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Policy Diffusion in French Prostitution: An analysis of the French national assembly on diffusion through democracy and technocracy

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Citation

Jansen, B. (2022). *Policy Diffusion in French Prostitution: An analysis of the French national assembly on diffusion through democracy and technocracy.*

Version: Not Applicable (or Unknown)

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POLICY DIFFUSION IN FRENCH PROSTITUTION

An analysis of the French national assembly on diffusion through democracy and technocracy

ABSTRACT

This thesis attempts to answer to what extent policy diffusion through democracy and policy diffusion through technocracy can explain the implementation of prostitution policy in a certain country through a political actor, namely the French Assemblée Nationale. The study allows a new perspective as analysis of political actors has not been done often in research. This study compares the relatively new theory on policy diffusion through democracy to the established policy diffusion theory of technocracy. The answer to the question is nuanced as both theories have been observed within the case study of the French national assembly concerning the prostitution policy. Diffusion through democracy indicates that rich, big, and culturally/geographically proximate countries are more often used in debates of the chamber due to voters' familiarity with these countries than others. However, the analysis shows that these voters also influence technocratic involvement and henceforth, diffusion through technocracy.



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Due date: 07 June 2022
Referencing: APA 7th edition
MSc Public Administration:
International and European Governance

Acknowledgements

First and foremost, I would like to express my gratitude and appreciation to Dr. A. Poama for his aid in the creation of this thesis.

Furthermore, I count myself incredibly fortunate to have the support system of my parents, my siblings, and my friends. Those that have helped with their reinforcements during the numerous library visits and days spent behind a laptop. In particular, my mother, who has brought me a cup of tea on numerous occasions when I had confiscated the office to work on this project.

Contents

Acknowledgements.....	1
Introduction	3
I Theoretical Framework.....	6
II Background information	15
Sex Work Policy Models.....	15
History of French Prostitution.....	21
III Methodology.....	28
IV Analysis	33
Policy diffusion through democracy between 2011 and 2016	34
Policy diffusion through technocracy between 2011 and 2016	47
Confounders between 2011 and 2016	52
Conclusion.....	55
Limitations	58
References	59
Secondary sources	59
Primary sources.....	62

Introduction

Sex work, also referred to as prostitution, is mentioned in different forms of literature as one of the oldest professions in history (Assemblée Nationale, 2011a, p. 173). While the profession is noted to be an old one, a clear policy within the world is still missing. Many civilisations have altered the meaning and the repercussions of the profession, from its definition as well as its legalisation, over the years. France is one such example. Their policies have gone from prohibition of prostitution to regulation and currently, their policy aims to decrease prostitution through legislation of an abolitionist model. Since there have been different models implemented in France without a common ideology, the country cannot look for the proper policy throughout its history. Over time, countries, like France, have found different ways to figure out what the best policy would be for their state. Governments of these states have started to ask for technocratic advice from researchers or advocates. Other countries have started to look at precedented policies of other countries to base their policy on (e.g. Iceland, Norway, and Ireland). This phenomenon is referred to as policy diffusion within academic literature and can be found around the world in different policy and legislation fields.

Policy diffusion refers to the use of expertise by foreign or third party actors (e.g. foreign nations, stakeholders, and researchers) to influence policy in the home country. There are numerous types of policy diffusion which have not made it possible to create an overarching type of policy diffusion (Towns, 2012, p. 185). This particular thesis focuses on two types of policy diffusion: diffusion through technocracy and diffusion through democracy. The former has been around longer than the latter category. Diffusion through technocracy means that the government takes into account input from experts within that particular policy field. Diffusion through democracy indicates an interest by policymakers in the ideologies and preferences of the public and analysis of other countries to achieve the policy closest to their ideology. Katerina Linos (2013) argues that governments use international models as benchmarks to sell the ideas

that suit the ideologies of the politicians to get the preferred policy and to win the next election (p. 3). Furthermore, Linos (2013) argues that countries vary in how much exposure their citizens have to foreign developments. Countries should be especially likely to borrow from their large, rich, and culturally proximate neighbours. Countries that lack such neighbours, perhaps because they are culturally or geographically isolated, or because they are considered rich themselves, should be less responsive to foreign models (Linos, 2013, p. 31). The given reason for this is that rich democracies are believed to have strong domestic policy-building capabilities and henceforth, are in less need of inspiration from foreign actors (Linos, 2013, p. 6). France is one of the largest countries in Europe, a member of the European Union, and a wealthy country within Europe and the world. France is aware of its position within the European territory as is shown by the following quote from the National Assembly (2011b):

‘At a time when the Icelanders and the Norwegians have just adopted legislation similar to that of Sweden, when the Irish are thinking about it, when a new law is in preparation both in Sweden and in the Netherlands, the voice of France is barely audible on the European scene. However, she is eagerly awaited. All the personalities from abroad or working in the community institutions met by the fact-finding mission wanted France to take a clear position on prostitution and human trafficking. This is what is proposed to you today, by this resolution.’ (p. 5).

The French politicians who have put forward the motion, to which the previous quote refers, have stated that other countries are eager to learn the French position on the matter of prostitution. Henceforth, the question of whether France would be influenced by other countries is a pressing one as it would indicate that even large, rich, and culturally proximate countries are influenced through policy diffusion. Therefore, according to Linos’ theory, if France’s implementation of the Nordic model can be due to policy diffusion, then the theory on policy diffusion should be a strong one.

Most policy diffusion has focused on fields such as war and trade, but the presence of policy diffusion in prostitution legislation and policy has not been analysed in detail by other researchers. Henceforth, testing the theory of policy diffusion, and in particular on the newer policy diffusion through democracy, should be significant to see whether the theory holds in different policy fields. France has debated the implementation of the Nordic prostitution policy model since 2011. France eventually implemented the Nordic model on 6 April 2016. The result of which is numerous documentation on the debates, proposals, and reports related to the topic. This thesis has the following research question to be able to analyse whether policy diffusion is applicable throughout different national policies: ‘To what extent can two types of policy diffusion, namely policy diffusion through democracy and policy diffusion through technocracy, explain the implementation of the Nordic prostitution model, in France between 2011 and 2016?’

To answer this research question, the thesis is divided into five chapters. The first chapter contains the theoretical framework in which the theory of policy diffusion is explained. After which the second chapter contains a literature review on the three sex work/prostitution models discussed in the following order: full criminalisation, abolitionism, and regulation. The second part of this second chapter contains a history of prostitution policy in France before 2011 to establish the background on which discussions between 2011 and 2016 were based. The third chapter establishes the methodology for the fourth chapter. That final chapter examines the presence of policy diffusion within the case study of France through an analysis of National Assembly documentation. Subsequently, the whole thesis is concluded in the final section.

I Theoretical Framework

Policy diffusion is a concept that is coined throughout different types of research concerning legislation and the international arena. This chapter aims to establish the theory of policy diffusion to be able to analyse to what extent the French case study involves diffusion through democracy and diffusion through technocracy which are part of the larger theory of policy diffusion.

The basic premise of policy diffusion is that regulations and policies of one country's government changes the likelihood that another country will implement that same policy through imitation or when these policies are endorsed by international organisations (Linos, 2013, p. 1; Linos, 2013, p. 8; Shipan & Volden, 2012, p. 788; Towns, 2012, p. 181). Policy diffusion influences policy making throughout the policy cycle (Gilardi & Wasserfallen, 2019, p. 1252). This thesis focuses on the issue definition stage, otherwise referred to as the problem emergence stage, the agenda-setting stage, and the consideration of policy options stage. The two stages that are not discussed are the implementation and evaluation stages due to the focus of these stages on the success of a policy and the moral implications.

As stated, policy diffusion does not contain a single type. Rather, these endorsements can be based on numerous attributes. For example, international norms (Towns, 2012), party involvement (Böhmelt et al., 2016), and/or voter preferences (Linos, 2013). The current most dominant account is that of technocratic policy diffusion in which experts trade ideas and spread their ideas around to other parts of the world, also known as diffusion through technocracy (Linos, 2013, p. 3; Gilardi & Wasserfallen, 2019, p. 1246). These theories have been predominantly tested on war and trade policy (Böhmelt et al., 2016; Fay et al., 2021; Kato, 2003; Oliveira et al., 2020). According to this side of the debate, the ordinary citizen has no input and their opinions are often met with little attention (Linos, 2013, p. 1). It is believed that these voters have negative sentiments about the involvement of foreign models or are entirely indifferent to presented models. The elites, those involved in the policy field such as interest groups and stakeholders, are the only ones who respond positively to the inclusion of international models (Linos,

2013, p. 1). Furthermore, diffusion through technocracy considers numerous countries in which the results determine whether the policy is implemented. Henceforth, the theory of diffusion through technocracy relies on learning from the success and/or failure of a particular policy that creates the preference for situations in which diverse policy models are present (Linos, 2013, p. 5). When there is only one alternative, debates are more difficult since all countries that are considered carry the same policy which is less interesting to study in detail (Linos, 2013, p. 5).

Linos (2013), amongst other researchers, argues that the dominance of technocratic policy diffusion in the world is problematic (p. 2; Gilardi & Wasserfallen, 2019, p. 1249). There is research on the domestic level that politicians take into account the civilians' preferences due to elections as, without the support of the citizens, the government is more likely to lose the next election. Her stance is that international policies can serve as benchmarks to judge prospective policies. Civilians are worried about the politicians' policies that will only enhance the situation for specific interest groups or that these politicians are not competent and will propose poorly thought-out legislation that is unlikely to succeed (Linos, 2013, p. 2). The use of international examples can make the proposal seem mainstream and competent. Henceforth, Linos argues that the technocratic ideas are mutually enforced through civilian support in democracies for international ideas to win at the ballot box (Böhmelt et al., 2016, p. 397; Linos, 2013, p. 2). The inclusion of the public in the assessment of policy diffusion is called diffusion through democracy (Linos, 2013, p. 3). This type of policy diffusion occurs when a rich, proximate, and culturally familiar country has implemented policy before their government suggests it, also referred to as pathway emulation (Linos, 2013, p. 36; Towns, 2012, p. 181).

The pathway emulation phenomenon is often stronger in policy through democracy, since voters receive the information passively through different media (e.g. television, newspapers, and social media). Furthermore, those closest to the voting citizens, such as family members and friends, do the same thing which creates a common, yet vague, sense of the order of the world (Linos, 2013, pp. 20-21). This media

coverage establishes the ideas of how other countries are in relation to the home country (e.g. Asian countries are traditional and European countries are modern). This type of policy diffusion, policy through democracy, is also what drives the agency of politicians. International models are used by politicians to rally voter support behind proposals of policy (Linos, 2013, p. 13; Linos, 2013, p. 21). The attention of the media given and the international models used by the politicians create the familiarities of the voters with the policies of these rich, big, and culturally proximate countries. Furthermore, these references to other countries' models are established to make their policies seem mainstream and modern (Towns, 2012, p. 183). The voter uses these foreign rich, big, and (culturally) proximate countries to benchmark their own legislature on (Linos, 2013, p. 5). When a country that is considered more modern than their own implements a policy, the voters are more likely to be favourable to the implementation of that policy at home. Henceforth, the focus is on the adoption of the model by familiar foreign nations, rather than the results from said adoption as would be the case with diffusion through technocracy (Linos, 2013, p. 5).

Besides the familiarity of these countries for the voters, the limited resources of a politician can make the inclusion of all policy options difficult. To limit the drainage of resources, politicians take shortcuts to come to a policy that is in line with their belief system and can win the election. This bounded rationality, as it is referred to in scholarly work, creates the necessity to limit the policies that are analysed by the politician (Böhmelt et al., 2016, p. 397). This limitation creates an incentive to look at other countries since these countries can act as policy testing fields without drainage of the politicians' resources as would be the case if the government implemented a policy that ended a failed policy (Linos, 2013, p. 2). The references to other countries can show citizens that the policies are more likely to succeed than they have in the other country (Linos, 2013, p. 2). These references are focused on swing voters since voters with a clear political colour are not expected to alter their voting behaviour based on international policies (Linos, 2013, p. 25).

There are four mechanisms in which foreign models influence domestic laws: coercion, competition, learning, and emulation (Baldwin et al., 2019, pp. 31-32; Böhmelt et al., 2016, p. 398; Gilardi & Wasserfallen, 2019, p. 1245; Linos, 2013, p. 14; Towns, 2012, p. 183). The first which, is coercion is associated with powerful countries that force less developed countries into a certain policy through financial measures or military actions (Baldwin et al., 2019, p. 30). Examples are aid through (financial) resources, implementation of financial sanctions when implementation is considered improper, or military intervention (Gilardi & Wasserfallen, 2019, p. 1247). It is expected that within this research the first mechanism is absent due to the differences in ideology concerning prostitution around the world. France, as stated in the introduction, is considered a rich powerful state itself. However, the country has not been coerced to adhere to a particular prostitution model in the past. Henceforth, it is expected that coercion plays no part in the case study of the Assemblée Nationale with regard to prostitution policy.

The second manner is competition, which is associated with countries that compete for resources of other countries and henceforth will imitate their policies to gain more success (Gilardi & Wasserfallen, 2019, p. 1245; Linos, 2013, p. 14; Shipan & Volden, 2012, p. 789). Since this pathway is focused on resources and comes from trade policies, the influence of this way is expected to be relatively small since there is no run between policies on sex work. The limited influence of competition can be due to the differences in how prostitutes are viewed within the different countries. For instance, New Zealand considers sex workers as employees within a particular industry, while the United States and France view prostitutes as victims of human trafficking (Kingston & Thomas, 2018, p. 434; Mathieu, 2012, p. 434; Vanwesenbeeck, 2017, p. 1631). Gilardi and Wasserfallen (2019) refer to the influence of ideologies to influence how policy diffusion takes place within a particular country. They conclude that the presence of policy diffusion is limited when a country has a clear ideological stance (Gilardi & Wasserfallen, 2019, p. 1246). The French case study, as is shown in the background section and becomes evident within the analysis chapter, shows that France has a clear abolitionist stance. This stance makes it less likely for

competition to be a reason for implementation as a result of opposite ideological stances such as mentioned above.

On the other hand, learning and emulation are expected to be present in the case studies. Learning refers to the gathering of information by one country on the policies of other countries (Gilardi & Wasserfallen, 2019, p. 1245; Shipan & Volden, 2012, p. 790). In other words, when the outcome of the policy is considered successful in the other countries, the government of the country that has not yet implemented said the policy will consider the implementation of the early adopters' policy (Baldwin et al., 2019, p. 39; Linos, 2013, p. 14). Emulation takes the learning model further and focuses on the appropriateness of the policy and/or the actors who have previously implemented the policy rather than the success of the policy (Gilardi & Wasserfallen, 2019, p. 1245). When the other country is considered modern, legitimate, and/or rich the home country will consider the implementation of their policies to achieve the same status as the example country (Baldwin et al., 2019, p. 30; Linos, 2013, p. 15). There is also a focus on the international organisations with which the country associates itself. These organisations can create norms to which the government of that particular country attempts to adhere (Gilardi & Wasserfallen, 2019, p. 1248). This creates the element of policy diffusion since more countries are associated with the same international organisation and henceforth, will aim to implement the same policy. According to Gilardi and Wasserfallen (2019), this particular type of policy diffusion can be considered the most powerful mechanism in which policy diffusion can alter a government's policy (p. 1250). The emulation mechanism can create taboos about certain ideologies while it praises others. That phenomenon creates a deep incentive for the nation to change its policy to adhere to others.

It is the emulation mechanism that is considered for the assessment of policy diffusion through democracy (Gilardi & Wasserfallen, 2019, p. 1250; Linos, 2013, p. 61; Linos, 2013, p. 129). These familiar countries create benchmarks on which the voters can assess whether the policy proposal by the government has merit due to the perceived modernity or capability of the previous implementers. The

other three mechanisms can be part of diffusion through technocracy and/or diffusion through democracy depending on which countries are used and how these are referenced. However, since most previous researchers have focused on the success or failure of a policy through policy diffusion, the dominant account of these three mechanisms has focused on policy diffusion through technocracy. This thesis aims to analyse the documents on the discussion and documents presented in the Assemblée Nationale to assess to what extent both have been present within the political arena. Gilardi and Wasserfallen (2019) argue that the research on the political aspect of diffusion through democracy has had limited attention within the scholarly field (p. 1246).

The aforementioned presence of policy diffusion through democracy as a result of emulation does not mean that the other three mechanisms cannot be presented within the case study as the mechanisms are not mutually exclusive. There may be several mechanisms present within a single case study. For instance, learning from other countries can influence the national tax system through analysis of competitors' systems and how their policy alteration has influenced their competitive position. Moreover, that same case can include emulation, if it is not entirely certain that the policy of the competitor was a success, while their policies have been revered by other international actors. As a result that success is relative to the preceptor's point of view, and the outcome can be contested (Gilardi & Wasserfallen, 2019, p. 1250). These false assumptions can lead to emulation due to policy diffusion through learning and competition. This thesis aims to add to current research by analysing the political field within policy diffusion through democracy in comparison to diffusion through democracy.

However, as stated by Linos, these four mechanisms have limited explanation of the domestic actors who determine policy changes (Linos, 2013, p. 16). Nonetheless, the analysis of the international arena is considered necessary since scholars believe that national policy-making cannot be viewed without an analysis of the international context (Towns, 2012, p. 184). The reason given for this analysis is that emergence of similar national policies has been detected among countries and a lack of study on

the international phenomenon would mean that a part of the narrative on how policies are created and implemented remains unknown. While policy diffusion is expected not to be accountable for all shifts in policy within a nation, the exclusion would leave a lacuna within the study of policy implementation. Henceforth, this study aims to establish how international involvement is structured through policy diffusion by one of those domestic actors, namely the Assemblée Nationale in France.

The literature by Linos states that research on policy diffusion often focuses on the actions rather than the actors (Linós, 2013, p. 27). Linos herself counteracts this through her analysis of different actors within the chosen policies. However, due to the scope of this research, the extensive analysis of different actors is not possible in its own right. Nonetheless, this thesis attempts to analyse whether other actors are named in relation to the foreign models presented in the analysis chapter. For example, perhaps it is noted that media outlets or interest groups have spoken out on the different international policies discussed during the meetings of the parliament. This might give, albeit a limited, overview of the involvement of different actors in policy diffusion to further research in the future. Furthermore, the analysis of other actors within the national assembly can determine to an extent whether the politicians aim to legitimise their policy proposals through the back-up of other actors. Henceforth, implement policy diffusion consciously. If the use of the examples of other countries or endorsements of other organisations is not mentioned or not mentioned with the explicit aim to endorse the policy. Then one could assume that the politicians are not consciously using policy implementation as a means to get a preferred policy through the parliament. For example, the inclusion of media can show that the voters are aware of the situation and their responses to the media can attest to whether the policy is supported within the public debate. Moreover, the analysis of different actors within the national assembly can assess whether the different actors are aware of the presence of each other which might strengthen the use of policy diffusion.

Besides the actors, the theory expects that policies which are highly relevant and contested by voters are more likely to attract policy diffusion (Linos, 2013, p. 29). The reason for this expectation is that when a policy is a sensitive topic, the civilians are more likely to care about its outcome and the debate can be centred around preferences rather than the adaptability or success of the policy. The outcome of the policy can be less debated if there are foreign successful examples to lead by. In particular, when the foreign nation does not have an immediate incentive to implement their policy in another country. Foreign nations do not care to the extent the national politicians do, since the implementation does not lead to more votes for these foreign politicians. While a particular implementation could lead to an increase of votes for the national politicians. This creates the idea that the foreign country is a neutral party in an otherwise ideological debate (Linos, 2013, p. 2).

Therefore, within diffusion through democracy, two types of international models are considered within the theory: the consensus international model and diverse international models (Linos, 2013, p. 37). Within the former system, there is one dominant international model. In this system, the advocates often refer to the dominant model. This side has an advantage as the dominance of the implementation single model around the world allows that model to be seen as the only viable choice of policy. This is strengthened by endorsements of international organisations and the formation of norms, mentioned previously in this chapter (Gilardi & Wasserfallen, 2019, p. 1248). The endorsement and apparent clear superiority of the model do not allow for opponents to be heard favourable. Henceforth, opponents keep their opinions to themselves or accept the model as an option. This would suggest that opponents are afraid of losing credibility in situations of a clear dominant model and could refer to the importance of voters' opinions. The latter model is more complicated as there are several models dominant within the system. In these diverse international model systems advocates and opponents both present their opinions through the use of foreign references (Linos, 2013, p. 37). In the world, there are several different prostitution policies. This point is analysed in the next section in which the three models

are explained. Henceforth, the case studies of prostitution policy in France discuss the diverse international model. Politicians may see the foreign model as insurance which allows the voters to believe in the capacities of the politicians themselves as well as the chances of success of the policy itself (Linos, 2013, p. 30). Two limitations have to be mentioned here. The first is that when an international policy is expected to show results before the elections, domestic politicians are more likely to take credit for the policy rather than mention its international predecessors (Linos, 2013, p. 30). The second limitation is the phenomenon of decoupling which means the use of the international norms, but only partial implementation of the foreign country's policy (Linos, 2013, p. 30). In other words, the ideas are implemented, but the actions of implementation might vary across countries.

II Background information

Since the previous section has established what policy diffusion theory entails, the next step is to analyse what the possible policy models are, to assess whether the international arena has influenced the French legislative branch to implement the Nordic model in 2016 through policy diffusion. Prostitution is implemented differently around the world. It is stated by the French National Assembly that no country has the exact same policy as another country in the current policy climate (Assemblée Nationale, 2011a, p 168). However, there are similarities between the systems that allow for umbrella models. These models are: full criminalisation (also referred to as prohibitionism), abolitionism (which includes the Nordic model), and finally regulation (Assemblée Nationale, 2011a, pp. 168-169). Therefore, in this section, these three different types of sex work policies are discussed below. The fact that there is more than one dominant policy present in the world shows that this policy field can be seen as a diverse international model. The analysis of which lays the foundation for the second section of this chapter, which contains an overview of the history of sex work in France before discussions on the implementation of the Nordic model started in 2011 to establish the baseline on which the discussion of prostitution policy was based.

Sex Work Policy Models

The discussion with regards to prostitution has centred around the regard of prostitution as either criminalised immorality, legitimate employment, or an aspect of gender-based violence and exploitation of women (Cox, 2021, p. 4). It differs per model whether prostitution is considered a legitimate employment or an illegal practice. Those countries that have implemented the full criminalisation model as well as those countries that have implemented the abolitionist model do not consider prostitution a profession. Henceforth, these countries would refer to selling one's body for remuneration as prostitution. On the other hand, the regulationist countries do consider prostitution as work. In these

countries, the legislation is often referred to as sex work rather than prostitution. The three models discussed below are related to these debates on gender equality and professionalism and present themselves in different liberal democracies around the world. The understanding of liberal democracies is that it includes those countries that value individual freedom and economic rationality (Harrington, 2012, p. 338).

Full Criminalisation model

The first, and most commonly enacted model, is full criminalisation (Vanwesenbeeck, 2017, p. 1631). Full criminalisation is also referred to by some scholars as abolitionism. However, abolitionism can refer to two different types of policies. The first type removes the government from the implementation of any policy on the matter at all as it is believed to be a private matter (Mathieu, 2004, pp. 153-154). Henceforth, fundamentally, the first type of abolitionism is not part of the full criminalisation model, since the model does not criminalise prostitution. On the contrary, prostitution is often tolerated in the countries that have implemented abolitionism of this first type. The second type of abolitionism, sometimes referred to as neo-abolitionism, pertains that of the condemnation of prostitution and henceforth the implementation of policies that make prostitution illegal (Vanwesenbeeck, 2017, p. 1631). This latter type is considered to be part of the full criminalisation model if prostitution is condemned through its criminalisation.

The philosophy behind full criminalisation is that the practice of prostitution is immoral and should henceforth be eradicated. The reasons for the immorality of the practice can come from different motivations such as religious beliefs, political motivations, or cultural norms (Cox 2021, p. 9). Furthermore, the practice of prostitution is argued to be unsafe for the prostitutes themselves. Since the balance of power is skewed towards the buyer within the trade. In this system, all participants (buyers, sellers, and third parties) in prostitution are considered criminals. Therefore eligible to receive punishment. The

criminalisation of prostitution makes the trade more difficult to sell or obtain. This should, at least theoretically, make prostitution less attractive to perform, buy, or be complicit in and as a consequence create a reduction in prostitution (Cox, 2021, pp. 9-10).

However, whether the abovementioned reasoning is accurate is debated within research and prostitution itself. Research has shown several reasons why full criminalisation has been unsuccessful in decreasing prostitution and sex trafficking. Examples are barriers to the protection of basic healthcare, safety, and the rights of prostitutes. For instance, scholars have argued that criminalisation policy leads to a double form of victimisation for the prostitutes themselves as both the criminal justice system and the traffickers are unwilling to address possible underlying issues such as poverty (Cox, 2021, p. 13; Vanwesenbeeck, 2017, pp. 1632-1636). Furthermore, scholars and social services alike argue that it adds a barrier for prostitutes to access social services that could assist them to cease their activities in the sex industry in the form of education. Moreover, in some countries, the policy allows for the criminalisation of the use of condoms which would increase the danger of HIV and other STDs since prostitutes risk fines or prison sentences when caught with condoms in public spaces. This decreases the safety of those working in prostitution. Rather than a decrease in sex trafficking, the prostitutes find themselves between a rock and a hard place as they are not able to forward complaints about violence and/or coercion since the act of prostitution is illegal. Henceforth, the prostitutes risk prosecution themselves when they report (Cox, 2021, p. 11). As a result of the research, the European Union has taken note of these arguments against full criminalisation and determined that the policy is less effective at reducing trafficking than other policy models. Their advice is to focus the criminal burden on those that purchase sex rather than on those that offer the service, to reduce demand and decrease the profitability of criminal organisations and actors (Cox, 2021, p. 14; Vuolajärvi, 2018, pp. 151-152).

Abolitionist Model

The aforementioned European Parliament's stance is coined the Nordic Model. The Nordic model is part of the abolitionist model in which prostitution is not made illegal. However, abolitionism aims to make the practice more difficult and eventually end the practice through the criminalisation of matters associated with prostitution. The Nordic model is not the only policy system in which abolitionism is present. Other systems include the criminalisations of sollicitation, procuring, and the enablement of prostitution by other third parties (Assemblée Nationale, 2011a, p. 169). The model does not mean that all of the aforementioned practices should be implemented to allow the country to be viewed as abolitionist. For instance, the Italians have implemented a policy system in which prostitution is allowed, while establishments that enable prostitution (e.g. bars, hotels, and brothels) are prohibited (Assemblée Nationale, 2011a, p. 169). However, unlike the aforementioned systems, the Nordic model goes further than the implementation of legislation with regard to pimps and sollicitation.

The Nordic model was first enacted in 1999 by Sweden as a result of the perceived cultural norms of equality within the country (Harrington, 2012, p. 337; Vanwesenbeeck, 2017, p. 1632; Vuolajärvi 2018, p. 151). The philosophy behind the policy is that prostitution is inherently unequal since the patriarchy allowed women to be seen as a means for men's pleasure. Henceforth, the Nordic model focuses on female prostitutes and male clients (Harrington, 2012, p. 338). Since the country prides itself on high levels of equality in the private and work environment, the perceived inequality between men and women in prostitution was considered unacceptable. Governmental advisor on prostitution and trafficking Guinella Ekberg stated 'In Sweden, it is understood that any society that claims to defend the principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold, and sexually exploited by men' (Ekberg, 2004, pp. 1188-1189).

Sweden is considered by the international sphere and itself as a liberal democracy in which individual freedoms are highly valued. Henceforth, the Swedish government is not able to intervene in every aspect of an individual's life. However, a liberal democratic government is allowed to influence behaviour if that behaviour is deemed problematic and if the people that carry out this type of behaviour are deemed incapable of changing said behaviour. These policies are called authoritarian techniques (Harrington, 2012, p. 338). The Nordic model can be seen as an authoritarian technique to diminish prostitution and solve the issue of trafficking, violence, and coercion within the industry. The perception is that the model alters prostitution through an emphasis on the conduct of the client. This conduct is identified as the issue in this model. This is contradictory to the former criminalisation model in which prostitutes are considered the source of the problem (Harrington, 2012, p. 339). While male sexualisation is normalised through the enjoyment of pornography and strip clubs in other countries, the Swedish government associated organisations have stated that those men that need to pay for sex need professional help. The Swedish government argues that well-adjusted men would not seek to pay for sex (Harrington, 2012, p. 346). This created the Nordic model in which buying sex is criminalised, while prostitution itself is not. Those that buy sex are deemed deserving of punishment and rehabilitation to diminish prostitution (Harrington, 2012, p. 346). Henceforth, the Nordic model is seen as a partial decriminalised model of prostitution and part of the abolitionist ideology on prostitution.

Regulation (Decriminalisation and legislation)

In the late 20th century, governments and scientists alike started to look at alternatives for full criminalisation due to the increased knowledge about fear, abuse, and intimidation within the sex industry (Cox, 2021, p. 19). The freedom of profession became an important aspect of policies that followed in which buyers, sellers, and managers were free of prosecution in instances in which consent of all involved parties was included (Cox, 2021, p. 19). There are two different categories within this regulation of sex

work model: full decriminalisation and legislation. Both models envision sex work as a legitimate source of employment (Cox, 2021, p. 20).

However, there are differences. For instance, within the full decriminalization model, all laws on criminalisation or prohibition of sex work in exchange for monetary compensation are removed. This eliminates law enforcement's authority to be involved in sex-work-related activities unless other laws apply (Cox, 2021, p. 20; Vanwesenbeeck, 2017, p. 1632). Furthermore, in this system, there are new laws provided to protect sex workers from exploitation and/or abuse (Cox, 2021, p. 20). At the time of writing, the only country that has enacted a full decriminalisation model is New Zealand in 2003 with their Prostitution Reform Act (Cox, 2021, p. 29). Like Sweden, New Zealand introduced research on alternatives to prostitution as a critique of support for the heterosexual male hegemony. By treating "government" as a process of shaping human conduct, not as a set of institutions, or as a synonym for the state, governmentality analysis avoids public/private and state/non-state dichotomies. (Harrington, 2012, p. 338).

While the previously mentioned full decriminalisation removes laws that criminalise or limit sex work, the legalisation framework introduces legislation and policy to formally regulate the industry (Cox, 2021, p. 21). Examples of such legislation and policies are that sex workers have to get licences and be registered, have regular health checks, and are only allowed to work in certain areas (Cox, 2021, p. 21; Vanwesenbeeck, 2017, p. 1632). There are several countries and areas around the world that have enacted policies such as these (e.g. Germany, Nevada; the United States, and Turkey). However, the most famous example of this model is the Netherlands, which implemented policies to allow regulated voluntary prostitution with the authority delegated to local jurisdictions in 1999 (Cox, 2021, p. 28). In other words, the criminal penalties in these systems are often focused on coercion into the profession in the form of sexual exploitation and trafficking of human beings, while adult consensual sex work is legalised.

History of French Prostitution

As stated in the introduction, the French are no stranger to the creation of policy with regard to sex work. As early as 1836, A.J.B. Parent Duchâtelet wrote research named *De la prostitution dans la ville de Paris* (Matthieu, 2012, p. 203). This work became the model for subsequent research and facilitated the prostitution systems known today (Harrington, 2012, p. 338). The work focused on a regulationist model in which sex work was seen as a necessary evil to keep the remainder of society proper (Assemblée Nationale, 2011a, p. 93). This section gives an overview of prostitution since then, to outline the periods previous to the parliament's discussions on prostitution on April 13 2011.

From 1836 until 1945

Since the establishment of policy based on previously mentioned research, the French government implemented a system of regulation about sex work until 1946. In this system, sex work was considered a legal practice and establishments were specifically designed to facilitate the practice. However, the facilitation of the practice did not mean that the workers and third parties were free to operate without limitations. Sex workers did have to register and go through regular health checks to practice their trade. Furthermore, those that wanted to open a brothel had to get a licence in order to do so (Matthieu, 2012, p. 204). The regulation aimed to keep control over the amount and location of sex work to keep the perceived immorality and unsanitary practices out of the dominant culture and societies (Assemblée Nationale, 2011a, p. 94; Matthieu, 2012, p. 204).

From 1945 until 1990

The first subtle move towards the criminalisation of sex work through legislation occurred in 1946. The law in question, which was named the *Loi Marthe Richard*, banned brothels in metropolitan France. This meant that all state-controlled brothels, also known in France as *Maisons closes*, were closed in France

on the European continent (Allwood, 2004, pp. 146 - 147). The law did not apply to brothels in the colonies, which would be allowed to remain open (Allwood, 2004, pp. 146 - 147). Furthermore, the active solicitation was prohibited for fear of an increase in indecency on the streets. Passive solicitation remained legal (Assemblée Nationale, 2011a, p. 95). Henceforth, the abolitionist stance came into existence.

However, in the late 1960s new legislation was implemented that would further France's abolitionist stance. The main example of this was the ratification of the 1949 UN Convention on the suppression of trafficking and exploitation (Allwood, 2006, p. 50; Mathieu, 2004, p. 153). After the ratification of this treaty, France can be officially seen as an abolitionist country, while before they implemented regulationist policies regarding sex work(ers) with the exception of the closing of the mainland's brothels (Allwood, 2006, pp. 50-51). Nonetheless, France did not take a full criminalisation stance on prostitution. Rather, the government implemented legislation that made prostitution more difficult, while not outright prohibiting the practice. Examples of such policies are that third parties could no longer profit from prostitution as it became a minor crime. Furthermore, aggravated pimping, namely pimping in organised crime or through means of violence, became a serious crime (Mathieu, 2004, p. 154). However, the extent of their implementation varied due to local governments. French prostitution rights groups did attempt to stir reform during the 1970s and asked to reopen the state brothels with public health as their argumentation (Allwood, 2004, p. 146). However, through those years, no significant alterations to prostitution policies were made by the central government (Allwood, 2006, p. 51).

From 1990 until 2002

Prostitution policy re-entered the national political agenda in the late 1990s due to three coinciding phenomena, the increase in foreign prostitutes, the visibility of prostitutes, and the international arena's opposition to human trafficking (Allwood, 2004, p. 145; Matthieu, 2012, p. 206). European and

international organisations started to implement measures to tackle issues such as transnational organised crime, human trafficking, child prostitution and pornography (Allwood, 2004, p. 146). While the period before the 1990s contained mainly French nationals, sometimes of North African origin, who worked under a small-scale solicitor who was often amateuristic and pimped only his partner. The transnational organised criminal organisations increased the number of prostitutes from China and Eastern European countries (Assemblée Nationale, 2011a, p. 36). The National Assembly mentions the increase in interest of countries in combat against international networks of human trafficking and the increase in foreign sex workers to be related (Assemblée Nationale, 2011a, p. 37). Reasons for the increase are the fall of the Berlin Wall, the collapse of the Soviet Union, which allowed these countries to join the European Union, and the creation of the Schengen area in 1995 (Assemblée Nationale, 2011a, p. 38). This allowed international criminal organisations to move people more freely from one country to another for prostitution. Henceforth, the increase in criminal activity awakened the inclination of the (western) European governments to fight international human trafficking. The estimations of foreign prostitutes in 1994 were around 24 percent, while in 2002 the number of foreign prostitutes came to 88 percent of the total number (Assemblée Nationale, 2011a, p 33).

Furthermore, the French public noticed the increase in Eastern European, Asian, and African prostitutes that entered the country. These foreign prostitutes started to work in areas which had previously not experienced prostitution. Complaints about nuisances of the cars of clients, quarrels on the streets between prostitutes and clients, and/or cases of sexual conduct on private properties were soon reported by local residents (Matthieu, 2012, p. 206). This increased the awareness of the government about the issues that these foreign prostitutes created within the country. Henceforth, the local government altered their laws to cater to the opinions of the residents.

The second phenomenon counters hostility, as these women were often believed to be abused, young, and vulnerable victims of international criminal organisations by the French public (Matthieu,

2012, p. 206). However, this compassion did not mean that the residents would start to act mildly towards the foreign prostitutes. Rather, the matter was politicised with residents writing to the local government to clean up their neighbourhoods and save these women from their criminal tormentors (Matthieu, 2012, p. 207). The argument was often a fight against illegal immigration and the protection of the previously mentioned public tranquillity of local residencies (Assemblée Nationale, 2011a).

This increase and the international opposition to human trafficking allowed the national abolitionist movement and some feminists to form a coalition in support of the abolition of prostitution. This coalition of abolitionists argued for the dangers of trafficking in light of the international measures and stated that all sex workers were victims of human trafficking (Allwood, 2004, p. 145). Their focus was on the abolition of the trade, rather than the abolition of regulations related to the practice as the group had identified itself with before 1990 (Allwood, 2006, p. 47). Feminists have mainly been the reason for the shift from the earlier mentioned abolitionist view to the abolitionist view in which prostitution should be prohibited (Matthieu, 2004, p. 159).

Their opposition, consisting of healthcare workers, sex workers and the other feminist side, argued that the sex workers' rational decision-making ability was put into question by the abolitionists (Allwood, 2006, p. 49). The rationale of these pro-sex work advocates was that the feminists who had aligned themselves with the abolitionists did not believe in autonomy over one's own body (Matthieu, 2012, p. 210). Furthermore, those in favour of regulation argued for better working conditions as opposed to the criminalisation of the profession and a distinction between forced and voluntary prostitution (Allwood, 2004, p. 146; Allwood, 2006, p. 47). While this side did not gain improved working conditions or a distinction between the types of prostitution, the government did alter policy regarding active and passive solicitation. Passive solicitation refers to a sex worker waiting at a place for possible clients while active solicitation indicates direct contact between worker and client. In 1994, passive solicitation would become illegal as a result of public opinion on the arbitrary repression expressed by the police as a result

of the policy (Matthieu, 2012, p. 204). These aforementioned laws were implemented to adhere to the international arena which argued for more humanitarian liberal criminal law (Matthieu, 2012, p. 204).

Nonetheless, the access of the abolitionists to policymakers, the increase in foreign prostitutes, and international measures allowed them to present themselves through a non-ideological dichotomy (Allwood, 2004, p. 149). This improved their appeal to the national political arena. As a result of the increased abolitionist interest, the French have presented themselves as the epitome of abolitionism in contrast to the Dutch-led drive towards decriminalisation (Allwood, 2004, p. 148).

From 2002 until 2011

Before 2002, the focus of policies related to prostitution was focused on the well-being of the prostitutes themselves. However, with Nicolas Sarkozy's Domestic Security Bill, the issue became one of law and order with a focus on combat against international criminal organisations. Furthermore, the law created a hostile environment towards prostitutes, rather than the previous aim to decrease prostitution as a result of their victimhood to crime (Allwood, 2004, p. 150; Allwood, 2006, p. 50).

The change in focus can be explained through the previously mentioned increase of foreign prostitutes in the country and the elections of 2002. Mayors within the country had implemented laws in certain residential and business areas in which complaints about prostitution had been made before 2002 (Allwood, 2004, p. 149; Matthieu, 2004, pp. 160-161). However, these laws had focused on traffic and parking restrictions in certain areas to make work in the area more expensive and henceforth more difficult for the prostitutes. The law and order stance on prostitution was adapted through the 2002 presidential elections (Allwood, 2004, p. 150). The Domestic Security Bill was introduced by the Minister for Interior, Nicolas Sarkozy after the elections in October 2002. The bill was implemented after successful readings in both houses of Parliament in March 2003 (Allwood, 2004, p. 150). An example of measures

was the criminalisation of passive solicitation as well as an active solicitation to decrease the visibility of the prostitutes that walked the streets (Assemblée Nationale, 2015c, p. 5733).

The bill itself was not a fully coherent position on prostitution. Coherency was not the goal of Sarkozy. The Domestic Security Bill did have two aims. First, the bill was to decrease anxiety amongst voters about prostitution and henceforth set out to minimise the visibility of the activity in the streets. The Minister of Interior succeeded as most prostitutes moved out of the well-lit and visible places to other areas within the city (Allwood, 2004, p. 155). Second, the statement of Sarkozy of July 2002 in which he states that the target of this policy was migrant women shows that the aim was to remove foreign prostitutes from France (Allwood, 2004, p. 151). The Minister of Interior was not the only one of the opinion that foreign prostitutes were an issue. Most of the debate from 2002 until 2011 was about the division between 'proper' French prostitutes and 'bad' foreign prostitutes. The former was believed to undercut prices, offer unprotected sex, and cause anxiety to local residents due to indiscreet working models (Allwood, 2004, p. 152). This second aim was supported by the European Union's stance on prostitution through human trafficking which is visible in the Council of Europe's Convention on action against trafficking in human beings, in which prostitution is explicitly mentioned (Assemblée Nationale, 2007). In this article, amongst other articles, the Council of Europe states that the fight against human trafficking will guarantee equality between men and women. This convention is in line with the French stance in which prostitution is seen as an act of domination of the men over the women, as shown in Article 1 (Assemblée Nationale, 2007). However, Sarkozy and the European Union were not the only actors who see prostitutes as victims of the modern slave trade. Several documents on the fight against inequality between men and women have mentioned prostitution. In particular, on human trafficking, vulnerable women in modern slavery, as well as passive solicitation (Assemblée Nationale, 2008). Nonetheless, while these bill propositions along with Sarkozy's Domestic Security Bill did mention prostitution as an issue, the documents mainly focus on domestic safety or international human

trafficking. As shown in chapter 4 of this thesis, this changes in 2011 when the National Assembly starts to refer to the reaffirmation of the abolitionist position of France on prostitution. Furthermore, the implementation of the Nordic model policy of 2016 is specifically designed to only include the policy on prostitution. Table 1 shows the Articles of the Domestic Security Bill that focused on solicitation and punishment of sex workers.

Table 1: The Domestic Security Bill by Sarkozy

Article No.	Translation
Article 18	Criminalisation of solicitation
	Creates an offence for clients to pay for sex with a vulnerable person
Article 28	Permits removal of foreigner's visitor's permit when caught for solicitation
Article 29	Allows foreign prostitutes to remain in the country through the heard case. Only when the prostitute presses charges against their pimp
	A prostitute is allowed to remain in France when the trafficker is convicted

Allwood, 2004, p. 7.

III Methodology

The previous chapters have established the theoretical framework, the three dominant sex work systems, and the history of French prostitution, to be able to analyse the attempts at implementation of the Nordic model between 2011 and 2016, after which implementation was succeeded. This section explains the methodology that the following analysis contains to answer the following research question: To what extent can two types of policy diffusion, namely policy diffusion through democracy and policy diffusion through technocracy, explain the implementation of the Nordic prostitution model in France between 2011 and 2016?’

As the research question suggests, the objective of this thesis is not to answer whether the implementation of the Nordic model is morally correct or better than the implementation of other sex work/prostitution models. As stated in the theoretical framework chapter, policy diffusion can take place in all stages of the policy cycle (Gilardi & Wasserfallen, 2019, p. 1251). This thesis focuses on the problem emergence, agenda-setting, the consideration of policy options, and the decision-making stages. Henceforth, this thesis does not focus on the implementation and evaluation stages of the policy process. These latter two stages are often associated with questions on successful performance and/or the moral justice of the policy.

According to Gilardi and Wasserfallen (2019), the focus on the issue-definition stage is rare. This thesis aims to shed light on this stage of the policy cycle to close this lacuna of research. Moreover, the research that has been conducted on the first four stages shows that ideological frames, referred to as normative frames, are less likely to be influenced by policy diffusion than frames focused on practical implementation aspects (Gilardi & Wasserfallen, 2019, p. 1251). This study can test whether the same can be applied to the prostitution policy. If the use of policy diffusion is limited in the analysis of the Assemblée Nationale, then the argument made previously by Gilardi and Wasserfallen bears support.

This study aims to analyse whether the previously mentioned study of Linos applies to a different policy field beyond the scope of family policy or healthcare policy. To answer the previous question, the research conducted in this experiment is a small N, within-case analysis of the French sex work policy. This thesis uses the method of Most similar systems design II. This means that the primary documents of the Assemblée Nationale between 2011 and 2016 are examined to determine whether the influence of policy diffusion or another aspect during the negotiation was the reason for the implementation of the Nordic model in 2016. Henceforth, the independent variable is the discourse within the French national assembly on prostitution models and the dependent variable is the implementation of the Nordic model in France. The use of a single country has an advantage since confounders such as geographical position, political regime, electoral system, and relative wealth are ruled out as determinants for the implementation of the policy since France has not changed these elements significantly in the discussed time period. Nonetheless, some background information does differ. The possible confounders are examined in the section on confounders in the analysis chapter.

The choice of time period is due to the switch in narrative related to prostitution. While before 2011 most official documents mentioned prostitution in relation to human trafficking, the aforementioned document of 2011 is the first time in which prostitution is mentioned in its own right. Furthermore, after April 13 2011, the debates surrounding prostitution were centred around a policy that influences prostitution directly, rather than the previously discussed equality debates and human trafficking debates. Henceforth, the narrative around prostitution switched from being a side issue to becoming one of the main manners in which France wanted to combat gender inequalities and human trafficking. The debates about the end of criminalisation of the prostitutes and the vote for the implementation of the Nordic model occurred on April 6 2016. Henceforth, the thesis analysis focuses on the documentation of the French national assembly between April 13 2011 and April 6 2016.

The analysis is divided into three sections: policy diffusion through democracy, policy diffusion through technocracy, and confounders. The first section on policy diffusion through democracy is subdivided into three categories: learning, emulation, and the involvement of the media. This division coincides with the possible reasons for references to the international arena according to Linos.

The analysis is qualitative to determine not only if the politicians have used examples from other countries, but also how these politicians have voiced those opinions to determine whether the theory of policy through democracy and policy diffusion through technocracy were present in the case study. As stated previously, it is argued by Linos (2013) that policy through democracy is visible when politicians reference large, rich, and culturally approximate countries as examples for their system. Furthermore, to determine whether policy through technocracy is used, the mentions of other systems from other countries by scholars and expert organisations, such as interest groups, are taken into account to see whether politicians assess best practices through democracy or technocracy within the prostitution model field. When the politicians mainly or only use culturally proximate, rich, and large countries as examples rather than assess best practices it can be argued that politicians are aware of the influence these countries can have to make their agenda seem as well-considered, successful, and well thought out plans, rather than experiments. Furthermore, unlike diffusion through technocracy, diffusion through democracy relies heavily on the way the media portrays a certain policy abroad (Linos, 2013, p. 3). Therefore, the analysis aims to establish whether and how media outlets were referenced when they discussed the previous implementation of other countries.

Due to the size of the research, it is only possible to establish a partial explanation of the policy change phenomenon through policy diffusion. Furthermore, like Linos herself, this research does not deny that policy diffusion is not the only aspect in which policymakers look to determine what policy to implement. Rather policy diffusion is seen as one aspect that can open a policy window through which policy change is made possible. For example, other mechanisms can cause policy change that is more

internally focused or ad hoc implementation (e.g. through national interest groups) without a previous example to lead by such as the implementation of the Nordic model itself in Sweden in 1999. The aim of the following chapter is henceforth to establish to what extent policy diffusion through democracy and technocracy can explain the implementation of the Nordic model in 2016. Therefore, other confounders are mentioned.

Furthermore, as stated in the theoretical framework chapter, this thesis focuses on the first four stages of the policy cycle. These stages are intertwined throughout the documentation of the *Assemblée Nationale*. Therefore, this thesis discusses the aforementioned stages together. However, there are situations in which the issue definition stage is separated from the other stages. In these instances, these stages are explicitly mentioned within the analysis chapter.

The analysis is carried out on documentation of the *Assemblée Nationale*. The selection of these documents was done through analysis of all documents presented on the website of the aforementioned institution and picking out those documents that contain the world prostitution, sex work, human trafficking, and equality. The documentation that did not mention prostitution within the document was thereafter excluded from the list of documents. Furthermore, the documents did not have to refer exclusively to female prostitution as the implementation of the Nordic model does not exclude male and/or gender-neutral prostitution from its policy implementation. This is indicated by the chairman of the special committee Guy Geoffroy as he states that though women represent the majority of prostitutes in the country, the legislation discussed pertains to all prostituted people (*Assemblée Nationale*, 2013e, p. 12449). It should also be noted that prostitution with minors is illegal and undebated within governance around the world. Therefore, the analysis excluded documentation on the prostitution of minors, since this has a separate law on it. Furthermore, all previously mentioned systems do not allow coerced prostitution, forced prostitution, or prostitution involving people deemed a vulnerable population group of society (e.g. pregnant, mentally ill or handicapped people) in their countries. Henceforth, the focus of

this research is on adult non-vulnerable prostitution. As a result of the aforementioned filters, out of all documentation of the national assembly, 31 documents remained. Due to the nature of the study, there is a mix between legal (policy proposals and legislation) and social documents (reports from special committees of the national assembly) within the 31 documents.

The analysis of these documents happened through content analysis as this method allows for variations between the subjects and context to be taken into consideration. The necessity for this hermeneutic analysis becomes clear when one assumes that only rich, big, and/or (culturally) proximate countries are considered by politicians in policy diffusion. What can be considered rich or big depends on the interpretation of the observer. However, this thesis aims to keep the analysis as close to objectivity as possible. For instance, reasons for the interpretations are given within the analysis to assess whether the hermeneutic indication was warranted. Moreover, the research conducted in the following chapter is deductive in which the theory of Linos of policy diffusion through democracy and policy diffusion through technocracy are analysed within the specific case study of French prostitution model discussions in their national assembly.

IV Analysis

In 2011, France is a polarised abolitionist country in which the authorities want to decrease prostitution and human trafficking through legislation, while health organisations call for tolerance towards prostitutes to increase their safety within the undertaking. As stated in the methodology, the thesis analysis focuses on the timeframe between April 13 2011 and April 6 2016.

The analysis is divided into three sections: policy diffusion through democracy, policy diffusion through technocracy, and confounders. The first section on policy diffusion through democracy is subdivided into three categories: learning, emulation, and the involvement of the media. This division coincides with the possible reasons for references to the international stakeholders and interest groups according to the policy diffusion through democracy theory. It should be noted that, as expected, the analysed documentation has not mentioned any type of coercion, soft or otherwise, to indicate that the coercion mechanism was part of the reason for the implementation of the Nordic model in 2016. Furthermore, upon analysis of the documentation of the Assemblée Nationale, there was no indication of the presence of the competition mechanism. Linos argues that competition would play a moderate role in policies related to social issues across rich countries (Linos, 2013, p. 14). This observation is therefore in line with the proposed theory of policy diffusion presented by Linos. Due to the lack of representation of coercion and competition, the following section on policy diffusion through democracy does not mention these mechanisms while other scholars have mentioned coercion and competition as mechanisms for policy diffusion in their analyses.

Policy diffusion through democracy between 2011 and 2016

Learning

As stated in the theoretical framework chapter, learning refers to information gathering by one country to assess their policy in relation to national preferences. Linos argues that the necessity for examples from other countries becomes more prevalent when there is no clear international policy model for the issue (Gilardi & Wasserfallen, 2019, p. 1248; Linos, 2013, p. 37). The assessment of the need for comparison when there are different models in place around the world seems to carry legitimacy in the French case study. Documentation of the national assembly shows that French politicians are aware of the lack of a single international model within the field of prostitution. In the report of 13 April 2011 by the National Assembly, the researchers mention the different policy systems in place concerning prostitution. The report highlights the contradicting positions different countries have taken and shows that a common international model is absent (Assemblée Nationale, 2011a, p. 164). The report also proposes a reason for this diverse international model, since prostitution is not a simple subject to debate due to the stigma of the activity. This stigma suppresses the will of prostitutes to come forward and discuss the implications of their activity. Furthermore, the authorities consider prostitution in general to be a hidden endeavour from society as a consequence of the criminalisation of solicitation in 2003 (Assemblée Nationale, 2011a, p. 21). Despite the hesitance of prostitutes to communicate with the government or associated organisations, France, among other countries, attempts to grasp the width of prostitution to establish a policy about the activity. Furthermore, the members of the special committee claim that due to the difficulty of the subject matter and the different stances, international organisations refrain from mentioning prostitution itself as a topic, while the consensus on the action against human trafficking and sexual exploitation is increasingly mentioned within those organisations (Assemblée Nationale, 2011a, p. 164). This can explain why the French national assembly has included numerous policies from other countries within their discussions in the national assembly.

From the introduction of prostitution as an issue in its own right, the special committee in charge of the subject visited four countries, which had implemented different prostitution policy systems. These countries are Belgium, the Netherlands, Sweden, and Spain (Assemblée Nationale, 2011e, p. 8565). The use of that many countries could have been considered necessary since the diverse international model enhances the necessity to include international examples to make the suggestion appear well-thought-out and allow voters to believe that the government is competent and their endorsements are not based on only the needs of special interest groups (Linos, 2013, p. 14). This line of argumentation is in accordance with the benchmarking by voters argument posed by the diffusion through democracy theory (Linos, 2013, p. 2). However, the endorsement of the public has not been mentioned throughout the documents of the national assembly. On the contrary, one politician states that through her analysis of the media, the country seems to have a long way to go to realise the objectives of the prostitution legislation (Assemblée Nationale, 2011e, p. 8574). Nonetheless, arguments are made that the subject of prostitution interests the citizens of France, mobilised civil society and that the subject has fascinated the media (Assemblée Nationale, 2013e, pp. 12421-12422). Therefore, while the subject might not have directly altered the opinion of the public, it has created the chance to start the debate within civil society and media, which would suggest the presence of diffusion through democracy from the top-down.

One way to establish what policy to implement and how is through an analysis of best practices. In her research, Linos mentions best practices in which countries look at other countries to see which policy to adopt due to the beneficial outcomes experienced by the early adopters (Linos, 2013, p. 14). The National Assembly addresses 6 countries in relation to perceived best practices in prostitution policy. Most of these references refer to those countries that have implemented the Nordic model before 2011. There are two exceptions, Northern Ireland and the Netherlands are mentioned as countries that consider the implementation of a version of the Nordic model. It should be noted that the Nordic model is closest to the view of the abolition of prostitution currently in practice. Henceforth, as Gilardi and Wasserfallen

(2019) have stated, the assessment of best practices does depend on the ideology of the country that considers the implementation of a particular system (p. 1246; Assemblée Nationale, 2011e, p. 8572). The French case study shows what the lack of a common international model means. For instance, the 383 long initial report on prostitution in France of April 13 2011 establishes the situation in France and includes references to the Netherlands (regulationist model) and Sweden (Nordic model) as being viewed as examples of particular models and therefore deserving of attention to learning from to determine what policy France should imply in the future (Assemblée Nationale, 2011a, p. 17). Both of these countries have been referred to as examples of different systems with support from other organisations and/or countries and therefore can be viewed as best practices of these systems. The aim of the inclusion of these countries seems to be to learn from their implementations and to analyse which would suit France. However, in later documentation of the national assembly, the Nordic model remains the only model that is referred to as best practice due to the abolitionist ideology behind the policy (Assemblée Nationale, 2015c, p. 5719).

Emulation

Emulation, as stated in the theoretical framework chapter, focuses on the actor and/or the appropriateness of the policy that was previously installed rather than the success of the implemented policy itself (Gilardi & Wasserfallen, 2019, p. 1245). By implementing the early adopter's policy, the country aims to achieve a similar perceived perception to the country from which the former has derived the policy. For instance, country A has a policy in which one religion is dominant, while country B has had a policy in which all religions are equal. Country A notices that country B is considered modern since the implementation as rich members of other countries and international organisations have acknowledged the perceived tolerance of country B's policy. This makes country B more favourable in the perception of the international organisation and other countries and gives country B an advantage through negotiations

as the country is seen as fair. Whether the country is actually fairer than country A is uncertain. However, their implementation of religious tolerance makes them appear more tolerant and fair to other actors. Therefore, country A has decided to implement the same policy to achieve a similar perception.

Linos argues that politicians tend to use countries that are rich, big, and/or culturally or geographically close (Linos, 2013, p. 5; Linos, 2013, p. 148). This can explain why the countries that are mentioned throughout the national assembly's documentation are often the same. Particularly Germany, the United States, Canada, the Netherlands, and Sweden are brought up in nearly all documentation analysed from the national assembly relating to this topic. Furthermore, several of the abovementioned countries fall into all three categories while others only fit one or two of these measures. For instance, as shown in Table 2, all countries are considered wealthy, since all GDPs per capita fall within the top thirty highest GDP per capita rankings and all countries' GDPs per capita are higher than France's. Furthermore, all aforementioned countries can be considered democratic and liberal states, which means they have political backgrounds in common (Freedomhouse, n.d.a; Freedomhouse, n.d.b; Freedomhouse, n.d.c; Freedomhouse, n.d.d; Freedomhouse, n.d.e). The theory of policy diffusion through democracy indicated that policy diffusion was more likely in democracies (Linos, 2013, p. 158). This would indicate that all these countries and France would be likely to want to mimic and learn from each other. This is evident by the number of times France gives these countries as examples.

Table 2: Ranking of GDP per capita

Country	Ranking
France	29
Germany	20
The Netherlands	18
Canada	26
The United States of America	11
Sweden	21

Our World in Data. Nd. 'GDP per capita 2016.' Accessed on 1 June 2022:
<https://ourworldindata.org/grapher/gdp-per-capita-worldbank?tab=table&time=2016>

Moreover, in terms of the aforementioned countries' size. Germany is one of the biggest countries on the European continent and the 19th biggest country in the world (Worlddata, n.d.). Germany shares a border with the mainland of France on the European continent which makes this country geographically close. The United States is the third biggest country in terms of both population and landmass in the world (Worlddata, n.d.). However, the country is not geographically close to France as they do not share borders. Canada is the second-largest country in terms of the landmass in the world. Nevertheless, their population size can be considered moderate to small (Worlddata, n.d.). Despite their colonial history, Canada does not share borders with France in the 21st century. Sweden can be considered similar to Canada in the sense that their country is considered large on the European continent in terms of landmass. However, their population size is small in terms of the world population and they do not share any border with France. The Netherlands has a large population for the size of the country. Nonetheless, the country is small in terms of both landmass and population size. Additionally, the mainland of the Netherlands does not share a border with the mainland of France. However, the two countries do share an island in the Caribbean, which makes these two countries geographically close as neighbours.

Culturally, the aforementioned countries share several cultural aspects with the French case study. For example, Germany, the Netherlands, and Sweden are all members of most of the organisations of which France is a member such as the European Union and NATO. Furthermore, both Germany and the Netherlands share histories with France due to past wars and the exchange of ideas and art. To this day numerous volumes of literature and paintings from these countries are exchanged between the three countries. Sweden's history with France is limited. On the other hand, Canada, as a former colony, shares a rich history with France, including the implementation of French in Quebec as an official language. There are

numerous documents of the French national assembly discussing the communication between the Canadian and French governments discussions on issues regarding the maintenance of the French language on Canadian soil (Assemblée Nationale, 2011c, p. 11892; Assemblée Nationale, 2011g, p. 13278). The relationship between the United States is culturally less evident than in the aforementioned examples. However, the United States, like the other mentioned countries do share memberships in different organisations, since the United States started most of these organisations, such as NATO and the United Nations.

The visited countries (e.g. Spain, Germany, the Netherlands, Belgium, and Sweden) as a result of the special committee in 2011, some of which are mentioned in the previous section, throughout later documentation as mentioned above, were all members of the European Union. Furthermore, Spain, which was visited, also shares borders with France. This shows that even when the politicians themselves claim that the visits are to learn, the countries included to learn from are culturally and geographically proximate to the country that considers the implementation of a different policy system. Therefore, the theory of diffusion through democracy in which countries that are big, rich, and culturally/geographically proximate are used, seems to apply to the French prostitution model case study in which these types of countries are most often referenced.

However, most of the references within the national assembly do not refer to the relationships between France and the other countries. In the prostitution policy case study the main instances in which emulation is explicitly presented with regards to other nation-states in the national assembly are retroactive in character. The members of the national assembly often refer to France as exemplary even when they have not yet implemented the preferred abolitionist policy at the time of the discussion (Assemblée Nationale, 2015c, p. 5710; Assemblée Nationale, 2013g, p. 124674; Assemblée Nationale, 2011e, p. 8572). This is

counterintuitive since emulation would suggest that early adopters would be mentioned as exemplary. However, the French national assembly has several references to the greatness of their own country and how Europe and the rest of the world are waiting for France to choose the policy on which to base their policies. For example, Philippe Goujon states that 'France, by its influence and its exemplarity, would undoubtedly provoke a global movement.' (Assemblée Nationale, 2011e, p. 8572). Another example of Segolene Neuville goes further and mentions which particular countries watch France decide with regards to prostitution due to previously regulationist prostitution policies, namely Spain, Germany, and the Netherlands (Assemblée Nationale, 2013g, pp. 12674 - 12675). These showcase the belief that France is a country that can create emulation for other countries once they have implemented the policy based on their abolitionists' ideology. Henceforth, the emulation argument works the other way around when a country perceives itself as a rich, big and modern nation-state. Furthermore, the theory by Linos on democratic policy diffusion also suggested that it was less likely to happen due to the nature of the national decision-making capacities of these countries (Linos, 2013, p. 6). She did not mention that a country could present counteractive policy diffusion through democracy. However, the French case study shows that emulation is present in a counteractive manner. Henceforth, would imply that policy diffusion through democracy is present in a rich, big, and modern country albeit differently than anticipated by the original theory.

Nonetheless, the politicians within the national assembly do not completely exclude regular emulation. Emulation deals with norms and perceptions of a particular policy or country (Linos, 2013, p. 61; Towns, 2012, p. 185). Specifically, the policy's ideological lenses that are involved and their popularity. The issue definition stage aids in the development of a particular ideology. For instance, throughout the French national assembly, it is clear that prostitution is seen through the lens of human trafficking. It is explicitly mentioned and

implicitly implied that the prostitutes within France are there involuntarily as a result of international human trafficking through the debates that have taken place within the parliament. The argument that 90 percent of the prostitutes in France are from foreign countries adds to this argument (Assemblée Nationale, 2012d, p. 4). An example of an ideological statement is that 'Unlike the Netherlands, which considers prostitution as a social fact and has therefore chosen to regulate it, France refuses to accept it as inevitable, as a phenomenon inherent in all social life, but regards it as a constraint. , since, most often, it is exercised for reasons of economic necessity.' (Assemblée Nationale, 2011e, p. 8569). This definition creates a call for action from the parliament and the French population as is shown through different discussions in the national assembly related to the media and the dangers of human trafficking. Furthermore, the crimes associated with human trafficking are seen as an internationally pressing issue through the disclosed membership of international organisations (e.g. European Union, United Nations, and Doctors without Borders) and ratification of international treaties or conventions by France's national assembly. For example, the following excerpt of a debate within the national assembly shows the numerous commitments signed by France and the call for action of the parliament to implement policy on prostitution due to these commitments:

'Before addressing the shortcomings of this mechanism for victims of trafficking and pimping, it should be recalled that this right to reparation is mentioned in various international legal instruments.

Article 6 (6) of the Palermo Protocol of 2000 provides for the possibility for victims of trafficking to obtain compensation for their damage.

The Istanbul Convention, signed under the aegis of the Council of Europe, on preventing and combating violence against women and domestic violence, which has recently been

transposed by Parliament, provides in Article 30 for compensation to victims of any crime falling within its scope.

Also, Article 17 of the Directive of the European Parliament and of the Council of 5 April 2011, already referred to above, provides that the Member States are to ensure that victims of trafficking in human beings have access to existing compensation schemes for victims of violent international crime.’ (Assemblée Nationale, 2013a, p. 52)

The use of international conventions and organisations did not take place in a single occurrence within the national assembly. The French parliamentarians mention the United Nations Convention for the Suppression of Trafficking in Human Beings and the Exploitation of the Prostitution of Others of 1949 which was ratified by France in 1960 in 17 out of 31 documents (Assemblée Nationale, 2011e, p. 8565). In all except for one discussion is the document mentioned in relation to prostitution policy and the implementation of the Nordic model to finally implement abolitionist policy.’ (Assemblée Nationale, 2015f, p. 10402). These international endorsements allow the government to present the issue as important and not a whim in French legislation. Therefore, the legislation on prostitution can be seen as modern, relevant, and mainstream. To the French public as other international stakeholders have also mentioned the issues related to human trafficking and the subsequent creation of prostitution as a result. Nonetheless, this aspect can also be considered a part of diffusion through technocracy since the international organisations are mentioned as one of the policy elites (Linos, 2013, p. 1). However, according to the technocracy theory, domestic democracy and these international norms should be in tension (Linos, 2013, p. 2), which seems not to be the case in the case study as shown in the aforementioned quotes and references to a common goal of decreasing human trafficking to tackling of domestic prostitution legislation. Moreover, Nicole Ameline references this commonality in norms and national opinion when she states that ‘France is naturally in its role when it reaffirms the law, in particular international law.’ (Assemblée Nationale, 2015c, p. 5722). Though Linos does argue that all countries are

prone to pressures to conform to the norm made by the international organisations, as discussed in the analysis in the learning section, there is no common norm within the international field on prostitution. It, therefore, seems that France only endorses those opinions by international organisations when these align with their own ideology. This is also clear from the discussion between mister Sergio Coronado and mister Geoffroy when Geoffroy responds to the former that he is not forced into anything by the European Union as the functioning of the organisation is transparent through the member states (Assemblée Nationale, 2013f, p. 12479). Henceforth, there seems to be a strong case to be made that the involvement of international organisations in this case study can be more related to the emulation mechanism and therefore, to the diffusion through democracy argumentation.

Moreover, the establishment of ideology and the stance on prostitution as a form of international illegal human trafficking shows why certain international policies were not considered. Gilardi and Wasserfallen (2019) refer to this as a caution to the limitations of diffusion through technocracy, since preferences are limited to the eye of the beholder (p. 1250). In other words, what one country can consider good practice, can be a failure for another country. For instance, the French special committee did visit countries that have a regulationist prostitution policy which is not their own policy. On the other hand, the full decriminalisation policy of New Zealand was not mentioned in the discussion or documentation of the French national assembly. Furthermore, the special committee did not visit New Zealand to analyse and discuss this system. The reason for this lack of inclusion can be that France has included the regulationist model previously as their policy ideology, as shown in the background chapter. However, France has never included the full criminalisation model. Both the French as well as New Zealand have implemented policies due to their aim for equality between men and women. However, both have come to different policies, namely the French have adopted the Nordic model and the New Zealanders have implemented full decriminalisation. The cause for this discrepancy can be found in the aforementioned issue-definition stage in which the French identified the prostitute as a victim and the

prostitution system as illegal and dangerous human trafficking, while the government of New Zealand identified legislation on prostitution and the identification of sex workers as criminals rather than employees as the issue. The narratives have created the Nordic model in one country and the full decriminalisation model in the other with a lack of consideration for the latter model by the former country. In other words, once the norm was set, the models under consideration became limited. This is essentially what Gilardi and Wasserfallen (2019) argue in their paper on policy diffusion as norms of a country can navigate the policy diffusion through the lens of the country (p. 1251). Therefore, the international norms stated by the United Nations and the abolitionist ideology of France are mutually reinforcing as the theory of diffusion through democracy suggested these would interact (Linos, 2013, p. 2). This is an indication of policy diffusion through democracy, as those politicians involved cater to the previously established abolitionist model in line with the opinions of the public.

Furthermore, visits to the Netherlands by the French special committee have created the idea that the legalisation of prostitution does not work, since the Netherlands has started to think about an alteration of their policy to make clients who know they buy sex from non-registered prostitutes or establishments guilty of a criminal offence (Assemblée Nationale, 2012d, p. 8). The fact that a country that is considered regulationist alters their system to move more toward abolitionism can indicate to France that the systems of regulationism cannot be considered to work and henceforth, the visitation to another country with a legislation model would be a waste of the, in chapter 1 mentioned, limited resources.

Besides, as Gilardi and Wasserfallen and Linos have argued, the policies discussed are constrained due to the preferences of the civilians who vote for these politicians in office (Gilardi & Wasserfallen, 2019, pp. 1249-1250; Linos, 2013, p. 19). The second chapter of this thesis has shown that civilians have complained about the perceived nuisances experienced due to prostitution in France. The national assembly is aware of these complaints as the 2003 solicitation ban was implemented as a result.

The discussions in the analysed documents are that the previously installed legislation to fight prostitution has been proven to be unsuccessful (Assemblée Nationale, 2015c, p. 5708). Henceforth, the French politicians within the national assembly have to come up with a new policy that decreases prostitution to appease the population. A model of full decriminalisation would allow prostitutes to practice their activity freely, which could create nuisances in the eyes of local residents and risk the loss of re-election for the politicians who would have supported that system. Henceforth, the argument for policy diffusion through democracy to appeal to voters through the use of certain international examples carries support from the analysis of which policy models the national assembly did not include in their discussions and documents. The second indication of regular policy emulation is the brief references made to the relationship between the countries Norway, Sweden, and Iceland with France. Guy Geoffroy refers to these countries as friends of their country. However, this is followed by references to the policy itself rather than the commonalities between the countries and their own nation (Assemblée Nationale, 2011e, p. 8567). Moreover, the reference by Nicole Ameline to those countries that have already implemented the Nordic model within their constituencies as the most modern countries in the world demonstrates that emulation is part of the narrative within the national assembly, albeit in limited amounts (Assemblée Nationale, 2013e, p. 12443).

A third indication of emulation visible is not about a country but terrorist networks Daesh or Boko Haram. The references are all concerning human trafficking and while Catherine Coutelle of the national assembly does not state it explicitly, it is heavily implied that these trafficked women end up in prostitution in France (Assemblée Nationale, 2015c, p. 5712). The emphasis is henceforth on the terrorist aspect of the mentioned organisations and the negative consequences of France's involvement rather than on a particular policy even though it is implied that through the Nordic model, these issues would be solved or diminished. During the 2011 and 2016 time period, Boko Haram and Daesh were often in the news. For example, in the most popular newspaper of France Le Figaro, Boko Haram was mentioned over

450 times in 2015 alone, while Daesh was mentioned 16 times including an article which states that the French are going to fight against the Daesh organisation (Qu erouil-Bruneel, 2015). Henceforth, I would argue that the emulation argument does not only apply to other countries or international organisations such as the United Nations but that these arguments are more common and also include non-state actors who have been perceived positively or negatively to influence public opinion.

Involvement of the media

Linos notes that countries broadcast media that occurs in rich, big, and culturally/geographically approximate countries disproportionately to ones that do not share these characteristics (Linos, 2013, pp. 19-20). However, the only references to the media are with regard to national responses to the proposed legislation in the national assembly. For example, the following quote by mister Geoffroy shows that politicians are aware that the media has a direct influence on the population's behaviour, 'On the very day of the publication of our report, the press wrote: "Those MPs who want to punish the clients of prostitution." The prostitutes we met later told us that this announcement had led to a 20 to 30% decrease in their clientele.' (Assembl e Nationale, 2012d, p. 7). This awareness of the public's response to their actions would suggest a policy through democracy type of diffusion. The awareness limits the possibilities of the politicians. However, this example also shows that it allows politicians to test the waters on how their policies are received by the public before these policies are voted on. The national assembly could hear through Geoffroy that the impact of a bill aimed to diminish clientele and by extension prostitution would be more likely to be successful as the announcement of the possibility of such legislation already created an indication of triumphant policy implementation.

Furthermore, the involvement of the media in national public discourse did not only create argumentation in support of the proposed bill. The media attention that the subject has received nationally has also incited new rigour in the politicians' willingness to insert themselves in the debates

and the discussion on the subject as shown by mister Jean-Louis Borloo who stated that the media attention has made him more adamant to involve himself within the debates (Assemblée Nationale, 2013e, p. 12455). Moreover, these media involvements actively change the debates within the parliament as politicians make statements directed at journalists that cover the subject of prostitution in their articles, in particular how the media has portrayed the penalisation of clientele as the only objective of the bill as false (Assemblée Nationale, 2015c, p. 5734).

The inclusion of media about international organisations only seems to be indirect. As stated in the emulation section, Boko Haram was mentioned often in the media and later referred to in the discussions on human trafficking and prostitution in favour of the Nordic model (Assemblée Nationale, 2015c, p. 5712). Therefore, there is a possibility that more references have been due to the media attention on a particular international topic. However, the analysis of the French national assembly does suggest a limited influence from the media with regards to international references and more to how their national citizens respond to the suggestions made in the chamber.

Policy diffusion through technocracy between 2011 and 2016

Diffusion through technocracy argues that technocrats are those that have extensive knowledge about the subject matter and can attest to whether a policy is likely to fail or succeed in a given country (Linos, 2013, p. 3). In the French case study, the members of the special committee of 2011 did not only include international actors in their assessment of the best prostitution policy. Members of the group met up with over two hundred people including prostitutes, associations, nurses, law enforcement, and the French minister for social cohesion, justice and interior (Assemblée Nationale, 2011e, p. 8565). These actors can be considered technocratic since their involvement with prostitution or the involved actors suggests knowledge and/or expertise about the subject on whether a policy is likely to succeed. These organisations have traded their ideas with the national assembly throughout the process between 2011

and 2016. However, their involvement was increased with the instalment of the new special committee regarding prostitution in 2013 (Assemblée Nationale, 2013a, p. 13).

The increase in the use of technocratic influence makes sense when one considers that after September 17 2013, a slight switch in narrative can be detected within the discussions and documents. While the 2011 report focuses on the international arena and learning from other countries, the 2013 report focuses on the Nordic model, and the implications, along with the national situation of prostitution in France (Assemblée Nationale, 2011a; Assemblée Nationale, 2013a). After the 2013 report, the guests within the national assembly became people with technocratic backgrounds such as former prostitutes, medical personnel that helped clientele or prostitutes, or members of the organisations that aided these prostitutes (Assemblée Nationale, 2013a, p. 209).

In particular, the organisations that aid prostitutes in their endeavour to leave prostitution or to have access to healthcare, are presented within the documents of the national assembly through their expertise (Assemblée Nationale, 2013a, pp. 85 - 86; Assemblée Nationale, 2013e, p. 12436; Assemblée Nationale, 2015c, p, 5720; Assemblée Nationale, 2016c, p. 2747). Those organisations involved are presented in table 3. Despite the many organisations involved in aid for prostitutes, the national assembly uses particular examples more often than others. For instance, the Mouvement du Nid is mentioned throughout the discussions between 2011 and 2016. This is not a coincidence, analysis of the documentation has shown that those organisations that have an abolitionist stance on prostitution are most often mentioned within the assembly's documentation. The Mouvement du Nid is one of these abolitionist organisations (Assemblée Nationale, 2011d, p. 8568). This shows that technocratic organisations can have their knowledge shared with political actors. Nonetheless, the influence might be limited if these organisations do not share the dominant ideology of that time. Henceforth, for those organisations that have a different stance than abolitionism in France, the policy window would be less wide, than for those organisations that did. This shows that policy diffusion through technocracy present

is in the case study and the suggestions these organisations made have been included in the debates. Nevertheless, their success depends on the constraints that are similar to those constraints in policy diffusion through democracy, namely national ideology and the examples mentioned by these organisations.

Table 3: aid organisations for prostitutes mentioned

En Français	In English
Syndicat du Travail Sexuel (STRASS)	Sex Work Union
AIDES	AIDES
Médecins du Monde	Doctors of the world
la Ligue des droits de l'Homme	The league of Human Rights
Amnesty International	Amnesty International
la Ligue de l'enseignement	The Education League
le Syndicat de la magistrature	Magistracy Union
AIDS Action Foundation	AIDS Action Foundation
Alliance féministe solidaire	Alliance féministe solidaire
Mouvement du Nid	Movement of the nest

Assemblée Nationale, 2013a, pp. 85 - 86; Assemblée Nationale, 2013e, p. 12436; Assemblée Nationale, 2015c, p. 5720; Assemblée Nationale, 2016c, p. 2747

Moreover, the organisations and technocrats invited to speak within the national assembly are those who support the ideas of the committee to implement the Nordic model and diminish prostitution. For example, the former prostitute, who visited the national assembly to speak, was currently a supporter of the abolitionist stance of the chamber (Assemblée Nationale, 2013a, p. 209). This shows that the politicians involved often aim to base their policies on 'their personal and partisan goals', in this case on the abolitionist prostitution model, while taking into account the interest groups and/or the voters within their constituencies (Linós, 2013, p. 21). The inclusion of a former prostitute who argues for their stance can show to voters and fellow politicians that the policy goal of the politicians in favour of the abolitionist

Nordic model is not merely experiments or political statements, but carry weight within society and the reality of the prostitutes in France.

Furthermore, members of the special committee mention sociologists' results and create the narrative of negative experiences by prostitutes throughout the proceedings in the national assembly between 2011 and 2016. For instance, throughout several documents from the national assembly, the example of a case study by sociologists in La Jonquera in Spain is mentioned. This area is known to have legalised brothels and is close to the border with France (Assemblée Nationale, 2013a, p. 133). The sociologists conducted this research through three angles, namely, the experiences of the inhabitants of the area, the young people from the Pyrénées-Orientales, and the media discourse with regard to prostitution (Assemblée Nationale, 2013a, p. 169). The sociologists noticed that the young boys and men knew about the brothels without experience within these establishments. The narrative was also referred to as gendered since men were likely to state their sexual needs, while the interviewed women never made statements along those lines (Assemblée Nationale, 2013a, p. 25). Furthermore, it has been argued within the general assembly that women have started to feel inferior or have experienced harassment as a result of the presence of the brothels and street prostitution within this region (Assemblée Nationale, 2013a, pp. 25 - 26). The lesson that the committee took from this study is that the issue is gender-based in which the women are submissive to the men. Henceforth, the issue is framed as an inequality issue with violence towards women. In further discussions on the subject, the human trafficking nature and the estimates of similarities between different countries on the presence of predominantly foreign women are brought up (Assemblée Nationale, 2013e, p. 12433).

On the other hand, whether the example of the sociologists used is purely diffusion through technocracy can be debated, since the example used in Spain. As noted, this country shares borders with France is considered a large country on the European continent and is a member of the European Union. Spain is not the only country mentioned in the studies of scientists that are part of the rich, big, and

culturally/geographically proximate countries. The United States, Canada, and Germany are all other examples of mentioned nations in relation to scientific research on the topic of prostitution that would suggest technocratic diffusion (Assemblée Nationale, 2013a, p. 133; Assemblée Nationale, 2013f, p. 12481). The theory of diffusion through technocracy would suggest that these researchers would be freer on what countries to consider to mention, while the diffusion through democracy side of policy diffusion would be more constrained to these specific qualities of countries (Linos, 2013, p. 5). I would argue that this can be due to the nature of the actors involved in the discussions. As suggested in diffusion through democracy, politicians have to take into account voter behaviour to be re-elected. The reference to a less familiar country might not have the same swing as a familiar country would have, since the familiar country will be known to be competent or modern, while the less familiar country's modernity and competence can be considered questionable by the voter. To appeal to these voters, the politicians will therefore go with the country that has a reputation of being sizable, wealthy, and/or proximate to the homeland to appear to the voters' perception of the successfulness of these policies. Henceforth, through media and the proximity of the country, the example of Spain can be considered familiar to the French public, which creates a constraint on the countries that are usable by technocratic actors due to the nature of the actors involved in policy-making. This could indicate that the use of this example by the national assembly was an attempt at a hybrid form to appear to both the public and to those in the national assembly who appealed for research with an actual reference. The appeal for such an example came from mister Coronado, who stated that the members of parliament have referred to too many statistics without mentioning the source of the research (Assemblée Nationale, 2015c, p. 5737).

The aforementioned inclusion of statistics without the cited sources by these politicians is also an issue for the assessment of whether policy diffusion through technocracy is abundant or not. The theory on the differences between technocratic and democratic diffusion would suggest that the diverse international model lends itself more to technocracy diffusion (Linos, 2013, p. 5). However, since most

sources are not mentioned within the case study, the assessment of how many different sources were used remains questionable. Nonetheless, most of the politicians refer to the same statistics that are mentioned several times throughout the discussions within the national assembly. Therefore, one could argue that there is either a consensus amongst the technocrats or that the amount of sources is limited. It appears to be that the sources are limited since one politician does mention that the collection of data is difficult due to the nature of prostitution as a hidden endeavour (Assemblée Nationale, 2013a, p. 192). This would indicate a limited practical usage of policy diffusion through technocracy compared to the theory of democratic policy diffusion.

Confounders between 2011 and 2016

France is known to operate under a semi-presidential system in which the country has both a president and a prime minister that oversee different parts of the government. This system has implications for how policies are presented to the parliament. Namely, when the president and the prime minister are from different parties, which is also referred to as cohabitation, the president can experience more difficulty with legislation since the colour of the house might differ from the president's own (Bucur, 2017, p. 181). This in turn can create a discrepancy in what the president aims for and what is put forward within the National Assembly. François Fillon was the prime minister of France from 17 May 2007 until 15 May 2012. In the same period, Nicolas Sarkozy fulfilled the position of the French president. Both men were part of the same party, namely the Union for a Popular Movement. After the end of the term for Sarkozy and Fillon, two members of the socialist party took over their offices. Jean-Marc Ayrault became the prime minister and Françoise Hollande became the president. Henceforth, there was no case of cohabitation, before the vote of 2012. On 31 March 2014, Manuel Valls took over as prime minister from Jean-Marc Ayrault. Therefore, after the 2012 vote, all ministers were members of the socialist party and throughout this period Françoise Hollande remained president of the country. Henceforth, since neither period

consisted of a cohabitation period within the semi-presidential system, this cannot be seen as a reason for the time it took to implement the Nordic model in 2016. Therefore, cohabitation is not a confounder to be further included in the analysis.

A second confounder could be a change in ideology that is not related to political colour. For instance, when a country used to be prohibitionist but alters their view to regulationist during the research. This would alter how they would write new policies with regard to the same issue. However, as indicated in the chapter on background information and the analysis of the information report of 2011, France has maintained a position of abolitionism from before 2011 until 2016 (Assemblée Nationale, 2011a). From the analysis of the documentation, France has perpetuated their initial stance of abolitionism within their discussions on prostitution models.

However, it should also be noted that France, with the implementation of the Nordic model, does not leave their initial stance of abolition. Nonetheless, their lack of change is not due to the fact that the country did not look at other countries. The extensive research France did to come to the conclusion in which the Nordic model came out as the best possible option. The level of research and the inclusion of different international systems to come to the eventual conclusion is evident in the following quote by the President of the fact-finding mission Danniele Bosquet: 'The fact-finding mission interviewed more than 200 people and made seven trips, including four outside France, to place its reflection in a comparative approach vis-à-vis foreign legislation, particularly European legislation.' (Assemblée Nationale, 2011a, p. 309). If the French were set on keeping their abolitionist view set, the government would not have to spend resources on seven trips to countries that include the regulationist view (e.g. the Netherlands) and international organisations without a clear abolitionist stance (e.g. Eurojust) on prostitution.

The final confounder could be the indiscriminate use of references to third parties. The use of policy diffusion can also refer to national organisations, as demonstrated in the technocratic section, as

well as to other parties that cannot be put in the category of policy diffusion through technocracy nor in the policy diffusion through democracy. It seems as though the politicians within the national assembly are willing to include many more points of view than just the international and the technocratic fields. Examples are literature in which politicians have referred back to Victor Hugo who is best known to have written *Les Misérables* and the rapporteur of the special committee Geoffrey refers to a singer's new album to address the lack or presence of dogmas within society (Assemblée Nationale, 2012d, p. 10). These reasons could indicate that parliamentarians will use any argumentation available and known to the public or their colleagues. However, most of the references to technocratic individuals and organisations as well as the references to other familiar countries as examples have been met with support from the rest of the house. The references to popular culture have been met with scepticism as is shown by the quote from mister Coronado who calls the references to these types of sources questionable or not adherent to scientific methodology (Assemblée Nationale, 2015c, p. 5737). Therefore, this confounder shows that though politicians may use popular culture references, the response to this phenomenon would be less favourable in comparison to the references to other countries with different policies or technocratic individuals and/or organisations.

Conclusion

Previous research by Linos has attempted to answer the question of whether policy diffusion through democracy applies to healthcare and employment policies. This thesis attempts to answer to what extent policy diffusion through democracy and policy diffusion through technocracy can explain the implementation of prostitution policy in a certain country, namely France. This study aims to compare the relatively new theory on policy diffusion through democracy to the established policy diffusion theory of technocracy. The answer to the question is nuanced as both theories have been observed within the case study of the French national assembly concerning the prostitution policy.

The documentation of the chamber shows that the politicians tend to use rich, big, and culturally/geographically proximate countries as examples to base their proposals on. In almost all cases the countries are considered western and modern. However, after the 2011 report, the politicians did favour the Nordic countries such as Iceland, Norway, and Sweden. This is due to the implementation of the Nordic model by these countries and the proximity to the ideology of abolitionism this model entails. Henceforth, it should be noted that the policy diffusion through democracy has limits as countries tend to only include those rich and proximate countries that are considered similar to their own political preferences. This is in accordance with the theory of Linos and the argument of Gilardi and Wasserfallen, as these researchers have stated that politicians are constrained by the ideology of the politician themselves or their constituencies. Nonetheless, this puts a limit on the implementation of policy diffusion through democracy as not all countries can be included, even if these are considered rich, big, and culturally/geographically proximate to the country that considers policy change. For instance, the full criminalisation model was not even analysed by any of the special committees.

Furthermore, it appears that the politicians within the national assembly are aware of the emulation mechanism as they refer to their own country as an example for other countries once they

have implemented an abolitionist policy such as the Nordic model. The inclusion of one's own country as emulation worthy shows that policy diffusion through democracy theory carries an implication which was not anticipated or elaborated upon by the researchers who created the theory. However, this reference by a rich, big, and modern country to one's own greatness only strengthens the presence of policy diffusion through democracy in developing countries. Moreover, it shows that policy diffusion through democracy can show itself in different manners and cannot be expected to be the same in the future analysis of different countries.

Besides, the inclusion of international organisations that have created norms against human trafficking, allowed the politicians to use these to support the Nordic model in the discussions within the parliament. These endorsements by international organisations are part of the diffusion through democracy theory as they are not in tension with the national ideology. The success of these policy models is not certain, yet members of the parliament did not hesitate to point out the endorsements that France has made to these organisations and what policies these organisations endorse, for France to put a bill forward to adhere to these organisation's endorsements.

The media's involvement would suggest a presence of policy diffusion through democracy as the establishment of the announcement of a possible system was followed by an immediate response favourable to the objectives of the proposed bill. The attention to the media by the politicians was henceforth purposeful to establish support from voters and the general public for possible successful implementation.

Diffusion through technocracy has been proven useful as it provided background information for the endorsement of the Nordic model to those politicians in favour of the policy. Numerous sources such as prostitutes themselves, involved organisations, and researchers who specialise in the topics associated with prostitution have been heard, specifically on September 17, 2013 and after. The goal of the inclusion of diffusion through technocracy seems to have been in support of the policy proposed by

the abolitionist politicians. These assessments through research and allowing prostitutes themselves to speak do serve the purpose of support for their policies and the representation of their policies as legitimate and modern. The use of most examples also happened with big and culturally/geographically approximate countries. This would suggest the inclusion of policy diffusion through democracy within these technocratic references to researchers and other technocratic stakeholders. This suggests a hybrid form in which policy diffusion can explain the extent to which the theory can be used for the implementation of a particular prostitution model. Furthermore, the confounders do not appear to play a major role in the study of diffusion through technocracy and diffusion through democracy. However, there have been examples of references to parties other than technocrats, foreign familiar countries, and those involved in the political process. Nonetheless, these examples seem to be met with scepticism in the national assembly and henceforth, could be a warning to politicians to limit the sources one uses for policy diffusion. Therefore, I would argue that the prostitution policy in France case study showcases a hybrid form between policy diffusion through technocracy and policy diffusion through democracy with some refuted examples by other politicians of popular culture or religion.

Limitations

The theory of policy diffusion through democracy is a relatively new addition to the theories on policy diffusion. This thesis, like the book by Linos, has attempted to see to what extent the theory of policy diffusion through democracy is applicable beyond theory. This thesis has compared the theory to an older theory on policy diffusion, namely diffusion through technocracy. It has shown that these two theories carry applicability and can form a hybrid form within the policy on prostitution. Nonetheless, there are limitations to the applicability of the conclusion. Firstly, due to the scope of the thesis, the analysis was limited to one actor within the vast array of actors in policy diffusion. Henceforth, whether this conclusion is applicable to other studies seems to need further research. Nevertheless, despite the scope, the thesis has created new insights into how some countries perceive themselves as worthy of emulation and how technocratic examples are particularly prone to be used in research when these align with the ideologies of the country. Furthermore, the technocratic community can be constrained by politicians' need to appeal to voters with their choices of including foreign examples since the rich, big, and culturally/geographically proximate countries are most likely to be favoured by politicians in their debates.

Secondly, the theories on policy diffusion are not the only indicators on which policy-makers base their policies. Nonetheless, as stated in the thesis, studies on policy diffusion can improve the understanding on how countries alter their policies. In other words, without the analysis of the phenomenon of policy diffusion, one would miss part of the explanation for policy change.

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