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An Ideational Approach to Gendered Institutional Change: Revisiting the Institutionalization of a New Prostitution Regime in Sweden

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ABSTRACT

Recent work in the field of feminist institutionalism has made important progress in furthering our understanding of gendered institutional change. I argue that gradual ideational changes play an essential role in processes of gendered institutional change, and that examining the interaction between ideas and gendered institutions is of great importance for gaining a better understanding of processes of this type. This article revisits an empirical study of gendered institutional change in Swedish prostitution policy in the effort to specify two idea-based mechanisms that are conducive to gendered change, namely, consensus concerning the problem and gendering of the problem.

Introduction

Can examining ideational changes provide new insights into why certain political processes are conducive to gendered institutional change? In the case of Swedish prostitution policy, ideas about prostitution changed dramatically before any actual policy change took place.

Gendered ideas, institutions, and structures continue to permeate societies throughout the world, and an important challenge for scholars working in the field of gender and politics is to understand how political processes can change society and improve gender equality. Feminist institutionalism has recently emerged as an approach that is helpful for gaining an understanding not only of why gendered structures are so resistant to change, but also of how institutions can change so that they reduce gender bias and improve gender equality (see Bjarneård, 2013; Chappell, 2006; Franceschet, 2011; Krook & Mackay, 2011; Mackay, Kenny, & Chappell, 2010; Mackay & Waylen, 2014b). Feminist institutional change, or what is sometimes termed gender-equitable change, involves the transformation of formal or informal institutions in ways that reduce gender inequalities (Waylen, 2014, p. 213). The present article investigates how such changes can come about and the role that ideational change plays in such processes.

The introduction of a new prostitution regime in Sweden in 1998, which entailed client criminalization but did not criminalize those who sell sex, constitutes an
instance of gendered institutional change in so far as the rules and norms surrounding prostitution changed in a way that altered gender relations in both prostitution and society at large. Such a change was unique at the time, but a number of countries have since followed suit, including Iceland (2009), Norway (2009), Canada (2014), Ireland (2014), and France (2016). While previous research underscores the importance of this shift, there is disagreement concerning how to interpret it in respect to the broader Swedish discourse on sexuality and gender equality. On the one hand, some argue that the 1998 law is an extension of the governmental control of sexuality (Kulick, 2005), and they emphasize that the central element of the ban is the victimhood of women, who are constructed as vulnerable (Dodillet, 2009, p. 330; Bücken-Knapp & Schaffer, 2014). Client criminalization has also been conceived of in this regard as an expression of a new moralism disguised behind harm-based arguments (Peršak, 2014). In contrast, others interpret the ban as an example of a new path in Swedish gender equality policies which advances the gender equality agenda in a direction that challenges established power relations between the sexes (Eduards, 2007; Olsson, 2006; Svanström, 2004). While this case of regime change is obviously interesting in its own right, it can also be utilized to gain more general knowledge concerning processes of gendered institutional change. The latter is the aim of the present paper.

Numerous studies in the field of new institutionalism have addressed institutional change (e.g. Hacker et al., 2015; Mahoney & Thelen, 2010; Streeck & Thelen, 2005), but only a limited number have examined the mechanisms that promote gender-equitable institutional change (see Kenny, 2013; Mackay, 2014; Waylen, 2014). Mackay and Waylen have argued in a recent themed issue of Politics and Gender which addresses such questions that there is indeed a need for a greater understanding of how gendered institutional change takes place, particularly gradual and endogenous change, and of how feminist strategies can influence such processes (Mackay & Waylen, 2014a). Against this background, the present article will explore two interrelated research questions: (1) How can an ideational approach that accounts for gradual ideational changes contribute to a greater understanding of gendered institutional change? (2) Can ideational mechanisms conducive to gendered institutional change in the field of prostitution in Sweden work within other contexts as well? Two idea-based mechanisms that I maintain are relevant beyond the Swedish case are outlined in the course of the discussion below.

It should be noted that although the role of actors as drivers of both ideational and institutional change is critical, the strategies actors implement are also shaped by the context in so far as it restricts certain types of behaviour while making others possible. This article focuses on how discursive mechanisms can influence and promote change. Elsewhere, I discuss the role of the women’s movement in placing prostitution on the agenda and investigate the strategies utilized by women working within the various political parties in Sweden in their efforts to promote and advocate for client criminalization (Erikson, 2011, 2017).

The case study is based upon parliamentary archives, including governmental bills, MPs’ individual bills, inquiries, and reports from the mid-1970s to 1998, as well as over 20 elite interviews with actors engaged in the political process. While the methodology used in the study is presented at length elsewhere (Erikson, 2017), this article revisits
the empirical findings in order to explore the role of ideational changes as one specific aspect of the issue in question, the purpose being to gain a better understanding of feminist institutional change.

The article is structured as follows. The next section reviews existing research on feminist institutional change and outlines an ideational approach to gendered institutional change that draws upon discursive and constructivist perspectives. The subsequent section presents the 1998 Swedish prostitution reform and revisits my previous empirical findings in order to demonstrate the importance of ideas for the final outcome of this example of gendered institutional change. Although this aspect of the inquiry is not novel in respect to its empirical findings, it is necessary for understanding the theoretical argument of this article, which is outlined in the following section concerning idea-based mechanisms and their applicability beyond the Swedish case. The conclusion discusses the article’s theoretical contributions to the field of feminist institutionalism, particularly the mechanisms and feminist strategies that promote gender-equitable change.

**Feminist institutional change**

Feminist institutionalism (FI) combines insights provided by institutionally focused feminist political science and new institutionalism. An interest in institutional processes and their effects from a gendered perspective constitutes the common denominator of research in this field (see Krook & Mackay, 2011; Mackay & Waylen, 2014b).

While FI scholars have critiqued mainstream new institutionalism for its lack of a gender perspective (Mackay et al., 2010), they endorse most of its basic assumptions regarding how institutions constitute “the rules of the game” that shape and influence behaviour (North, 1990). This includes formal institutions that are visible, codified, and officially sanctioned, such as criminal laws, regulations, and policy, as well as uncodified informal institutions that comprise socially shared and sanctioned regulations, such as norms and practices (Helmke & Levitsky, 2004). FI places the gendered logic of institutions at the centre of analysis, and it is interested both in how institutions operate and produce gendered outcomes, and in how they are maintained and changed (Krook & Mackay, 2011, p. 1). The present study is particularly relevant to the growing body of FI research concerned with gendered institutional change and with the mechanisms that foster such change (Mackay, 2014; Mackay & Waylen, 2014b; Waylen, 2014).

Although institutional scholars have often regarded analysing institutional change as a challenge, it is even more difficult to study the specific nature of gendered institutional change because of the additional dimension of gender (Waylen, 2014, p. 212; Mackay et al., 2010, p. 577). In addition, the established varieties of new institutionalism—rational choice institutionalism, sociological institutionalism, and historical institutionalism—have often been criticized for focusing primarily on institutional stability rather than on change (Mackay et al., 2010, p. 577; Schmidt, 2008, 2010). They have also displayed a particularly limited interest in endogenous processes of gradual institutional change. Until recently, institutionalists interested in change focused primarily on exogenous shocks as the cause of radical institutional change, overlooking those changes that come about incrementally as a result of endogenous developments (see, however, Hacker et al., 2015; Mahoney & Thelen, 2010; Streeck & Thelen, 2005).
Discursive and constructivist versions of new institutionalism have pointed to the role of discourse and ideas in order to better understand processes of endogenous change (Schmidt, 2008, 2010), including the dynamic relations between ideas and actors in such processes (Hay, 2006).

Gradual changes appear to be particularly important in respect to gendered institutional change, and recent work in new institutionalism has paved the way for the development of new knowledge concerning gender-equitable institutional change, or change that helps eliminate gender inequalities (Waylen, 2014, p. 213). Waylen (2014) draws on Streeck and Thelen’s previous work (2005) as she argues in this respect that certain types of institutional change hold more promise for gender reform than others. Waylen maintains, for example, that layering—which involves the introduction of new rules alongside or on top of existing ones that do not conflict with the latter—and conversion—when ambiguities in an existing institutional configuration are used to make institutions behave differently and thus change from within—are more likely to be successful gender equity strategies in so far as they proceed gradually, are endogenous, and require less force than more radical institutional changes. She also observes that displacement—the wholesale replacement of old rules with new ones—is unlikely to be a successful gender change strategy because gender equity actors rarely have sufficient power or opportunity to directly bring about such radical change, particularly since they typically meet strong opposition. Drift—when rules remain the same although their impact changes due to changes in the environment—is also unlikely to be an effective strategy since it is both slow moving and reliant upon the external environment (Waylen, 2014, p. 218).

FI scholars have also made important contributions concerning how historical legacies and intersecting institutions impact strategies for deliberate institutional change (Mackay, 2014, p. 554; Kenny, 2013). In addition, a number of empirical case studies have provided rich contextual descriptions of change in gendered institutions in existing welfare states (e.g. Anttonen & Sipilä, 1996; Leira, 1992; Sainsbury, 1996). Leira, for instance, has discussed how welfare states approach the questions of support for working mothers and care for young children, while Sainsbury has more broadly addressed issues of gender and gender equality in a number of different welfare states from a comparative perspective.

While discursive and constructivist institutionalists claim that ideas and discourse are important factors in explaining processes of endogenous institutional change (Hay, 2006; Schmidt, 2008, 2010), feminist versions of discursive institutionalism emphasize the roles of gendered ideas and discourses as well as discursive strategies in institutional processes (Freidenvall & Krook, 2011; Kulawik, 2009). Kulawik maintains, for example, that institutionalism and discourse theory share important epistemological insights, arguing that feminist institutionalism “needs to deconstruct the dichotomy of causal explanation versus meaning and description and to reformulate the concept of causality” if it is to understand causal processes (Kulawik, 2009, p. 262). She further states that “a discursive account is helpful in reformulating the relation between agency and institutions in a nondeterministic manner” (Kulawik, 2009, p. 268).

But although there have been significant developments recently in understanding processes of gendered institutional change, with scholars highlighting the importance of gendered discourse and ideas from an institutional perspective, only limited attention
has been directed on the theoretical level to the role of gradual ideational changes in processes of gendered institutional change. I draw upon discursive feminist institutionalism in the effort to demonstrate how an ideational perspective that takes gradual ideational changes into consideration can provide us with new knowledge concerning the mechanisms and strategies conducive to gendered institutional change.

An ideational approach to gendered institutional change

Although institutional research has often addressed the distinction between formal and informal institutions, it is also important to distinguish informal institutions from such other social entities as discourse and individual ideas. While institutions may be viewed as codified systems of ideas and the practices they sustain in so far as they have an ideational foundation (Hay, 2006; Larsson, 2015; Phillips, Lawrence, & Hardy, 2004), there are nevertheless essential differences between institutions, on the one hand, and discourse and individual ideas, on the other. As Phillips et al. observe, “while all institutions are discursive products, not all products of discourse are institutions” (Phillips et al., 2004, p. 638).

The key to distinguishing between an informal institution and other behavioural regularities is that it responds to an established rule or guideline that is supported by some type of external sanction (Helmke & Levitsky, 2004, p. 727). That is to say that institutions differ from other social entities constituted in discourse in that their operation is enforced by self-regulating socially constructed mechanisms (Jepperson, 1991). Phillips et al. argue that institutionalization should be regarded as a process generated by changes in the discourse upon which a given institution depends (Phillips et al., 2004, p. 648), which is to say that a set of ideas acquires the status of an institution when it becomes dominant within a given context to the extent that it comes to regulate how actors behave. Although Lowndes and Roberts (2013, p. 67) question whether the discursive versions of new institutionalism can in fact be regarded as institutionalism because of their inherent focus upon the ideational foundation of institutions, I agree with Schmidt (2008, 2010) and Hay (2006) in viewing discourses and institutions as interlinked and analytically complementary concepts. Moreover, since institutionalization is not a dichotomous concept but rather a matter of degree (Kenny, 2013, p. 29; Phillips et al., 2004), the relation between ideas and institutions is best described in terms of a continuum comprising degrees of institutionalization, whereby sets of ideas can be more or less influential and become institutions if they acquire regulative functions and generate sanctions.

For instance, if only one woman MP expresses a new understanding of prostitution in parliament such that client demand is held responsible for its persistence, her view constitutes no more than an individual idea that has limited influence upon others. However, if the same idea is expressed by a coalition of actors or even in official documents, its influence increases such that people may find it necessary to adopt positions in respect to it. If this idea then takes a further step and comes to form the basis of social norms or legislation, it becomes an institution that regulates behaviour by means of sanctions. The political process that results in new institutions thus often involves a gradual process that begins with a set of individual ideas, initially advocated
by perhaps a single actor or a small group of actors, that successively gains influence and becomes a shared intersubjective understanding (cf. Hay, 2006).

A struggle among actors over meaning is an essential element of this type of political processes. In the case studied in this article, women legislators who supported client criminalization were continuously engaged in changing the problem framing of prostitution in order to invoke a gender perspective. As Phillips et al. observe,

Institutional entrepreneurship . . . is a discursive activity, and it requires the entrepreneur to engage directly in the processes of social construction that underlie institutions. (Phillips et al., 2004, p. 648)

However, identifying the process through which ideas become intersubjective, including the point at which they are transformed into an institution and begin to regulate the behaviour of actors, is an empirical matter that constitutes a methodological challenge to the researcher. While the distinction might be difficult to assess empirically, it is analytically and theoretically relevant in order to further our understanding of gendered institutional change.

The role of gradual ideational changes in processes of gendered institutional change has seldom been theorized from a feminist institutional perspective, even though it may prove to be particularly important for such change. On the basis of previous research as well as my own empirical findings, I argue that ideas often play an essential role in processes of gendered institutional change for at least two reasons: (1) As Waylen remarks, processes of gendered change often occur in a gradual and endogenous manner, and gradual ideational shifts are likely to constitute an important component of such processes. (2) Gendered change is often initiated by feminist actors who have engaged with new gendered ideas. In the Swedish case, for example, it was the extra-parliamentary women’s movement that first raised the demand to criminalize the clients of prostitution, which was then taken up by women within the various political parties, primarily in the women’s sections. For such reasons, I maintain that an investigation of gradual ideational shifts in processes of gendered institutional change can provide us with new insights into the dynamics of such processes.

Revisiting gendered institutional change in Swedish prostitution policy

The dominant views concerning prostitution within a given society are codified in formal and informal institutions such that they may be regarded as “prostitution regimes” that regulate and shape prostitution in their respective jurisdictions in distinctive ways (Outshoorn, 2004, p. 6; cf. Connell, 2006). I argue that the 1998 legislation whereby Sweden became the first country in the world to criminalize the purchase of sexual services, while selling sex remained legal, constituted a significant alteration in how prostitution was approached that was substantially more far-reaching than mere policy change. Prostitution had previously been understood as a socio-economic problem, and it was shaped and regulated by both formal and informal institutions upon the basis of that understanding in a manner that prioritized the use of social measures, including support, education, and the prevention of drug abuse, in dealing with the issue. The 1998 change constituted a new prostitution regime in so far as it problematized the power relations in prostitution as inherently gendered and hierarchical, which
made the male buyers of sexual services responsible for the act of prostitution, not the women who sold sex (Erikson, 2017). This shift constituted an instance of gendered institutional change in the sense that the new regime was based upon a gendered understanding of prostitution that the actors involved at the time regarded as feminist in character. Not only was this change evident in new formal regulations, it also influenced the social norms surrounding prostitution.

It should be noted, however, that client criminalization has been a controversial issue among feminists. While many Swedish women’s organizations, including extra-parliamentary organizations as well as most of the women’s sections within the political parties, regarded this change as constituting a feminist approach to prostitution, other individual feminists, such as the debater and researcher Petra Östergren, who advocate for the legitimacy of sex-work and the social right to engage in it, view the new regime as anti-feminist in character (Östergren, 2006). The main differences between these two perspectives are, on the one hand, a structural view that regards prostitution as a reflection of patriarchy in society and, on the other, the right of women to self-determination over their bodies (see Erikson, 2017 for a more detailed discussion). But regardless of such normative considerations, the institutional change of 1998 indeed constitutes an intriguing case from a feminist perspective in that one stated purpose of the new approach was to acknowledge the gendered logic of prostitution and change society’s attitudes towards prostitution in a more gender-equal way (Government Bill 1997/98:55).

The path to this institutional change was driven by female actors from the women’s sections of Swedish political parties who held a new idea concerning prostitution—that the client in prostitution should be criminalized. Because of their tireless work, including the discursive strategies they chose to implement, this idea increasingly gained influence and intersubjective status by means of gradual ideational changes until it was formally institutionalized in law.

We will now take a closer look at the ideational shifts that took place in this process of gradual institutional change.

**Ideational changes**

The 1970s were a decade of feminist grassroots mobilization, and gender equality was on the political agenda (Florin & Nilsson, 1999). It was also a time of legalized pornography and an upsurge of sex clubs and pornography studios following the repeal of the morality and decency regulations in 1970. These differing trends were evident in the early period of the debate concerning prostitution.

Criticism of prostitution and existing legislation was first raised outside parliament by a number of various actors. These included: women’s organizations, such as the radical feminist Group 8 and the liberal Fredrika Bremer association (Kvinnobulletinen, 1970, no. 1, p. 2; Hertha, 1980, no. 2); cultural figures, such as playwrights Margareta Garpe and Suzanne Osten (Garpe & Osten, 1978); social workers and researchers (Larsson, 1983; Månsson, 1981); as well as the media, such as Public Service (Svt, Studio S, 1976). Some of these actors, such as the Fredrika Bremer association and Garpe and Osten, demanded client criminalization, which later came to be advocated mainly by women MPs from several political parties when the issue had a place on the
parliamentary agenda from the 1980s on. Although only a small number of women from the women’s sections of political parties were initially engaged with client criminalization, and the parliamentary opposition to it was very strong, the demand gradually gained greater support over time (Erikson, 2017). In my previous research I describe this process as a dynamic relation involving actors, ideas, and the institutional context in which feminist actors drove new ideas forward, but were also constrained by existing ideas and institutions (Erikson, 2017).

The entire process was characterized by an on-going struggle for meaning regarding how to conceive of and understand prostitution and the associated problems. Should prostitution be regarded as a problem in itself, and if so, what type of problem? Who or what should be held responsible for prostitution—society or individual men? Two ideational changes stand out as particularly important in the sense that they shaped the debate and process in significant ways.

The first of these concerns the problem framing of prostitution, that is, whether prostitution should be regarded as a problem at all. A small number of those who supported the deregulation of sexual activities during the 1970s challenged the view that all forms of prostitution were inherently problematic. For instance, a particular liberal MP advocated for the legalization of brothels (Erikson, 2017 for a more detailed analysis). However, supporters of the status quo, which represented a socio-economic understanding of prostitution, as well as those who advocated the new idea of client criminalization from a gender perspective, shared the view that prostitution in itself was a problem that had to be eliminated. This led to the rejection of the view that society’s attitudes about prostitution constituted the problem, not prostitution as such, and the framing of prostitution-as-a-problem became established as the master frame of the parliamentary debate.

A master frame may be defined as the shared meaning that constitutes the premises for discussion, including the nature, cause, and proposed solution concerning a given problem, regardless of the many possible dividing lines within the debate itself (cf. Snow & Benford, 1992). The new master framing of prostitution that became accepted is typified by the work of the 1977 prostitution inquiry. Although the final report was based upon a social perspective and clearly rejected any type of criminalization, the commission nevertheless asserted that “prostitution is a phenomenon with such negative consequences for society that it should be fought using all available means” (SOU 1982:61, p. 120). Another illustrative example is provided by the Social Democrat Margareta Persson, who adopted a feminist stance that promoted client criminalization. She described prostitution as a very serious problem, arguing that,

What underlies prostitution today is the continuing oppression of women, the commercialization of sexuality, and the reduction of sexuality to a commodity. Continued acceptance of men buying women’s bodies hampers the on-going work of achieving equality between the sexes (Margareta Persson, Minutes 1983/84:152).

Although these two framings understood prostitution in different ways, both viewed it as a problem of such a scope that it had to be eliminated. The resulting temporary discursive alliance on this issue between the advocates of client criminalization and defenders of the legislative status quo thus made possible the creation of a master frame
of prostitution-as-a-problem that shaped, and even locked in, the way in which prostitution was understood and discussed.

This shift to a new master framing was generated by a complex interaction between ideas and actors. A tentative explanation for why the course of development took this turn is that advocates of client criminalization, as well as those who advocated the social perspective, sought to distance themselves at this early point in the process from those who supported a framing that in some sense legitimized prostitution.

The second important shift in the debate regarded gender. Although a small number of feminist actors viewed prostitution from the very beginning as a gendered problem caused by unequal gendered structures in society, the dominant understanding of prostitution at the time instead reflected a socio-economic perspective that addressed prostitution neither as a gendered problem, nor in terms of men and/or women. A typical social framing from the beginning of the period in question, which related prostitution to economic and social misconduct while ignoring a gender perspective, is exemplified by the standing Committee on Health and Welfare, who maintained that,

"Prostitution cannot be treated as a phenomenon isolated from the overall development of society. Furthermore, measures proposed for combatting prostitution should not be separated from social planning in general. (SoU 1976/77:7, p. 5)"

Feminist actors both inside and outside Parliament, including various women’s organizations as well as the women’s sections of the Centre Party, the Liberal Party, and the Swedish Social Democratic Party, fought to gain broader support for a gendered view, and they eventually succeeded in changing the understanding of prostitution and the character of the debate in so far as gender became intrinsically linked with prostitution by the 1980s. All actors after the mid-1980s, both the advocates of change as well as their opponents, discussed prostitution in terms of gender, even though they held very different views. It should also be noted that not all actors were feminists—they merely spoke of prostitution in terms of gender relations.

This was the case in the 1985 parliamentary debate, when the gender aspect was at the forefront even as a number of differing motions concerning prostitution—some feminist and some not—were discussed (Minutes 1985/86:37). Another example of the impact of the gendering of prostitution dates from 1987, when a report from the Committee on Justice that did not support client criminalization nonetheless maintained that,

"Prostitution is a phenomenon that cannot be accepted under any circumstances. It involves, among other issues, the exploitation and humiliation of women, and negates efforts to bring about equality between women and men. (JuU 1987/88:12)"

The regulative function of the gendering mechanism is also evident in the fact that both feminists and conservative critics of client criminalization spoke about prostitution in terms of gender. A prominent example is the conservative Björn Körlof, who stated that he was “alarmed by and ashamed of men’s ethics and conduct in the relationship of prostitution” (Minutes 1985/86:130).

It is important to observe that these two ideational changes were significant for the subsequent stages of the political process in so far as they made possible certain views and solutions concerning the problem of prostitution while eliminating others.
How did these ideational changes influence the process?

The process we have revisited was thus characterized by two important ideational shifts. It should be noted, of course, that an on-going struggle over meaning continued throughout the entire legislative process, with changes in the dominant view concerning prostitution occurring at an incremental pace. But even though it is necessary to take the entire process of gradual transformation into consideration, the changes we have noted were more important than others since they influenced and shaped in significant ways the route subsequently taken by the political and legislative process.

First, the master frame of prostitution-as-a-problem was an important prerequisite for the final institutional change in 1998 for two reasons, namely, not only had change come to be viewed as necessary since the status quo obviously had not been able to rectify the problems associated with prostitution, but the later stages of the debate also became limited to a discussion of the efficacy of various measures to eliminate prostitution. If the discussion had instead taken another direction under the influence of another master frame, it might have instead been concerned with normative questions related to the ethical/moral nature of prostitution.

The perceived need for change was evident in so far as proponents of the continuation of the social regime as well as those who advocated for client criminalization agreed on this point. But while feminists claimed that a completely new approach that involved client criminalization was necessary, those who supported the social perspective, including the members of the 1977 prostitution inquiry, proposed changes within the existing social regime, such as an expansion of preventative societal measures, awareness-raising, information campaigns, education, and a tightening of the existing criminal code (SOU 1981:71). It can nonetheless be argued that agreement concerning the existence of an unacceptable problem logically paved the way for political change.

The findings further indicate that the new master frame had an important influence upon the general debate in so far as opponents of criminalization were soon restricted to discussing various legislative changes within that new frame, and not the framing itself. This meant in practice that they were limited to weighing the efficiency of particular measures aimed at eliminating prostitution because the common understanding that had been reached about the nature of the basic problem made it difficult, or at least socially inconvenient, to question this overarching goal. A good example in this regard is a statement made by Moderate Party member Björn Körlof in the 1985 parliamentary debate when he questioned whether criminalization was an effective measure for combating prostitution. Körlof clearly stated that “I would naturally not hesitate to support criminalizing prostitution if doing so would reduce it. The question is whether it actually does” (Minutes 1985/86:37).

Various actors also described in a number of interviews how the master frame of prostitution-as-a-problem influenced the character and behaviour of the public opposition (interviews with Chatrine Pålsson Ahlgren, Christian Democrats; Gunilla André, Centre Party; Margareta Persson, Swedish Social Democratic Party). It is noteworthy that one woman from the Christian Democrats who was a member of the Committee on Health and Welfare remarked that “Of course it’s obvious that no one dared stand up in the chamber and defend prostitution and the building of brothels, but there were one or two who were thinking it” (Interviews with Chatrine Pålsson Ahlgren).
Ideological discussions concerning the normative foundations of prostitution were thus not up for discussion at all.

Second, gendering of the debate was an important step in the ongoing process of gendered institutional change. It both made possible support for further and more radical gendered ideational shifts that came to be important for the final outcome, and also rendered feminist actors and women’s organizations legitimate stakeholders in the legislative process.

The empirical analysis demonstrates that the gendering of the debate, particularly in combination with the master frame of prostitution-as-a-problem, fostered a gendered understanding such that male clients came to be regarded as the driving force behind prostitution, a view which then served as the basis for demands for client criminalization. The Committee on Health and Welfare, for instance, expressed their support for the gendered problem framing that underlay the claim for client criminalization in 1987, long before they supported client criminalization itself. They explicitly stated that,

[M]en’s demand may be seen as the driving force in the sex trade … The arguments adduced for criminalizing men’s behaviour do have a certain merit. (SoU 1987/88:3y)

I argue that this additional gendered understanding of prostitution was not only a consequence of the previous ideational shifts, it itself was an important further step towards the 1998 institutional change.

A non-gendered understanding was no longer acceptable, and the fact that feminist actors were recognized as legitimate stakeholders because of the gendering of the debate was clearly a factor conducive to further feminist changes in light of the new possibilities it created. For instance, a coalition of women members of the Committee on Justice who supported client criminalization played an important role in persuading the government to establish a new prostitution inquiry at the beginning of the 1990s in order to investigate whether criminalization was potentially a solution for the problem of prostitution. Another example concerns how the Social Democratic government’s own women’s party section succeeded in gaining the support of the 1997 Social Democratic Party Congress for client criminalization. That support was imperative for the final outcome when the bill was passed in 1998 in parliament with a majority of 181 out of 349 votes. While gender was important this was obviously not a clear-cut left-right issue.

The point in both cases is that although women actors initiated institutional change, and were themselves the main reason for the debate coming to be gendered in the first place, their later achievements were nevertheless facilitated by the broader resonance of the gender perspective that had come to mark the situation.

In summary, these two ideational changes oriented the process in a particular direction that was conducive to attaining the desired final goal of gendered institutional change. Directing attention to the discursive context and the ways in which it changes thus provides important tools for gaining a more adequate understanding of how institutions are altered and ultimately changed. However, a more comprehensive analysis that addresses the strategic activities of a number of feminist actors within this context is also required in order to fully understand cases such as the Swedish one (see Erikson, 2017). In addition, the broader national and international debate on
women’s issues needs to be taken into consideration in the effort to understand the
outcome of the political process in the Swedish Parliament in so far as the latter took
place at a time when women’s bodily integrity was on the political agenda (Wendt
Höjer, 2002; see also Erikson, 2017, p. 99).

Two idea-based mechanisms conducive to gendered institutional change

As noted above, two ideational changes were particularly important for the outcome of
the case we have been discussing. However, I maintain that these two types of changes
are general enough in character that they are relevant for other cases as well, which is to
say they can be regarded as mechanisms conducive to gendered institutional change. By
mechanisms I mean links in the chain of events that are of particular importance for the
final outcome in that they define a specific route for the future course of the process (cf.
Mayntz, 2004).

Furthermore, although these mechanisms are “idea-based” in the sense that they have
a discursive foundation, they influence actors in a concrete way in so far as they acquire
intersubjective status, come to function as informal institutions, and thus shape the
subsequent process. It is important to note that individual ideas rarely function as
mechanisms for change since they are tied to the individuals who hold them and thus
have only a limited range of influence upon other actors (Gofas & Hay, 2010). In contrast,
intersubjective ideas reside among individuals as collectively shared meaning, whereby
they have an impact upon a greater number of actors and processes since they have
become part of the more general context (Hacking, 1999). Furthermore, if intersubjective
ideas become part of the context to the extent that they acquire the status of informal
institutions, they regulate the behaviour of actors in an even more concrete way.

The two mechanisms I have identified did indeed shape the debate and process in
significant ways, and they came to influence the conduct of both the advocates of and
opponents to client criminalization, who adapted their behaviour to them according to
a logic of appropriateness in the sense that it became socially inconvenient to question
these ideas even for actors who did not agree with them on a personal level (cf. March
& Olsen, 2008). And while they emerged within the specific context of Swedish
prostitution policy, I argue that they might be conducive to gendered institutional
change in other contexts as well.

Consensus concerning the problem

A well-known insight provided by policy analysis is that the ways in which a given
problem is understood are of great importance for how potential solutions are per-
ceived (Bacchi, 1999; Mehta, 2011; Rochefort & Cobb, 1994; Schön & Rein, 1994), one
implication being that there is no need of a solution for a phenomenon that is not
regarded as a problem. Another implication is that consensus concerning how a given
problem is presented may pave the way not only for the emergence of new conceptions
of how it can be resolved, but for institutional change as well.

For example, an important mechanism in the process of gendered institutional
change that resulted in the new prostitution regime in Sweden was that a shared
understanding concerning the nature of the problem was attained early in the process,
namely, that prostitution in itself was a problem, regardless of whether or not it was voluntary. This problem framing was crucial for the chain of events that unfolded since it regulated the subsequent process, including actors’ behaviour, in a manner that facilitated gendered institutional change.

Consensus concerning the existence of a given problem can constitute an important mechanism for institutional change for two reasons: (1) It leads to change being viewed as necessary since it implies that the existing regulations and norms are incapable of dealing with the state of affairs in a convincing way. (2) The opposition thereby becomes limited to discussing various concrete measures for managing the problem in question because broader questions of a normative and ideological character are no longer up for discussion.

It should be noted, however, that all processes are contingent, and the exact way in which a shared problem representation influences the future course of a concrete process is context-dependent. A new consensus concerning a given problem nevertheless constitutes such an important ideational change that it will inevitably influence in a significant way how the subsequent process evolves. Furthermore, even though this mechanism as such is not inherently gendered, it is conducive to change in what is essentially perceived as a gender-neutral status quo, whereby it is important not only for institutional change in general, but for gender-equitable change as well.

In respect to strategies that foster gender-equitable change, the Swedish case study confirms that it is easier to acquire support for a new problem framing than for explicit institutional change. This is clear from the fact that the Committee on Health and Welfare supported the problem framing underlying the criminalization claim well before it supported a new approach to prostitution in terms of criminal law. An important strategy for feminist actors would thus be to work towards reaching a broad common understanding of a given problem that is conducive to a desired gendered institutional change—it is much easier to build support in this way than it is to directly push for radical institutional changes. Waylen notes in this respect that seeking institutional change through displacement, or the wholesale replacement of old rules with new, is unlikely to be an effective gender change strategy in so far as gender equity actors rarely have either the power or the opportunity to bring about radical change, particularly since they typically face strong opposition (Waylen, 2014, p. 218). But while displacement finally did take place regarding the prostitution regime in Sweden, it resulted from a gradual process of ideational change in which consensus concerning the problem was an important mechanism.

**Gendering the problem**

Previous research indicates that gendering the debate is important for feminist and women’s organizations being able to gain support for their political demands (Lovenduski, 2005; McBride & Mazur, 2010; Outshoorn, 2004). Moreover, Sauer presents empirical evidence which implies that gendering the problem is significant not only for how successful women’s movements are in terms of their impact upon policy outputs, but also for whether actors in women’s organizations even have access to the policy process itself (Sauer, 2010, p. 211). In the light of such findings, I maintain that gendering a given problem can function as a mechanism that fosters gendered
institutional change, and that it is important in this regard for two main reasons: (1) It makes it possible to support further feminist ideational shifts that themselves are significant for gendered institutional change. (2) It grants legitimacy to feminist actors and women’s organizations as stakeholders in legislative processes. It should be noted that gendering a problem means to broadly discuss the problem in terms of the mutual relationships between men and women, which constitutes a gender perspective. A gendered problem framing is not necessarily feminist in so far as it is sufficiently broad to include many different types of gender analyses.

The political debate concerning prostitution became gendered in the middle of the process that led to the 1998 legislative changes. Although gendered notions of prostitution had appeared in the debate from the very beginning, they were initially little more than individual ideas advocated by a small number of feminist actors—it was only in the mid-1980s that a gendering of the problem became the dominant and shared understanding of prostitution. From this point onwards, all actors who were engaged with the issue of prostitution, regardless of their normative stance, discussed prostitution and the associated problems in gendered terms. Stated otherwise, the gendered problem framing had thereby attained the function of an informal institution with regulative functions—even male MPs from right-wing parties with no previous connection to the women’s movement justified their statements regarding prostitution in terms of gender (Erikson, 2017, p. 80).

This shift was of great importance for subsequent stages of the political process since it fostered the emergence of a further gendered understanding of the problem whereby men’s demands came to be viewed as the driving force of prostitution. This formed the basis of the client criminalization regime. It also legitimized the feminist actors who were engaged with this issue, one example being the fact that the Swedish Social Democratic Party Congress gave its approval to the demand for client criminalization put forward by its women’s section.

But although the gendering of a given problem does not automatically lead to support for feminist demands for gendered institutional change, it nonetheless constitutes a condition conducive to such change. I argue that the process in question illustrates how an effective feminist strategy involves reaching agreement upon a broad gendered understanding of a given problem since doing so, provokes less opposition than more radical claims, and facilitates gaining eventual backing for more radical gendered framings and gender-equitable institutional changes—such as client criminalization.

Conclusion

Revisiting a Swedish case study of gendered institutional change in the prostitution regime has demonstrated the importance of ideational changes for understanding the outcome of the specific process in question. Although these changes were driven by female actors from a number of political parties who struggled for client criminalization, I maintain that when a new set of ideas gained the status of a master frame and acquired the function of an informal institution, those ideas themselves came to have a significant impact upon the subsequent course of the process. For example, the initial shift to the master frame of prostitution-as-a-problem not only influenced
the character of the opposition, but also elicited the feeling in all parliamentary actors that change in respect to prostitution was necessary. A subsequent ideational change consisted of the gendering of the problem, which facilitated the understanding that male clients are the driving force of prostitution. Moreover, this also gave legitimacy on the issue to feminist actors, such as the Social Democratic women’s movement. Some of the features of this process are obviously unique and specific to this case, while other must be viewed in the light of the Swedish political context, which is marked by particular characteristics, such as the tradition of consensual democracy (Arter, 2004), that help foster possibilities for general agreement concerning a given problem. I nonetheless maintain that the process we have examined can provide us with a broader knowledge concerning prerequisites for gendered institutional change in other contexts as well.

On the basis of the empirical findings in this case, and in light of previous research in the fields of policy studies, and gender and politics, I have defined two idea-based mechanisms—consensus concerning the problem and gendering of the problem—that may well be useful beyond the issue of how Swedish prostitution policy was changed. Not only have they already been addressed in the literature in various ways as being important for understanding policy solutions and political outcomes, the manner in which they functioned in the Swedish case is on a sufficiently general level to indicate that they are also applicable to other cases. For instance, Freidenvall’s (in press) study of the institutionalization of gender-balanced representation in Swedish politics illustrates how a shared understanding of the under-representation of women as a problem was an important prerequisite for change, even though the various political parties proposed differing measures for rectifying it.

This article also contributes new knowledge concerning strategies conducive to gender-equitable institutional change within the context of the broader theoretical discussion. Both of the mechanisms specified here can in fact be used as discursive strategies that are consistent with Waylen’s argument discussed above, namely, that gradually developing endogenous processes are more likely to be successfully influenced by gender equity strategies than by immediate demands for radical institutional change. Instead of pushing immediately for a radical solution, which runs the risk of facing strong resistance, fighting for consensus concerning the problem may well constitute a strategy that ultimately leads to radical gendered institutional change. For similar reasons, gendering the debate can be also useful for influencing a given process to develop in a desired direction.

A final point of interest regarding the character of the process revisited here is that although the final outcome was radical, the process itself was not characterized by open struggle between powerful gender equity actors and forceful opponents in an explicit effort to bring about radical institutional change, but rather by gradual ideational changes that took place virtually unnoticed. This is in fact rather unusual for the issue of prostitution, which in many countries generates an intense and controversial debate because it is a topic that touches upon key areas of the prevalent gender order (Outshoorn, 2004, p. 2). Although the Swedish process as it unfolded accords with Waylen’s criteria for marginal change, it nevertheless created the conditions that ultimately led to radical change. Streeck and Thelen describe this type of process as “incremental change with transformative results” (Streeck & Thelen, 2005, p. 9). We
might then be able to fruitfully employ their analytical distinction between process and outcome to further develop Waylen’s argument in so far as radical change can be the outcome of a gradual and comparatively slow-moving process. While this finding is very encouraging in respect to prospects for bringing about gendered change, it also calls for increased theorizing concerning the various types of political processes and the conditions necessary for gendered institutional change.

Note

1. The Social Democrats, the Left Party, the liberal Centre Party, and the Green Party voted for client criminalization. The conservative Christian Democrats abstained from the main vote, and the Moderate Party supported their own alternative proposal, as did the majority of the Liberal People’s Party (minutes 1997/98:115).

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References


*Hertha 1980* no 2


*Kvinnobulletinen 1970* no 1, 2


**Parliamentary sources**

Government Bill 1997/98:55
SOU 1981:71, Governmental Inquiry
SOU 1982:61, Governmental Inquiry
Minutes from the Parliamentary debate 1983/84:152
Minutes from the Parliamentary debate 1985/86:37
Minutes from the Parliamentary debate 1985/86:130
Minutes from the Parliamentary debate 1997/98:115
SoU 1976/77:7, Report from the Committee on Health and Welfare
JuU 1987/88:12, Report from the Committee on Justice
SoU 1987/88:3y, Report from the Committee on Health and Welfare

**Interviews**

Interview with Chatrine Pålsson Ahlgren, Christian Democrats, 2008-10-22
Interviews with Gunilla André, Centre Party, 2008-09-26/2010-05-18
Interviews with Margareta Persson, Swedish Social Democratic Party, 2008-10-17/2010-05-19