



April 12

Who is the scapegoat in this debate?

Response to the Article by Ann Jourdan, “The Swedish Law to Criminalize Client: A Failed Experiment in Social Engineering”.

Rhetorical arguments are not condemned as such. What is indeed a foul trickery is the use of argumentative fallacies and the claim that these fallacies contribute to an innocent debate.

The types of argumentation that I have found in the article of Ann Jourdan, published in April 2012, “The Swedish Law to Criminalize Clients: A Failed Experiment in Social Engineering” are mostly of the Fallacious type. I will try to demonstrate first each of the types that I have spotted there and explain how they build an edifice of lies till the bold statement in the end of the article that presents the Swedish Law as “unconstitutional as well as contrary to the European Convention on Human Rights”. (P.11)

I have discovered at least 4 types of Fallacies:

1. **Argumentatum ad Hominem** - Verbal Attack on the person/s that presents an opposing position. By implying that his/their position is not coherent or there is no connection between his deeds and his words. This kind of fallacy can be spotted if we ask the question: Is the attack directed against an aspect of the issue of the debate or against the person who presents the issue.
2. **Argumentatum ad Vercudiam** - the quoting of sources as if they are expert in the matter. The question to be asked is: Is this particular authority has more expertise or specific expertise that relates to the issue of the debate.
3. **Petitio Principii** - Trying to persuade the recipient to reject a certain position because she didn't justify that which she has undertaken to justify. This is sometimes a circular argument. The question to ask is: Does the argument advance the debate? Does it stop the debate? Does it elucidate a point?
4. **Non sequitur** - A slippery slope fallacy is an argument that says adopting one policy or taking one action will lead to a series of other policies or actions also being taken, *without showing a causal connection between the advocated policy and the consequent policies.*



I will try to show how these fallacies correlate to the arguments given in the article against the position of the Swedish government, which has assimilated the position of the Swedish radical feminists.

The article claims at the start that the radical feminists enforce their fallacious point of view that sex work is by definition “violence against women”. This argument is based on a claim that all radical feminists “have not bothered to consult with sex workers tagged as “others” at “anytime, before, during or after adopting and enforcing the new law (or promoting it elsewhere)” (p.3) This argumentum ad hominem as the attack is directed against the radical feminists blaming them for not consulting the sex workers, which is clearly a complete non-sense.

The repeated argument in the article that the government report shows no reliable evidence is backed by quoting Susanne Dodillet¹ and Petra Ostergren², which are both experts in attacking abolitionist positions regarding prostitution. This claim then, calling for experts that promote the German model, is obviously a fine example of Argumentum ad Verendum. The obvious question that should be demanded is why should we trust these “experts” and not the experts that have been working on the Swedish government report for several years.

Repeating again and again that there is no reliable evidence in the government report refers me to the third type of argumentative fallacy. The Petitio Principii fallacy, which is based on a circular argumentation. This fallacy occurs when someone uses what he/she is trying to prove as part of the proof of that thing. In other words, Ann Jourdan is trying to tell us that X is true because X is true! But she has yet to tell us *why* it's true.

¹ [Susanne Dodillet](#)'s recently-defended doctoral dissertation, [Är sex arbete? Svensk och tysk prostitutionspolitik sedan 1970-talet](#) (*Is Sex Work? Swedish and German Prostitution Policy Since the 1970s*). Dr. Dodillet, a post-doctoral researcher in the [FEMCIT](#) project at Södertörn University, has produced something of a rarity: a doctoral dissertation that is the focus of attention both inside and outside the ivory towers of academia. Dodillet compares Swedish and German prostitution policy debates in the latter third of the twentieth century, in an effort to account for why these two countries have chosen such divergent paths to the question of how best to legislate the purchase of sexual services.

² Ostergren is considered a major critic of [radical feminism](#) in Sweden. In particular she has challenged their views on sex, violence and power, pointing out that violence in [lesbian](#) relationships did not differ significantly from that in [heterosexual](#) relationships. From its origin, Ostergren was one of the few people who publicly challenged the radical feminist position on [prostitution](#) which culminated in the *sexköpslagen* (Sex Purchase Act) 1999. She has been an advocate for the decriminalisation of prostitution. In 2006 she published *Porr, horor och feminister* (Pornography, whores and other feminists), an analysis of three decades of Swedish policy on [pornography](#) and prostitution, and a critique of radical feminist sexual politics. In 2008 she published an edited volume *F-ordet: Mot en ny feminism* (The F -word: Towards a new feminism), bringing together writers and commentators to provide new perspectives on old feminist issues



If I read carefully the numbers that do appear in the article I observe another insight. In fact there is in Sweden a net 50% reduce in the numbers of clients from 1996 (13.6%) till 2010 (8%). Of course, as Ann Jourdan wants us to believe, if the Swedish men are afraid of the questionnaire and are lying because of the stigma then the social sciences have lost one of their most scientifically accepted quantitative tools (the statistical survey).

Ann Jourdan continues to play with the words that were used in the Swedish government report, saying that if they use the word "assume" there is no possibility to count therefore there is no evidence. Then what is the definition of an evidence? Anywhere in the world all numbers that refer to prostitution are but an estimate. If the numbers of persons in street prostitution are 730 in 1998 and today the number is between 300 and 430 what does this mean? For rational counters it means that the number is reduced almost by half. The Swedish law that passed in 1999 has most effectively dealt with street prostitution and the evidence is that street prostitution is down by 50%. No country can easily deal with internet prostitution or with other offenses which use the internet as their arena, which started in the late years of the last decade. Before 1999 the Internet was a magic word for nerds and mathematical geniuses.

Another logical fallacy is getting a fine exposition in this article. Ann Jourdan claims that the Swedish law is an anti immigrant law because it cannot differentiate between immigrants who voluntarily prostitute themselves and those immigrants who were trafficked and are exploited by a third party and to that balance enters the absolutely unimportant group, the native prostitutes, because all of them are counted in the same category as "victims". If there is no difference between prostitutes that are trafficked "voluntarily" and those who are trafficked "involuntarily" so it means that the law is anti-immigration - right? I am inclined to call this argument a category error³ altogether. The reason why all women in prostitution are in the same category as "victims" which makes it impossible to distinguish those who are in prostitution "voluntarily" from those who are in prostitution "involuntarily" is that this is exactly what this law was meant to do. What a pity that the Swedish law does not comply with American Liberal Progressive Law "experts". Shame isn't it. That is why the report must rely on the Police assertion that "The ban on the purchase of sexual services acts as a barrier to human traffickers" (Skarhed 2010,9) Indeed the article does not claim that Police are enforced by radical feminists to claim such a statement but, who knows...

³ A Category error is a semantic or ontological error in which "things of one kind are presented as if they belonged to another".



Ann Jourdan finds another problem with public opinion. She argues that some Swedish citizens claim that the law had to be prohibitive and include the sex sellers as well. But by citing the numbers she gives a completely different picture. In the Swedish context, where there almost passed a law that was supposed to see in rape a consensual sexual behaviour (about 40 years ago), the public opinion is not easy to change. Yet in 1999 78% of the women thought that there is a need to prohibit prostitution and in 2010 only 66% of the women want still to criminalize also the sex sellers. This reduction shows a change in the public opinion to accept the fact that the prostituted persons are not deviant criminals and should not be stigmatized, contrary to the supposition of Ann Jourdan.

The last section of the article is the cherry on top. By making a fallacious correlation between the Canadian laws and the appeal which was won there last month with the Swedish laws Ann Jourdan is comparing apples with oranges. The argument is of a pure non sequitur type. The appeal and counter appeal in Canada was against sections in a non? Abolitionist legal system that does not criminalize clients and does not criminalize prostitutes but criminalizes those who live on the profits of prostitutes and according to the 1949 UN Convention are defined as exploiters. As far as I recall the UN did not abolish yet this Convention, neither did UN abolish the 1989 Convention nor the 2001 Palermo Convention. Yet Ann Jourdan declares, based on the Canadian counter appeal that found sections in the Canadian law, at odds with the well being of person in prostitution, unconstitutional. Comparing apples to oranges Ann Jourdan hastens to assert that "Swedish laws may also be unconstitutional as well as contrary to the European Convention on Human Rights" (p.11). She does not explain this assertion but since it follows the story of the Canadian appeal she leaves the reader to a guess-work hoping that the proximity of the two stories will bring the horse to eat the cherry. This slippery slope is a form of *non-sequitur* because no reason has been provided for why holes in a legal system of one country lead to see the same holes in a legal system of another.

To the claims of Ann Jourdan against the abusive treatment of women in prostitution by the Swedish Police, as well as her claims regarding the welfare system, against which there are complaints of persons in prostitution I have no evidence either to support her claim or to refute it. **wait for a formal Swedish response to complete this text before publishing** not clear what you mean.



I would like to finish my text with a strong argument.

Contra principia negatum non est disputatum,

Which means: Against one who denies the principles there can be no debate.

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