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# The Danish Debate About Prostitution: Some Characteristics

Merete Onsberg

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### Abstract

The most recent public debate in Denmark about prostitution took place in 2009, inspired by the Swedish and Norwegian legislation to ban prostitution by criminalizing the client. The debate was fierce but had no legislative outcome. The corpus of texts examined in this article comes from major Danish newspapers. These texts are examined to ascertain their rhetorical potential and argumentative quality. The article was originally published in *Rhetorica Scandinavica* vol. 59, 2011, pp. 84-93.

“Representative democracy and the deliberative system make rhetoric necessary. But its well-known hazards remain. So we still need some way to sort defensible uses of rhetoric from undesirable uses” (Dryzek 2010, 327). With these words, political theorist John Dryzek introduces his discussion of norms for deliberative debate. It is interesting that Dryzek, a leading scholar in the field of *deliberative democracy*, explicitly acknowledges rhetoric’s role—and that he at the same time presents a normative differentiation between good and bad uses of rhetoric. To him, a defensible rhetoric must be non-coercive communication which nonetheless makes one’s opponent think, and which furthermore is able to subordinate specific interests to more common principles. In accordance, Christian Kock, from a pragmatic standpoint, values productive disagreements as long as they serve society as a whole: “To have a meaningful political debate requires

disagreement about the governing values, i.e., which direction to take, whereas it requires agreement about the facts, i.e., where we are” (Kock 2011, 54). What is of interest to us and what decides our choices is our notion of values, says another rhetorical scholar, Karl Wallace: “values sustain interest until the decision is made and the problems resolved. After the decision has been taken, they endow it with significance.” But the rhetor must submit the discourse to certain standards, among other things “decide whether or not he is technically equipped to act. Often he is confronted with the simple yet profound question: Do I know enough about the act to do well?” (Wallace 1970, 80, 94). Like Dryzek, I find that the notions of public deliberative debate and rhetoric are closely connected. Rhetorical discourse must, moreover, communicate the necessary knowledge about the issue, given the situation, as Kock and Wallace suggest.

The public deliberative debate about prostitution in Denmark is an example of a debate which only inadequately fulfills the requirements for a meaningful debate as outlined above. Indeed, the debate about prostitution displays examples of ignorance, misinterpretations and a long line of argumentative vices.

As will become clear, prostitution is evidently a subject which tempts experienced as well as inexperienced debaters to argue without sufficient knowledge about the facts of the case. The general impression of the Danish debate about prostitution is that debaters often speak from values and feelings without considering their audiences; they simply need to air their feelings and opinions. In 2009, 1,674 newspaper articles dealt with this subject. When the number is corrected for a certain celebrity lawsuit about procuring, there was a weekly average of 19 pieces about the subject (Servicestyrelsen 2010, 24). If these numbers are compared with the small number of prostitutes and clients directly involved, one gets a good impression of the broad and heated engagement this topic gives rise to.

In what follows I will outline some general characteristics of the Danish debate about prostitution, based on articles from the written media, mainly the major Danish newspapers from May through September 2009. Shorter texts, such as letters to the editor,

are for the most part not included. All translations are mine. Throughout, my analysis is based on information about prostitution supplied by agencies under the Danish Ministry of Social Affairs. But first a few words about the Danish context.

## Law and Numbers

In Denmark, prostitution is legal, but not fully recognized as an occupation. This places prostitutes in a peculiar situation. On one hand, they earn a legal income on which they must pay taxes. On the other hand, they cannot, e.g., obtain unemployment benefit and receive early retirement pension (Rasmussen 2007). As mentioned several times in the debate when prostitution as a legal occupation is discussed, a schoolgirl is never sent to a brothel as part of her school's trainee program. (In Denmark, we most often replace the word "brothel" with "massage clinic".) Neither is an unemployed woman asked to take this kind of work. The article on procuring in the criminal code says that nobody is allowed to benefit from another's prostitution. This means in principle that nobody is allowed to own a massage clinic where others rent a room, a law that also leaves hotels in a grey area. It is furthermore discussed whether a well-known tabloid's many prostitution ads "induce sexual immorality", which is also a criminal offence.

Among the different kinds of prostitution, the debate predominantly deals with prostitution in the streets and in the clinics where most prostitutes probably work—in 2008-2009 their number was estimated to be 1,141 and 3,317, respectively. In addition, a significant dark figure must be reckoned with; the total number of prostitutes is difficult to calculate. The estimated numbers here stem mainly from prostitution ads in newspapers. As many male prostitutes prefer internet ads, only female prostitutes are considered in this article.

Among both street and clinic prostitutes one finds a considerable number of women from other countries. The proportion in registered clinics was found to be 23% Danish, 37%

Thai, and 29% from other countries e.g., the former East European countries; 11% are not accounted for. (Servicestyrelsen 2010).

## Debaters and Their Communicative Choices

Who are the debaters? They are ordinary people, as well as professionals (sex workers) with specific knowledge of the subject, and what may be called professional debaters, e.g., politicians. In my material, both elected politicians and political candidates for upcoming elections are represented. The pending elections for the EEC Parliament on June 7, 2009, and for municipal councils on November 17, 2009 are perceptible in the debate, where campaign promises with strong pathos appeals and far-fetched analogies abound.

One robust example is found in connection with the Social Democrats' party conference on September 25-27. When it became known that they intended to put forward a resolution to fight prostitution by criminalizing prostitution clients, the debate intensified. Most of the texts in my corpus deal with this proposal. Candidate for the Social Democrats, Pernille Rosenkrantz-Theil, and deputy chairperson in Young Social Democrats, Cæcilie Crawly, introduce their joint contribution to the debate thus:

On quite an ordinary day when your lunch bag is eaten and dinner is prepared, 5,500 women will sell their bodies. On quite an ordinary day one more prostitute will be assaulted. On quite an ordinary day 90% of the prostitutes will regret they ever started. On quite an ordinary day former prostitutes will live with physical and mental scars on their souls.

This is followed by an argument from analogy: Just as some do not get permanent health damage from having worked with asbestos, some do not get permanent damage from having been prostitutes. Nevertheless, we should legislate against prostitution just as we have by law secured the work environment against asbestos. (Quote from *Jyllands-Posten*, July 27, 2009. The

resolution to criminalize prostitution clients was adopted by the conference.)

The number of prostitutes mentioned in the quote might be a likely estimate, but to my knowledge no research backs the alleged 90% who regret being prostitutes. The statement can be seen as an example of what Gutmann and Thompson call *moralism* and *paternalism*; their topic is surrogate mothers, but as they themselves point out, many of the statements they have collected may be applicable to prostitution. Moralists think that being a surrogate mother is degrading and dehumanizing; in plain terms, it is not morally right to allow surrogate mothers. Paternalists think the use of surrogate mothers is morally reprehensible out of consideration for the woman who lends her body to surrogacy (Gutmann and Thompson 1996, 230-272). The paternalists tell prostitutes who claim to be content with their occupational choice that they do not know what serves them best.

Content working prostitutes themselves define prostitution as work comparable with other occupations like being a hairdresser or a physiotherapist. In contrast, opponents of prostitution, especially those of a paternalistic orientation, juxtapose prostitutes with slaves and other victims. The prostitutes' analogy is based on seeing 'service' as a common denominator, while the paternalists' argument especially argue that the prostitute succumbs to the client by selling her body and thereby loses her right to decide for herself. Douglas Walton says about the power of arguments from analogy:

Arguments from analogy are often extremely powerful forms of persuasion to a particular audience because they can compare an issue to something the audience is very familiar with or has very positive feelings about. Arguments based on analogies are a form of plausible reasoning. Two situations may be similar or dissimilar in indefinitely many respects, which could be cited. But if a relevant similarity is cited, it may be used to shift the burden of proof in an argument (Walton 1989, 256).

Normally it is the responsibility of the party who wants to change the *status quo* to argue her or his case—here, the proponents

of criminalizing prostitution clients. Walton, however, draws our attention to the situation where arguments from analogy can shift the burden of proof because it becomes the task of the supporter of *status quo* to rebut the analogy advanced by the opponent. An argument from analogy often heard in the prostitution debate states that prostitutes are like slaves, and since slavery is banned, sex purchase too should be banned. If the other party were to acknowledge the slave/prostitute analogy, this would shift the burden of proof: The supporter of the *status quo* must now argue for the standpoint that no new law against prostitution be implemented. In reality, the other party would hardly accept the analogy and instead maintain, e.g., freedom of choice as a relevant warrant.

Among the professionals with specific knowledge of the subject, a new voice is heard in the debate: Susanne Møller, the chairperson of the Sex Workers' Organization. The organization's 2009 annual report declares to have 85 members at the end of 2009. In a newspaper in late 2010, Susanne Møller reports the number to be 167. Susanne Møller is an active debater, and in contrast to most of the debaters she is extremely well-informed about the facts of the issue. For example, a left-wing political candidate for the Copenhagen City Council based her argumentation on the information that nine out of ten prostitutes suffered from osteoarthritis in back and elbow as occupational injuries. Her source was a report from the government's Administration and Services Agency, she told a newspaper (*Jyllands-Posten*, August 5, 2009). A couple of days later, in the same newspaper, Susanne Møller informed the readers that this information had been withdrawn by the Agency (*Jyllands-Posten*, August 8, 2009).

Typically, Susanne Møller tones down the inherent *pathos* appeal of prostitution by using *logos* argumentation. In one debate, for example, she protested against different modes of prostitution being treated in the same way: It is one thing to go after pimps, quite another to deal with legally working prostitutes (*Randers Amtsavis*, June 23, 2009). Furthermore, Susanne Møller is one of the few debaters who seems aware of her audience. Dryzek

differentiates between *bonding* and *bridging* rhetoric is relevant here. You *bond* when you address an audience holding the same opinion, excluding people of other opinions. You *bridge* when you try to include people of other opinions than your own (Dryzek 2010, 328). Susanne Møller bridges. She has become a remarkable voice in the debate because she sticks to facts, and her argumentation is both low-key and insistent.

In the group of professionals, in addition to the prostitutes themselves we find experts with a specific insight into prostitution. One such expert is gender studies scholar Kenneth Reinicke from Roskilde University. He is one of the few debaters who deal with the prostitution clients. He calls for their voice in the debate, focusing on the following question that is seldom asked: “Well, why does women’s and men’s right to sell dominate men’s right to buy? Admittedly, most sex buyers are men. This is an important issue.” Reinicke continues: “Even though men provide the condition of existence for the prostitutes, men are generally absent in the debate about prostitution. It seems culturally inadmissible to focus on men’s sexuality, especially on men’s sexuality in connection with buying sex. It is a big challenge to turn the debate in that direction” (*Politiken*, August 28, 2009). As a whole, Reinicke’s contributions to the debate are of a rare well-balanced quality.

Apart from strong affective appeals and arguments from analogy gone askew, the debate about prostitution also has examples of ascribing distorted views and intentions to opponents. One debater, presented as belonging to the category “ordinary people”, states, e.g., that sex is a primitive urge, but not a human right; she refers to a study of prostitution clients that shows that they “are not poor single men who cannot find an outlet for their appetite in other places. On the contrary, they are married men who just to pass the time find it acceptable to buy another human being’s body from time to time” (*Berlingske Tidende* September 30, 2009). Here one might ask: How does she know that married men go to prostitutes just to pass time?

The debate about prostitution is one in which it is difficult to display nuances. Claus Lautrup, a sociologist working as a

consultant, points out that it is difficult to be against criminalizing prostitution “without being seen as one who condones prostitution, misogyny, and violence against women” (*Politiken*, July 3, 2009). Lautrup does not think that criminalizing prostitution will make it disappear. As an analogy, he suggests the shutting down of the cannabis market in the “freetown” of Christiania (a large commune in a squatted former military area, centrally located in Copenhagen). This did not stop people from smoking pot—just as making prostitution illegal would not stop it but make it a shady business and the women dependent on thugs.

The argument that Denmark will become “Scandinavia’s brothel” if we do not follow the other Nordic countries’ lead and criminalize prostitution clients is not tenable. Though the numbers from Sweden are not totally clear-cut, there does not seem to be fewer prostitution clients there. In a later debate piece in the same newspaper Lautrup rebuts the argument that the Northern part of Jutland has experienced an increase of Norwegian prostitution clients following the Norwegian ban of prostitution; the increase occurred well before the ban (*Politiken*, September 25, 2009).

The chairperson of Young Social Democrats predicts that Copenhagen will turn into “Scandinavia’s Bangkok, a mecca for creepy men and their flagrant exploitation of young women” (*Politiken*, July 1, 2009). This argument can be called either a *slippery slope* argument or a *domino* argument. The first type means that if you have said *A* you will also inevitably say *B*; things go from bad to worse and nobody knows where the slope stops. The ‘domino’ type exhibits a chain reaction with a terrible end result (Walton 1989, 263-269, and van Eemeren and Grootendorst 1992, 164). In the case at hand, it is argued that if Denmark does not criminalize prostitution as Sweden and Norway have done, Copenhagen will end up as Sin City. No plausible evidence is given for this to happen, and the argument seems rather like an attempt to intimidate the other party—an example of an argumentative vice.

Like Reinicke, Lautrup calls for the clients to join the debate. It distorts the debate, he holds, that the clients stay silent. They must speak if the debate is to qualify as public deliberative discourse



where all parties are heard. According to Lautrup, one reason why Swedish and Norwegian clients seem insensitive to the ban is that they have always felt criminalized. Lautrup advocates a change of people's attitude towards prostitution instead of making it illegal, and he calls for a rational tone in the debate, i.e., appeals to *logos*. However, some of his own statements are quite pathos-laden. He attacks the well-educated women who support a ban and finds it "disturbing that the Social Democrats, especially the party's young female members, let their feelings govern them instead of their good sense" (*Politiken*, July 1, 2009).

The last example shows that the debate about prostitution, quite legitimately, makes use of all three rhetorical forms of appeal. The problem only arises when they are imbalanced, most often because pathos dominates. The debate on prostitution is not one where we should require or expect consensus. Its goal is rather for the parties to understand and respect each other's standpoints. Often respect is missing. Lautrup's numbers concerning prostitution clients are completely distorted by the director and the chair of the board of *The Nest*, a sanctuary for street prostitutes: "But must an undesirable phenomenon like prostitution be upheld because 14 % of Danish men celebrate the thought of their right to have sex with another human being? And if she does not give in voluntarily, they just buy her for 20 minutes" (*Politiken*, July 9, 2009). What Lautrup's research in fact showed was that 14% of Danish men had experienced some kind of purchase of sex, but only a third of these men were regular clients. The people from *The Nest* ridiculed Lautrup's attempt to nuance the debate, saying that he now wanted to see the clients as victims. Their attack looks like an absurd *slippery slope* argument, and it represents the vice of imputing to others far more extreme arguments than they have in fact advanced.

### **Trafficking As an Example of a Question Sidestepped**

Trafficked women are a special group of the foreign prostitutes in Denmark: They are women who have been sold to prostitution.

Some of them are here against their will, others in this way voluntarily provide for their families back home.

Debaters ought to know that in Denmark it is a criminal offence to procure paid sex from trafficked women. Nonetheless, the debate about prostitution is marked by great confusion in this area. Some politicians are preoccupied with trafficked women because trafficking is a topic with international resonance and thus an appropriate issue for a candidate for the upcoming election to the European Parliament. It is also a topic that boosts a politician's ethos. Klaus Kjøller enumerates five virtues politicians want to demonstrate in their public communication: honesty, idealism, technical savvy, intra-party unity, and ability to self-criticism (Kjøller 1980, 85). Politicians in this debate especially strive to exhibit the first three virtues, but as they lack solid information, their communication cannot be said to demonstrate technical savvy. Thus, an EU candidate from the Liberal party said: "In our party we believe in all people's right to freely shape their own lives. Accordingly, it is a heartfelt pain when African and East European women are sold to prostitution, incapacitated as slaves of our time" (*Jyllands-Posten*, June 6, 2009). At first glance, this statement seems compassionate and well-meaning, but considering that it deals with a criminal and complicated state of affairs it becomes void of substance. The politician *feels* where *action* is needed.

Conservative EU candidate Bendt Bendtsen promises to strengthen the fight against trafficking of women. He mentions that the estimated number of foreign prostitutes in Denmark is about 2,500 (*Berlingske Tidende*, May 14, 2009). In the context, he manages to give the impression that all 2,500 are trafficked women, but in reality the number comprises all foreign prostitutes in Denmark at the time. Many of these women, incidentally, are legal residents in Denmark.

In this connection, it is important to notice that the UN recommends letting prostitution be legal for the sake of migrant prostitutes (Ditmore 2007, 170-186). This, however, does not reduce the confusion between prostitution and trafficking because most people consider trafficking a serious problem and pity

trafficked women. Some trafficked prostitutes evidently see their situation differently; in a study they told researchers that they “did not see repatriation as a better or real alternative to prostitution in Denmark” (Servicestyrelsen 2010, 13).

What also adds to the confusion is that the police seldom acts to stop prostitution involving trafficked women, and that some clients have been heard to say that they will continue to buy sex from these women no matter what.

What one could wish for is that debaters knew that trafficking is a special and illegal part of the prostitution market. When trafficking of women is part of the prostitution issue, the debate is easily derailed because this special category is mixed up with other kinds of prostitution that are legal. For example, two left-wing EU candidates challenge the right-leaning Bendtsen to advocate criminalizing prostitution clients in all EU countries, obviously forgetting that when it comes to trafficked women it is already illegal to buy sex from them in Denmark. Finally, it is important to remember that trafficking also occurs in other areas than prostitution, e.g., forced labor and slavery.

## The Frontlines Are Drawn

In what follows, I consider different types of arguments and argumentation material and positions.

Often in the debate on prostitution, all kinds of dubious motives and characteristics are attributed to the other party. From a rhetorical point of view, *ad hominem* arguments in debates are not by themselves argumentative vices. Walter Minot (1981, 228) notes: “The key to evaluating the soundness of *ad hominem* arguments is context, which is a rhetorical concern rather than a strictly logical one. One must judge whether an *ad hominem* argument is relevant within its context.” In the present text corpus, however, examples of misuse of this kind of argument abound. One target was Mette Frederiksen from the Social Democrats. (At the time of the present publication, Mette Frederiksen has been Denmark’s Prime Minister since 2019.) It should be noticed

that though she supported the motion to criminalize prostitution clients, she was not among its proposers. But as a young upcoming politician with broad coverage in the media, she was made the party's spokesperson. One opinion piece in a newspaper says: "Good intentions are what counts. In her young life, this has always been her political motto in addition to another motto: If only I scream the loudest, I will get my way" (*Jyllands-Posten*, September 9, 2009). Her sympathizers are called "Mette Frederiksen's feminists" (*Jyllands-Posten*, July 25, 2009). A ridiculing comment pronounces her, sarcastically, "one of the country's leading intellects" (*Berlingske Tidende* July 6, 2009). Dan Tschernia, the director of a TV channel, who is believed to have favored a ban on prostitution, is advised "to tie his private parts into a knot if prostitution troubles him so" (*Ekstra Bladet*, July 4, 2009).

A general tendency to distort the other side's standpoints and goals is prevalent. One example is 'straw man' arguments taken *ad absurdum*: "Next time, the Social Democrats will ban butter and beef because they are fattening" (*Ekstra Bladet* July 4, 2009). The same piece also says that one "might think from all their prohibition motions that the Social Democrats wish for a Big Brother society."

A good deal of the supporters of a ban on the purchase of sex admit that a ban will not put an end to prostitution, but they maintain that it will be an important *signal*. As a result, further social initiatives might be called for, but only very seldom are the costs of such initiatives discussed. Accordingly, debaters *against* a ban maintain that it will not help prostitutes but only be an example of 'symbolic politics' of the worst kind—an empty gesture because prostitution will continue to exist. A ban would furnish moralists and paternalists with the satisfaction of having acted, but in reality, no problems will be solved. According to Gutmann and Thompson, it is the responsibility of moralists and paternalists to show that a legislative proposal they support will not, among other things, cause "greater social harm" (Gutmann and Thompson 1996, 255). As I see it, it is exactly this principle that is invoked when a ban is called symbolic politics: A ban will not have the

effect wished for. On the contrary, it is argued, it will make prostitutes' conditions worse.

As already mentioned, argument from analogy is a prevalent type of argument. Debaters in favor of a ban argue that uncontested bans on other misdemeanors and offences have not made them disappear either, like theft or murder. The other side finds analogies in dangerous phenomena that are *not* banned, like certain sports and adventure activities.

Occasionally, both sides argue from *isolated cases*, such as autobiographical accounts by former and present prostitutes. These accounts are selected so they only say what the respective sides want them to, and when used in actual arguments, they form, to my eye, an inductive fallacy, a hyper-generalization. Also, *references to authorities* are used. Those in favor of a ban typically refer to the other Nordic countries, the other side to Germany and The Netherlands. Interestingly, both sides see prostitution as a choice: The side against a ban see prostitution as the prostitutes' free choice, the side for a ban do not see a free choice, but a "choice under coercion".

## **Conclusion: The Quality of the Debate Is Essential**

It is a hallmark of the Danish public debate about prostitution that so many participate in a debate about a topic involving so few agents. In principle, it is a *non-coercive deliberative* debate, where, however, one party is rarely represented: the clients. People who are so inclined have easy access to airing their opinions since the newspapers, the primary sources of this article, seem willing to publish a wide variety of articles venting these opinions. In itself, this is a positive trait from both a democratic and rhetorical point of view, but as suggested in this article's initial pronouncement by John Dryzek, it also poses a risk of unproductive argumentation marked by ignorance and argumentative vices.

As we have seen, the quality of the argumentation varies considerably. Especially among the professionals—the debaters with knowledge of the topic—we find the best arguments,

characterized by their invitational attitude towards their opponents' points of view. However, communicating information about the facts of the case does not seem to have the intended results. Ordinary people and politicians tend to sound off without sufficient knowledge of the topic and are often oblivious of their audience. Lack of knowledge leads to lack of focus, among other things, and lack of communicative awareness leads to soliloquy.

Prostitution is obviously a topic that elicits strong feelings, and appeals to pathos permeate the debate. This is not a problem *per se*, but when pathos is favored over logos and factual knowledge sound judgement is at risk, mainly because debaters then lose sight of the other side's arguments *and* of the audience. This means that a deliberative balancing of points of view is hampered, depriving citizens of the basis they need for deciding in an informed way for or against a ban on prostitution.

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