsterdam doesn't last much longer because the new proprietor announces that he will close the business down. When R reads in the newspaper that all the windows in the area where she works might be closed, she decides to move on. She works in Haarlem for a few weeks but decides to quit because the rent of the windows is too high and there are not enough clients. She tries her luck in Utrecht, but she says that she can only rent a room the windows of which are covered with pigeon shit. She moves for brief periods to The Hague (too many drugs) and the Belgian city of Antwerp (too far away). She decides to exit the prostitution business and registers with the welfare office in Amsterdam to help her with that. The Amsterdam office refers her to a sister organization in Rotterdam. She de-registers as a sex worker with the Tax Office in Rotterdam. After a few weeks she finds that she has not enough money to live on and calls the welfare office that she is going to work in Amsterdam again. She now does register with the Tax Office in Amsterdam. In sum: in a 6 month period R has registered with two local chapters of the Tax Office, three proprietors in Amsterdam, one each in Haarlem, The Hague and Utrecht, and she has been seen in Antwerp (Source: interview, observations fieldwork).

Our interviews suggest that this story is representative for the working life of many sex workers.¹⁴ Moreover, in most countries prostitution is an immigrant profession; a large percentage of women in Austria and the Netherlands come from foreign countries (mostly former Eastern Europe, Thailand, Nigeria, and China) and travel between Western European countries and between these and their country of origin. We concluded that if these “easy” types of sex work were already so hard to count, what about more hidden and transient forms of prostitution, such as home work, internet prostitution, or escort work. The upshot was that we simply couldn't come up with a hard, reliable daily number for a

particular location. (We didn't even try to calculate the annual number.) In the end we relied on estimates that we based on different algorithms for different work types.¹⁵ However, the daily numbers that we did generate were considerably lower than any of the numbers that are usually quoted. In each of the four large cities in the Netherlands the daily numbers run into the hundreds, never thousands. We also estimated that on a given day about 400 women advertise on the internet in the Netherlands. (Altink and Wagenaar 2012) Were we to make an educated guess about the total number of sex workers working in the Netherlands on a given day, it would be in the range of 4000 to 4500. A far cry from the 25,000 to 30,000 that are always quoted in the literature.¹⁶ Clearly, these are important conclusions from a policy perspective. It makes a huge difference if you make policy for a market of 400 or 4,000 sex workers in a city.

Another reason for the cavalier attitude towards precise, reliable numbers is conceptual. As Deborah Stone explains, numbers in policy have symbolic value. They present moral images to their intended audience. Like metaphors, “(n)umbers make normative leaps”. They are a call to action (Stone 1997, 167). This insight about the role of numbers in policy explains two persistent features of the discourse on prostitution: the inflated estimate and the ubiquitous rhetorical trope of the “sad story”. In the first case, we encounter unsubstantiated estimates, albeit delivered with great authority, about the number of (street) sex workers, Internet sex work, victims of trafficking, etcetera. The second case is about the absence of numbers. Instead, the argument is grounded in, often lurid, tales of a single sex worker or victim who, by implication and through the use of vague quantifiers, is supposed to represent a large population. However, the purpose in both cases is the same: to make a moral point and to incite the audience to action. All this is perfectly captured in the repeated claim by some Dutch politicians that “between 50 % and 90 % of women working in window prostitution are forced”. Apart from the problems with the term “forced prostitution”, there is no factual basis for this claim and the range is so wide as to be virtually meaningless. Numbers have symbolic value in all public policy.

¹⁵ For example, we took the number of windows and combined the city's estimate of the occupancy rates of windows in their city with our own observations of the occupancy rate. We combined that with the number of clubs multiplied by the occupancy rates in clubs based on our own observations, plus estimates for other types of prostitution that we culled from research reports. We estimated the number of women who advertise through the internet by googling telephone numbers. This solves the problem of women who place ads on different sites.

¹⁶ van Wijk et. al. (2010) comes to similar conclusions for Amsterdam. They estimate that the number of sex workers working in Amsterdam at any particular day is 570, of which 410 work in the famous red light district “De Wallen”. In her sober analysis of trafficking in the UK, O'Connell Davidson (2006) comes up with only several dozen victims of trafficking in a given year.

¹⁴ Because of high mobility, Dutch police officers that we interviewed suggested to us to give up the idea of establishing with any precision the size of the population of sex workers in their cities. However, in the middle of this high-mobility world, we found pockets of mostly older Dutch sex workers in certain window areas who had been working in the same place for many years. The Austrian data show a comparable pattern.

What distinguishes moral politics is that numbers are primarily used for their symbolic value, uncoupled from their factual, descriptive role.

Conceptual Muddles

As we saw earlier, all policy is characterized by struggles over concepts and categories (Stone 1997, 11). This point is related to the preceding point on numbers. To count is to count *as*, and where you draw the line, so that some things are included and some excluded from your categories, is always a political decision (Stone 1997, 164). Struggles over conceptual boundaries and definitions are inherent to public policy. What sets morality policy, such as prostitution policy, apart is the open ideological nature of the story that is contained within the category or definition. As the political struggle is over the moral meaning of the category, the chances that the contending parties will reach agreement or a workable compromise are small. As we argued earlier the aim of morality politics is pedagogical. The point of the definition is to make a point. We will illustrate this with two key concepts in prostitution policy: coercion, and trafficking.

The term “forced prostitution” figures widely in the current public and policy discourse on prostitution. Depending on the context of its use the term “forced” in relation to prostitution has different meanings. The concept of forced prostitution was a key issue during the drafting of the 2000 Palermo Protocol. It was introduced to allow for the notion of voluntary prostitution, to signify that the Palermo Protocol did not embrace an abolitionist course. In this context, the concept of “forced prostitution” functioned as a compromise between the different ideological positions within the transnational feminist and women's movements.¹⁷

In the context of national and local policy, the term conveys that most sex workers have been coerced into prostitution and kept in a relation of dependency by pimps or traffickers by threat, extortion, blackmail or violence. As we argued before, it is at this level that an espoused concept becomes a concept in use. As our research shows, national and local policy makers in Austria and the Netherlands regularly use “forced prostitution” and “trafficking” in the same breath. Even when there are no signs of such overt coercion (for example when the sex worker is an adult indigenous woman who works in prostitution in addition to a job in the mainstream economy), the notion of coercion is stretched and more subtle forms of coercion are assumed: forced by circumstances. These can be social (poverty,

insurmountable debts) or psychological (addiction, or the psychological damage of childhood sexual abuse). By way of illustration take this recent press announcement from a Dutch city:

Under the heading “City X Will Address Forced prostitution”, we encounter statements such as: “The mayor and Aldermen of X want stricter rules for window prostitution. In this way politics wants to fight trafficking and forced prostitution in area Z.” Later in the press statement it is argued that that prostitution is an intrinsic part of our urban environment and that voluntary prostitution is possible. However: “On the basis of many interviews and facts and statistics from various studies, we estimate that this (voluntary prostitution) applies to only a very small fraction of sex workers. In practice the majority works under coercion. Coercion can happen in various ways, physical (by a pimp), through circumstances (family, living conditions), psychological (through bad experiences in the past such as sexual abuse, addiction), economic (poverty) or through illegality (trafficking).” The measure that the city proposes to fight coercion is registration to be able to rent a window.

Implicit in this line of thinking is a powerful framing device that influences both the interpretation of, and policies regarding, sex work at the national and local level, namely the idea that the decision to enter sex work is at heart inexplicable. No woman in her right mind, so the argument goes, would freely and voluntarily opt for prostitution as a job or profession. To do so would place you outside the domain of acceptable human conduct. Within this frame of thought prostitution can never be work: an organized and purposeful activity which generates not just material income but also such immaterial benefits as pleasure, personal meaning, community, and a sense of self worth and accomplishment. Within this moral framework prostitution cannot be but a social pathology that requires a preceding pathology as a condition of existence. For example, Scoular and O'Neill cite a framework of “needs and support” issued by the British Home Office, which both explains the entry into prostitution (through such “risk factors” as “violence in the family, disrupted school, abusive male”) and suggests strategies to help women exit it (through “separation from partner”, “alternative employment”, “education/training” Scoular and O'Neill 2007, 770). An inflated concept of coercion results in the simultaneous pathologizing and individualizing of sex work. Sex work is seen as both an individual risk and a personal responsibility (ibid.). Perhaps the early exposure to social and personal risk factors has not been completely within their control, but women should surely take their responsibility to try to exit prostitution. Thus, there is a direct link between an expanded concept of coercion, an obsession with the factors that explain entry into prostitution, the ascription of a certain identity to the sex worker (that of a victim who has shown a regrettable lack of moral judgment) and the current

¹⁷ This important clarification was suggested to us by one of our anonymous reviewers.

popularity of exit programs, which assume (but rarely show) that sex workers have an overriding desire to leave prostitution for more mainstream, morally rewarding forms of employment.

As the preceding example illustrates, “forced prostitution” or coercion is used as an ubiquitous and more or less unproblematic concept in local policy documents in the countries of our research. It is usually accompanied with vague quantifiers that suggest that large percentages of sex workers allegedly work under conditions of coercion (Goraj 2012). We have tried to bring clarity to this conceptual (and statistical) muddle by substituting exploitation for “forced prostitution” and “trafficking” (Wagenaar et al. Unpublished, 38–45). Exploitation is a potential characteristic of many (employment) relationships. In addition, we distinguish two dimensions of exploitation in prostitution: sexual and economic. Both dimensions can be broken down into different categories. Sexual exploitation, for example, consists of the inability to choose or refuse clients and the inability to refuse certain sexual activities. Each of these two dimensions ranges from mild to severe. For example, a milder form of sexual exploitation is being coerced into accepting non-extreme but unwanted activities such as kissing. A severe form of sexual exploitation is rape. In a similar way, we have broken down economic exploitation into categories: working for substandard wages or income, overly long working hours, and dependency upon third parties. A substandard income we consider an income below the legally established minimum wage in Austria and the Netherlands. There are many reasons why sex workers may earn less than the minimum wage (low demand, oversupply), but we consider it exploitation when this is the effect of their inability to set their own prices, or when sex workers have to suffer usurious property rents. Dependency can take different forms. In prostitution, it may be dependency regarding housing, transportation, or identity papers. Each of the categories ranges again from mild to severe. For example, severe dependency may imply the inability to leave the premises or the involuntary handing over of identity papers and earnings to a third party.¹⁸

Reframing coercion in terms of exploitation has a number of beneficial effects over the use of the term coercion or forced prostitution. First, we become aware that exploitation is not restricted to prostitution, but instead is a risk factor in the employment of all vulnerable populations such as children,

recent immigrants and those with little education (Roessingh and Ramesar 2011). We also realize that exploitation in prostitution is not a monolithic phenomenon but that it exists in different forms and gradations. Third, the concept of trafficking with its emphasis on what transpires in the country of origin obscures the role of migration in prostitution. Historically, prostitution is one of the entry jobs for recent immigrants; both for internal and foreign migration (Agustín 2005, 2006; Mai 2009; Janssen 2007); framing prostitution as a migration phenomenon allows the analyst to perceive the similarities with other immigrant jobs for both sexes, such as domestic labor, cleaning, construction, and agriculture. We can grasp the diversity of reasons that immigrant women have to enter prostitution. And, we will observe that most exploitation occurs in the host country *after* the moment of immigration, is experienced by immigrants and indigenous women alike, and is not restricted to prostitution (O’Connell Davidson 2006; Roessingh and Ramesar 2011). Fourth, by framing prostitution and its various forms and gradations of exploitation as an occupation that attracts immigrants, restores agency to the immigrant sex worker. Instead of a helpless victim she becomes an individual who makes conscious choices in a situation of constraints. Indeed in our field work in Upper Austria, we encounter many women who have voluntarily decided to move from Rumania or Bulgaria to Austria to work in prostitution, who endure excessively long working hours and have to hand over part of their earnings to brothel owners, but who nevertheless manage to send money home on a regular basis, and who claim that, despite everything, life is better than in the home country where they had no perspective at all (Amesberger 2011). Finally, the concept of coercion is not a legal category.¹⁹ It prevents the analyst from an awareness that there are long-standing laws, administrative measures and enforcement agencies that play—or *should* play—a role in preventing (economic and sexual) exploitation.

The concepts of trafficking and forced prostitution enjoy their popularity because of their symbolic meaning. They signal the moral position that prostitution is essentially a form of (male) domination over women. By reframing these concepts as different forms of exploitation creates a productive set of analogies with similar phenomena in other occupations, and opens up a set of policy measures that are available to fight such exploitation. It also redefines the problematic and muddled concept of trafficking as one, extreme, manifestation of the sexual and economic exploitation of recent immigrants from low-wage, underdeveloped countries to high-wage, developed nations. The net effect is take the different forms of sexual and economic exploitation out of the morality politics of prostitution and bring it within the remit of labor, economic and administrative law.

¹⁸ So, the image of the trafficked woman as it figures in sensationalist media reports and popular movies is in our terms someone who would fall into the “severe” range on all five categories of sexual and economic exploitation. One could legitimately raise the question how frequently this occurs in the total population of women who emigrate into prostitution. On the other hand, a Dutch field study of licensed prostitution facilities using insider field workers demonstrated that mild to medium-range forms of sexual and economic exploitation were endemic (Altink and Bokelman 2006). In our study of immigrant women working in prostitution on the Austrian-Czech border, we also find endemic exploitation but in more varied and milder forms. (Amesberger, 2011).

¹⁹ At least not in the home country of the authors of this article.

Legal Regimes or Policy Implementation?

It is commonplace in the literature on prostitution policy to focus almost exclusively on legal regimes (Scoular 2010). Although labels and categorizations differ somewhat, usually four such regimes are distinguished: the criminalization of prostitution (both sex workers and clients), the criminalization of clients, regulation (usually, but not necessarily in the context of legalization), and decriminalization (Abel and Fitzgerald 2010; Outshoorn 2004; Wagenaar et al., Unpublished). The legal regime discourse generates its own controversies. Agustín, for example, is critical of the regime concept. She considers them rational, Weberian fantasies which fail to capture the chaotic world of commercial sex, which do not exist in anywhere near their pure form, which do not coincide with national borders (thus, no “Swedish” or “Dutch” model.), and which, although they claim to be based on evidence, are in reality ideological constructions (Agustín 2008, 75–77). Agustín questions the very relevance of legal regimes for the regulation of commercial sex. Scoular is in turn dismissive of Agustín's rejection of law and argues that modern forms of “micro-law” support hegemonic power relations in commercial sex. This leads her to argue that even seemingly opposing regimes such as client criminalization and legalization lead to similar outcomes (Scoular 2010, 21).²⁰ In short, although popular, the regime concept is controversial and leads to various contradictory claims.

In understanding prostitution policy the regime concept presents several problems. First, it has been criticized as too general. Agustín argues for example, that prostitution regimes don't account for local conditions and only exist in “partial, mongrelized versions” (Agustín 2008, 74). Both critiques are valid. Our own observations suggest that within a broad national policy framework, considerable regional and local variation exists. The situation in Austrian regions varies from something close to criminalization to more relaxed forms of regulationism. Between Swedish cities there is considerable variation in enforcement discretion. Also, different forms of prostitution are treated differently. In Vienna, street prostitution is severely restricted while clubs enjoy a much more relaxed regime. More problematic for the regime concept is that it is not coherent as elements from other regimes tend to enter it. For example, the proposed new Dutch national prostitution legislation contains elements of client criminalization.²¹

A more serious objection is that the regime concept fails to take policy implementation into account, moving the analytic gaze away from the myriad small decisions that may result in

outcomes that contradict officially stated intentions. While policy is formulated on the national level, it is implemented on the regional or municipal level (see also Scoular 2010, 13). For various reasons, local implementation often deviates from national formulation. Local circumstances usually prohibit implementation to the letter of the law, local regulations contain design flaws, local actors don't have the stomach for implementing a measure they consider meaningless or onerous (Pates 2012; Knight 2010), or reversely local actors step into a void left by the national government (Crowhurst 2012). The result is that a gap ensues between espoused and intended policy, more often than not resulting in perverse unintended consequences. For example, while the German federal government made the exploitation of a sex facility legal in 2001, the *Länder* (states) have so far resisted its implementation (Pates 2012). The Netherlands is a case in which the combination of a design flaw in policy implementation at the local level and the unwillingness of a national agency to implement the law resulted in stagnation. The implementation of the 2000 legalization was devolved to municipalities. Fearing an uncontrollable expansion of the prostitution sector, all municipalities immediately froze the number of sex facilities within their borders. In this way a de facto oligopoly of clubs and window brothels was created that was managed by a generation of older, male proprietors, many of whom had criminal ties. To maximize profits and minimize transaction costs, these men had developed a business model that denied any labor or social rights to the women. It is little wonder that in the years to follow, proprietors fiercely resisted the introduction of labor rights in their facilities. This is combination with the initial unwillingness of the national agency of Labor Inspection to monitor work conditions inside brothels and issue binding directives in case of violations, effectively deprived sex workers of proper labor rights and their right to a decent work environment.

There is a vast literature within public policy that argues for the salience of policy implementation (Pressman and Wildavsky 1992; Hill and Hupe 2008). While policy design is obviously important to set the broad parameters of public policy, its outcomes and societal impact are ultimately determined at the level of implementation. It is there that the countless decisions are made, in the face of real-world, concrete, problems and local political pressures, how much money to allocate for policy execution, which personnel to recruit, what policy instruments to select, and when and where to exercise administrative discretion (Kagan 1978).²² A focus on (local) policy implementation has three advantages over the persistent

²⁰ Bernstein (2007) makes a similar argument, on similarly scanty empirical evidence.

²¹ Clients who purchase sex from an unregistered prostitute are liable for prosecution. This particular provision has been widely criticized as unenforceable, but the government has as of today not backed down.

²² The Dutch approach of regulated tolerance in the 1980s was in fact the informal codification of local practices of discretion within a prohibitory regime in dealing with commercial sex (Brants 1998). The reasoning behind it was that the societal and legal costs of prosecuting the commercial exploitation of sex were higher than to allow it under certain agreed upon conditions.

reiteration of the alleged moral superiority of one national regime over another (Agustín 2008, 76). First, a focus on implementation forces one to pay attention to the empirical details of the interaction of the everyday practices of the key actors in the prostitution field with those of local and national policy makers. Our attempt to come up with a precise account of the number of sex workers in the cities that we investigated came out of our focus on local policy implementation. Similarly, our interviews with migrant sex workers are an attempt to document in precise detail the pathway from the country of origin into prostitution in the west and the attempts of the migrant to establish herself in the host country. The net result is that such detailed research corrodes many stock assumptions about prostitution and sex workers.

Second a focus on policy implementation decentres the policy field. It is by now a commonplace in policy theory that policy is no longer only made by the state, but, instead, emerges from the interactions of a dispersed set of societal actors (Piere and Peters 2000; Bevir and Rhodes 2010). For example, after the Dutch parliament abolished the prohibition on brothels in 2000, the licensing system in the city of The Hague was developed in extensive deliberations between various administrative and judicial agencies, social service organizations and proprietors (Wagenaar 2006). Similarly, ordinary citizens played a decisive role in setting up the unique collaborative approach towards managing prostitution in the German city of Dortmund (Mais 2011; Wagenaar and Specht 2010). For various reasons, policy making in contemporary society is no longer the prerogative of the state—even when the state likes to pretend that it still holds the reins. And third, a focus on policy implementation forces the analysts to pay close attention to the experiences of sex workers, proprietors and clients. In the discourse on national policy regimes, the voice of the sex worker is rarely heard. Yet, it needs hardly any argumentation that the experiences of sex workers are an important source of information in designing and implementing policies that are both feasible and effective. It is no coincidence that the reasonably successful New Zealand regime of decriminalizing prostitution is predicated on a close collaboration between government organizations, police, sex workers, and proprietors (Abel et al. 2010). The upshot is that a consistent focus on policy implementation guarantees that the necessary debates about the best approach towards regulating prostitution in contemporary society are rooted in real-world experiences of the actors involved and do not descend into the fruitless exchanges of morality politics.

Conclusion

The conclusion to this paper can be as brief as its main argument in the introduction: For the well-being and rights of sex workers and for the purpose of creating safe, diverse,

and vibrant urban spaces, it is important that elected officials and administrators take prostitution policy as seriously as policies in other, more established administrative domains as health, schooling, work or the environment, and to prevent it from descending into a state of antagonistic morality politics. For this style of pragmatic, humane policy making to emerge four conditions need to be met.

The first condition for such a transformation is an awareness among elected officials, administrators, and all other relevant actors that prostitution policy is in the grip of fierce ideological debates. It is a fact of life that deep differences of belief and value play a role in every policy domain, and as often as not these prove to intractable and resistant to the arbitrage of scientific research (Schön and Rein 1994). But that does not necessarily imply that these controversies are wholly intractable. Although reliable facts and numbers rarely settle a dispute (Rein 1983; Stone 1997), they do have the ability to bring a measure of discipline in policy controversies. A second condition is the creation of a stable body of well-trained, experienced administrators who specialize in prostitution policy. Continuity is crucial here. As with every social domain, it takes years to attain the kind of experience that allows you to distinguish realistic from ill-conceived plans, to obtain the depth and density of social networks that make it possible for the administrator to test her ideas against the ideas and experiences of others, and to make operational the administrative networks that allow for collective problem solving through public learning (Ansell 2011). In addition, it takes a long time to gain the trust of sex workers and proprietors that allow administrators to communicate information effectively and “read” the signals of exploitation. In our research, we find that experienced administrators who have been on the job for a considerable period of time, can develop a stance towards prostitution that is simultaneously pragmatic, realistic, reflective and humane. In this way, such administrators act as a barrier to dogmatic ideas and heroic solutions proposed by sensationalist media or elected officials who are out for a quick success.

A third condition is the creation of an international body of scholarship which, based on solid empirical work, patiently accumulates knowledge and insights about (the effects) of policy implementation. This not only allows “policy entrepreneurs” (Kingdon 2002) to generate novel solutions, but also the critical assessment of such new ideas by an international community of experts. And fourth, it is imperative that we allow relevant groups, sex workers in the first place, but also clients, proprietors and residents of prostitution areas, to participate in the design and implementation of policy measures. Not only do they have the practical, experiential knowledge that makes it possible to design feasible policy measures, but under the right circumstances they can come up with the kind of mutual gains solutions that will overcome intransigent conflict (Forester 2009). That is not a utopian fantasy is shown by the success of the city of The Hague in developing a licensing system with

an, admittedly, far from perfect deliberative process (Wagenaar 2006), or the case of the German city of Dortmund in which an initiative by citizens and voluntary organizations to deal with street prostitution has evolved in a successful long-term partnership with city officials and the police (Wagenaar and Specht 2010; Mais 2011).

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References

- Abel, G., & Fitzgerald, L. (2010). Decriminalisation and Stigma. In Abel, G., Fitzgerald, L., Healy, C., Taylor, A. (Eds.), *Taking the crime out of sex work. New Zealand's sex workers' fight for decriminalisation*. Bristol: The Policy Press. (pp. 239–259).
- Abel, G., Fitzgerald, L., Healy, C., Taylor, A. (Eds.). (2010). *Taking the crime out of sex work. New Zealand's sex workers' fight for decriminalisation*. Bristol: The Policy Press.
- Agustín, L. (2005). Migrants in the mistress' house: other vices in the trafficking debate. *Social Politics*, 20(12)
- Agustín, L. (2006). The disappearing of a migration category: migrants who sell sex. *Journal of Ethnic and Migration Studies*, 32(1), 29–47.
- Agustín, L. (2008). Sex and the limits of enlightenment: the Irrationality of Legal regimes to control prostitution. *Sexuality Research and Social Policy*, 5, 73–86.
- Altink, S., & Bokelman, S. (2006). *Rechten van Prostituees.... (Rights of Prostitutes....)*. Amsterdam: De Rode Draad.
- Amesberger, H. (2011). Chapter 6: Prostitution policy in Austria. In H. Wagenaar, S. Altink, S. Dodillet, P. Östergren (2011). Interim Report: Internationaal Vergelijkende Onderzoek Prostitutiebeleid: Nederland, Oostenrijk, Zweden. (Interim Report: International Comparative Study of Prostitution Policy in the Netherlands, Austria and Sweden). (pp. 151–230). Leiden University: Unpublished Report.
- Amesberger, H. (2012). Views on Sex Work by Informed Outsiders. Interim Report 2- Austria. Leiden University: Unpublished Report.
- Ansell, C. (2011). *Pragmatist democracy. Evolutionary learning as public philosophy*. Oxford: Oxford University Press.
- Berlin, I. (2002). *Liberty*. Oxford: Oxford University Press.
- Bernstein, E. (2007). *Temporarily yours: Intimacy, authenticity and the commerce of sex*. Chicago: University of Chicago Press.
- Bevir, M., & Rhodes, R. (2010). *The State as Cultural Practice*. Oxford: Oxford University Press.
- Brants, C. (1998). The fine art of regulated tolerance: prostitution in Amsterdam. *Journal of Law and Society*, 25, 621–635.
- Considine, M. (2005). *Making public policy: institutions, actors, strategies*. Cambridge: Polity Press.
- Crowhurst, I. (2012). Approaches to the regulation and governance of prostitution in contemporary Italy, *Sexuality research and social policy* (in press)
- Daalder, A. L. (2002). *Het bordeel-verbod opgeheven*. Den Haag: Wetenschappelijk Onderzoeks- en Documentatiecentrum, Ministerie van Justitie.
- Daalder, A. L. (2007). *Prostitutie in Nederland na de opheffing van het bordeelverbod*. Den Haag: Wetenschappelijk Onderzoeks- en Documentatiecentrum, Ministerie van Justitie.
- Danna, D. (2007). Introduction: The world of prostitution and its regulation. In D. Danna. *Prostitution and public life in four European Cities*. Rome (report).
- Dodillet, S., & Östergren P. (2011). Chapter 7: Prostitution policy in Sweden. In H. Wagenaar, S. Altink, S. Dodillet, P. Östergren (2011). Interim Report: Internationaal Vergelijkende Onderzoek Prostitutiebeleid: Nederland, Oostenrijk, Zweden. (Interim Report: International Comparative Study of Prostitution Policy in the Netherlands, Austria and Sweden). (pp. 230–265). Leiden University: Unpublished Report.
- Edelman, M. J. (1985). *The symbolic uses of politics*. Champaign: University of Illinois Press.
- Engeli, I., Green-Pedersen, C., & Larsen, L.T. (Eds.) (2012). *Morality Politics In Western Europe: parties, Agendas and Policy Choices*, Houndmills Basingstoke: Palgrave Macmillan.
- Fitzgerald, L., & Abel, G. (2010). The media and the prostitution reform act. In Abel, G., Fitzgerald, L., Healy, C., Taylor, A. (Eds.), *Taking the crime out of sex work. New Zealand's sex workers' fight for decriminalisation*. Bristol: The Policy Press. (pp. 197–217).
- Forester, J. (2009). *Dealing with differences. Dramas of mediating public disputes*. Oxford: Oxford University Press.
- Goraj, J. (2012). *The influence of media on society's perception of prostitution. Critical discourse analysis of the Dutch media on prostitution in the years 2011, 2019 and 2000*, unpublished Masters Thesis, University of Leiden, Department of Public Administration, (February).
- Gusfield, J. (1984). *The culture of public problems: drink-driving and the symbolic order*. Chicago: University of Chicago Press.
- Gusfield, J. (1986). *Symbolic crusade: status politics and the American temperance movement*. Champaign: University of Illinois Press.
- Haider-Markel, D.P., & Meier, K.J. (1996). The Politics of gay and Lesbian Rights: Extending the Scope of the Conflict. *The Journal of Politics*, 58(2), 332–349.
- Healy, C., Bennachie, C., & Reed, A. (2010). History of the New Zealand sex workers' collective. In G. Abel, L. Fitzgerald, & C. Healey (Eds.), *Taking the crime out of sex work. New Zealand's sex workers' fight for decriminalisation* (pp. 45–57). Bristol: The Policy Press.
- Hill, M., & Hupe, P. (2008). *Implementing Public Policy. An Introduction to the Study of Operational Governance*, Thousand Oaks, CA: Sage.
- Howlett, M. (2010). *Designing public policies: principles and instruments*. Milton Park: Routledge.
- Howlett, M., Ramesh, M., & Perl, A. (2009). *Studying public policy: policy cycles and policy subsystems*. Ottawa: OUP Press.
- Janssen, M. L. (2007). *Reizende Sekswerkers: Latijns-Amerikaanse vrouwen in de Europese prostitutie*, Doctoral Thesis, University of Amsterdam.
- Kagan, R. (1978). *Regulatory justice: implementing a wage-price freeze*. Washington, D.C.: Russel-Sage Foundation.
- Kingdon, J. (2002). *Agendas, alternatives and public policies* (2nd ed.). New York: Longman.
- Knight, D. (2010). The (Continuing) regulation of prostitution by local authorities. In G. Abel, L. Fitzgerald, & C. Healey (Eds.), *Taking the crime out of sex work. New Zealand's sex workers' fight for decriminalisation* (pp. 141–159). Bristol: The Policy Press.
- Landman, T. (2000). *Issues and Methods in Comparative Politics: An Introduction*. London: Routledge.
- Lindblom, C. (1965). *The intelligence of democracy. Decision-making through partisan adjustment*. New York: The Free Press.
- Mai, N. (2009). *Migrant workers in the UK sex industry*, Full Research Report ESRC End of Award Report, RES-062-23-0137. Swindon: ESRC.
- Mais, V. Presentation Dortmund Modell. Conference Presentation at the Workshop 'Decriminalizing Prostitution: Results, Experiences

- and Challenges'. Leiden University, Campus The Hague: March 3-4, 2011.
- Manin, B. (1997). *The Principles of Representative Government*. Cambridge, UK: Cambridge University Press.
- Mooney, C. S. (1999). The politics of morality policy: symposium editor's introduction. *Policy Studies Journal*, 27(4), 675–680.
- Mooney, C. Z. (2001). The public clash of private values. In C. Z. Mooney (Ed.), *The public clash of private values. The politics of morality policy*. New York: Seven Bridges Press.
- Mooney, C. Z., & Lee, M.-H. (1999). Morality policy reinvention: state death penalties. *The Annals of the American Academy of Political and Social Science*, 566, 80–92.
- Mouffe, C. (2000). *The democratic paradox*. London: Verso.
- O'Connell Davidson, J. (2006). Will the real sex slave please stand up. *Feminist Review*, 83, 4–22.
- Outshoorn, J. (Ed.). (2004). *The politics of prostitution: women's movements, democratic states and the globalisation of sex commerce*. Cambridge: Cambridge University Press.
- Pates, R. 2012. Liberal laws, punitive practices: logics of interference in the, most liberal sex work regime in the world, *Sexuality research and Social Policy* (in press)
- Pates, R., & Schmidt, D. (2009). *Die Verwaltung der Prostitution: Eine Vergleichende Studie am Beispiel Deutscher, Polnischer und Tschechischer Kommunen*, The Regulation of Prostitution: a Comparative Study of German, Polish and Czech Communities. Bielefeld, Germany: transcript.
- Pierre, J., & Peter, B.G. (2000). *Governance, Politics and the State, Houndmills*. Basingstoke: Palgrave Macmillan.
- Prainsack, B & Buyx, A. (2011). *Solidarity: Reflections on an Emerging Concept in Bioethics*. London: Nuffield Council on Bioethics.
- Pressman, J., & Wildavsky, A. (1992). *Implementation*. Berkeley, CA: University of California Press, (3rd rev, edition).
- Rein, M. (1983). Value-critical policy analysis. In D. Callahan & B. Jennings (Eds.), *Ethics, the social sciences, and policy analysis* (pp. 83–112). New York: Plenum Press.
- Roessingh, M., & Ramesar, P. (2011). *Slaven in de Polder: Hoe Sekswerkers, Schoonmakers and Seizoensarbeiders Worden Uitgebuit*, (Slaves in the Polder: How Sex Workers, Cleaners, and Seasonal Workers Are Being Exploited). Amsterdam: Atlas.
- Schön, D.A. (1973). *Beyond The Stable State: Public and Private Learning in a Changing Society*. Harmondsworth: Penguin Books.
- Schön, D.A., & Rein M. (1994). *Frame Reflection. Toward the Resolution of Intractable Policy Controversies*. New York, NY: Basic Books.
- Scoular, J. (2010). What's law got to do with it? How and why law matters in the regulation of sex work. *Journal of Law and Society*, 37, 12–39.
- Scoular, J., & O'Neill, M. (2007). Regulating prostitution: social inclusion, responsabilization and the politics of prostitution reform. *British Journal of Criminology*, 47, 764–778.
- Stone, D. (1997). *Policy paradox. The art of political decision making*. New York: W.W.Norton & Company.
- Sullivan, B. (2010). When (Some) prostitution is legal: the impact of law reform on sex work in Australia. *Journal of Law and Society*, 37, 85–104.
- Tatalovich, R., Smith, T. A., & Bobic, M. P. (1994). Moral conflict and the policy process. *Policy Currents*, 4(4), 3–6.
- van Wijk, A., Nieuwenhuis, A., et al. (2010). *Kwetsbaar Beroep: Een Onderzoek naar de Prostitutiebranche in Amsterdam (A Vulnerable Profession: A study of the prostitution bussiness in Amsterdam)*. Arnhem: Bureau Beke.
- Wagenaar, H. (2006). Democracy and prostitution: deliberating the legalization of brothels in The Netherlands. *Administration & Society*, 38(3), 198–235.
- Wagenaar, H. (2011). *Meaning in action: interpretation and dialogue in policy analysis*. Armonk: M.E Sharpe.
- Wagenaar, H., & Altink, S. (2012). Nooit Zonder Ons Over Ons Beslissen: Zin en Onzin van Prostitutiebeleid in Nederland (Never decide about us without us: Sense and Nonsense in Dutch Prostitution Policy). *Tijdschrift voor Sociale Vraagstukken*, 1–2, 8–14.
- Wagenaar, H., & Specht, M. (2010). Hoe Burgers Zichzelf Maken. Het Pragmatisch Idealisme van Participatie. (How citizens invent themselves. The pragmatic idealism of democratic participation). In I. Verhoeven & M. Ham (Eds.), *Brave Burgers Gezocht. De Grenzen van de Activerende Overheid*. Amsterdam: van Genneep. 193-211. In Dutch.
- Weitzer, R. (2007). The social construction of sex trafficking: ideology and institutionalization of a moral crusade. *Politics and Society*, 35, 447–475.
- Weitzer, R. (2011). *Legalizing prostitution: from illicit vice to lawful business*. New York: New York University Press.
- Yanow, D. (1996). *How does a policy mean? Interpreting policy and organizational action*. Washington D.C.: Georgetown University Press.