# Indirect moral governance in prostitution policy: How regulators incorporate stigmatized actors in intermediation processes

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**Abstract**

Regulatory intermediaries have received attention in the analysis of different policy fields recently. Yet, their role in morality-based national governance arrangements is hardly addressed, neither is the question of how regulators incorporate stigmatized private actors. The current special issue contributes to closing this research gap by examining the three-party relationship between public regulators, private intermediaries, and targets in prostitution policy implementation. This introduction presents a typology of indirect moral governance, which is based on two dimensions: (1) the extent to which regulators perceive intermediaries as being trustworthy and (2) their operational capacities. Leveraging examples from the papers in the special issue, we elaborate on how the two dimensions lead to four forms of intermediation. Thus, the typology offers an innovative analytical tool to systematizes regulators' responses to governance and implementation problems in the case of morality policies and value-laden issues more generally, including the responsibilization of stigmatized actors.

**Keywords:** implementation, morality policies, prostitution policy, regulatory intermediaries, responsibilization, trustworthiness.

## 1. INTRODUCTION

So-called "regulatory intermediaries" have recently become prominent in the regulatory governance literature. They are conceptualized as "go-betweens" between regulators and targets of regulation and thus as third-party actors that make regulation, or at least some aspects of it, indirect (Abbott et al., 2017c, p. 19). Rather than trying to govern regulatory targets directly, regulators bring third-party actors into the governance arrangement. The regulator-intermediary-target (RIT) model (Abbott et al., 2017b) describes this three-party relationship and has often (but not exclusively) been discussed in relation to technical public problems in transnational governance arrangements (e.g., banking regulation, telecommunication, cf. special issue of Abbott et al. [2017b] and Brés et al. [2019]). The regulation of so-called "morality policies" (e.g., policies governing abortion, assisted dying, and prostitution) plays a very underdeveloped role in this literature (Engeli et al., 2012; Knill, 2013; Mooney, 2001; Tatalovich & Daynes, 2011), despite their inspiring contribution to the scholarship on indirect governance, as we will explain in this contribution.

Specifically, the emphasis on stigmatized private actors, that are involved in intermediation processes, brings a new perspective to the existing literature. A common characteristic of morality issues is that any decision about their regulation is highly contentious, characterized by a "disregard of evidence" and "a penchant for symbolic policy-making over policy implementation" (Euchner & Preidel, 2018; Mooney, 2001; Wagenaar & Altink, 2012). Private organizations such as the medical community or NGOs appear to be important partners in implementing

morality policies (Engeli & Rothmayr, 2016; Euchner & Preidel, 2018; Wagenaar, 2017; Wagenaar et al., 2017). Specifically, the medical community enjoys a good reputation as they belong to a classic profession that historically has been allowed a great deal of autonomy in decisions concerning life, death and health issues (Zeegers & Broring, 2008). Public regulators might therefore be less concerned if private actors from that community fulfilled an intermediary role. However, a striking aspect of current prostitution policy is that it enlists stigmatized actors while it is still unclear how public regulators organize intermediation involving such private actors (e.g., profit-oriented entrepreneurs in red-light districts, and unions of sex workers or victims of human trafficking). Accordingly, the key questions of the special issue are: (1) What forms of indirect governance of private actors exist in the implementation of morality-based policies? and (2) What mechanisms do public regulators use to steer the private actors involved, who vary in their degree of social stigmatization?

In response to these questions, this introduction proposes a typology of four indirect moral governance modes. The typology is based on two dimensions (1) the regulator's judgment concerning a private intermediaries' trustworthiness and (2) the operational capacity of private intermediaries. We propose first that both the trustworthiness and the operational capacities of private actors are central in the regulators' decision-making process. It means, even less trustworthy private actors, disposing of large or limited capacity, might be actively involved due to the enormous challenges prostitution policy implementation bears. Second, we argue that the combination of these two characteristics determines the public regulators' decision on how much authority is given to a private actor (self- or others-governing, called "quasi-intermediation" and proper "intermediation," respectively) and on how strictly the actor is controlled (through soft or hard measures). In other words, the more trustworthy and capable private actors are perceived to be, the more authority and freedom they receive; and conversely, the less trustworthy and capable they are considered, the more limited their authority and the stricter their control. Based on this logic and examples from the contributions of the special issue, we introduce the following four ideal types: intermediation via orchestration, intermediation via threat of punishment, quasi-intermediation via orchestration and quasi-intermediation via threat of punishment.

We explore these under-theorized aspects of the RIT framework using the case of prostitution policy, which is typically classified as a morality issue (Knill, 2013; Mooney, 2001; Wagenaar & Altink, 2012), and encompasses stigmatized as well as non-stigmatized private intermediaries. The regulation of prostitution differs strongly between countries (cf. Sweden's abolitionist regime vs. Germany's permissive regulatory approach), as do the private actors that are responsibilized by the state to facilitate policy implementation. This variation creates a diverse empirical landscape, which is attractive for gathering insights into an underexplored research area.

Furthermore, the literature on prostitution policy is tightly connected with the research on responsibilization, which inspires our analytical reflections on indirect moral governance modes. Specifically, it has directed our attention to the question of how public regulators assign double roles to some private actors in order to cope with capacity gaps (Havinga & Verbruggen, 2017; Hysing, 2019) and their varying trustworthiness. In practice, regulators assign intermediary roles not only to actors that have the power to address the problem, but also to those actors taking part in causing the problem, making them both a regulatory target and an intermediary (Hysing, 2019), and thus change regulatory roles in different settings (Abbott et al., 2017a, p. 283). We will outline how the scholarship on responsibilization led us to detect new forms of indirect governance in prostitution policy and subsequently to consider how, analytically, to distinguish intermediation from responsibilization.

Overall, this special issue, and the introduction in particular, is making a threefold contribution. First, we are enriching the literature on prostitution policy, and on morality policy more generally, by extending its focus to alternative regulatory actors beyond the state, and hence, to new forms of regulatory governance in a very diverse set of countries (e.g., Sweden, Germany, the Netherlands, and India) (but also see Wagenaar [2017]; Wagenaar et al. [2017]). Second, we are advancing the literature on regulatory intermediation by discussing incorporation processes of socially stigmatized private actors, and enlightening in that regard the role of trustworthiness and operational capabilities. Furthermore, the focus on intermediation processes in national/subnational settings also allows us to demonstrate how more coercive forms of intermediation are possible because the regulator (state) is (internally) sovereign and therefore has the possibility of exerting formal legal control over the intermediary (Abbott & Snidal, 2009; Grant & Keohane, 2005; Zürn, 2018).

The remainder of the introduction is structured as follows: next, we briefly review the existing literature on regulatory intermediaries and morality policies. Then, in Section 3, we address how responsibilization relates to

intermediation. Section 4 presents and exemplifies a new typology of indirect moral governance based on the contributions to the special issue. Section 5 addresses the evolution of the different types of indirect moral governance across countries, actors and time, while Section 6 discusses the normative tensions that intermediation brings with respect to societally marginalized groups. Finally, we conclude with a discussion of the scope of the typology, as well as avenues for future research.

## 2. INDIRECT GOVERNANCE AND REGULATORY INTERMEDIATION MEET RESEARCH ON MORALITY POLICY

The research on indirect governance through third-party actors is a prospering field that has substantially enriched our understanding of the regulation of transnational public problems such as climate change, cybersecurity, telecommunication, and banking regulation (Abbott et al., 2015a, 2017b, 2019). This literature highlights that states and international regulators are not limited to directly governing citizens and other actors, but may rely on so-called "regulatory intermediaries." According to Abbott et al. (2017c, p. 19), a regulatory intermediary is an "actor who acts in conjunction with a regulator to affect the behavior of a target" and "is a go-between, whose presence necessarily makes regulation (or some aspects of regulation) indirect, as the intermediary stands between the regulator and its target." The central motive for regulators to incorporate intermediaries is that "intermediaries possess capacities relevant to regulation that regulators themselves lack, or that intermediaries can provide more effectively or at lower cost" (Abbott et al., 2017c, p. 20). Regulatory intermediaries may be public, private, or hybrid in nature; they may be located at the national, international, or transnational level (Abbott et al., 2017c, p. 20); and they may perform formal or informal roles (Brés et al., 2019). Moreover, they may perform diverse tasks throughout the policy cycle. These tasks may include, for instance, translating rules into implementation guidelines, supporting the implementation of laws, evaluating alternative modes of implementation, and monitoring compliance. Additionally, they may help to create dialogue and trust between regulators and targets (Abbott et al., 2017b, p. 7; Abbott et al., 2017c).

Although such intermediaries facilitate regulation, their inclusion risks slippage, because they have their own objectives, which might diverge from regulators' interests and values (Abbott et al., 2017a, p. 281). Similarly (as a consequence but also independently), the risk of capture may increase, as the three-party relationship may allow for manifold forms of capture. Abbott et al. (2017c, pp. 28–29) define capture very broadly as "the domination of one regulatory actor by another, restricting the autonomy of the captured actor in performing its regulatory functions."

Kruck's (2017) recent analysis of private credit-rating agencies and their role in the international financial system is a good example of the problem of regulatory capture related to regulatory intermediaries (I captures R). The author shows how the oligopolistic structure of these intermediaries has led to flawed credit ratings and a lack of transparency, which are not in the interest of the regulators or the public, but which the regulators could not prevent. De Silva (2017) reveals that even the International Criminal Court (ICC), a highly respected international actor, faces challenges related to controlling intermediaries because it employs NGOs as so-called "sub-intermediaries," making public control even more complicated. Yet, their involvement is still productive as they compensated the limited expertise and operational capabilities of the ICC itself.

An additional and even more important problem is that the control of third-party actors sometimes comes at the expense of competence, described by Abbott et al. (2019) as the "governor's dilemma." In other words, very strict control via sanctions or inducements specified in legal decrees or contracts may erode intermediaries' competence or constrain their development. The authors argue that the regulator may grant either substantial additional competence or control, but not both; if intermediaries are supervised too tightly, they may not develop their full competence and creativity (Abbott et al., 2019, p. 2).

This debate is also linked to another salient but somewhat recent discussion in the RIT scholarship, namely how modes of controlling intermediary actors interact with the trust between, and the trustworthiness of, different actors. Traditionally, trust has long been considered an essential element for producing cooperation on a large scale (Fukuyama, 1995; Luhmann, 1989; Putnam, 1995) and thus, was considered an alternative mode of governance, beside market and state regulation or control. However, recent scholars such as Cook et al. (2005, p. 2) argue that trust is "a complement to (and not a substitute for) organizational arrangements that make

cooperation possible." Trust lowers the costs of monitoring and sanctioning that might be required if individuals were not trustworthy (Cook et al., 2005, p. 1). A very recent consideration of trust is presented by Abbott et al. (2019, p. 5) as one mode of indirect governance, called "trusteeship," through which the competence-control dilemma could be managed. Regulators officially grant authority to intermediary actors and abstain from managing the collaboration in a hierarchical way in order to make a credible commitment. Instead, the governor deploys positive inducements to prompt intermediaries to use their authority and competencies as the regulator desires (Abbott et al., 2019, p. 4).

These are highly inspiring reflections about the role of trust in (indirect) governance arrangements. However, this view does not sufficiently address why some regulators may perceive some private actors to be more trustworthy than others. Nor does the literature discuss how this perception interacts with regulators' motives for involving private actors with complementary capacities. In sum, both, the capacities of private actors and their perceived trustworthiness, need more scholarly attention to properly understand how regulators build up indirect governance architectures.

The question of the trustworthiness and capabilities of private intermediaries is particularly relevant in the governance of so-called morality policies, which typically include prostitution policy (Euchner, 2019c; Knill, 2013; Mooney, 2001; Wagenaar & Altink, 2012). The concern for oversight reflects a widespread characteristic of these policies, which is related with two aspects: (1) the presence of heavily stigmatized private actors, and (2) political conflicts about fundamental values and principles, which often occur at the expense of scientific evidence. The neglect of the latter regularly leads to symbolic policy-making and actors interpreting rules in their own way at the stage of policy implementation. For this reason, the implementation stage becomes a promising "playground" for "policy losers" (Mooney, 2001), whether private or public, who are defending values and policy preferences different from the regulators' (cf. also Advocacy Coalition Theory on the role of value-based policy-making; Weible et al., 2009; Wellstead, 2017). While the empowerment of private actors both in the regulation and, especially, the implementation of morality policy laws has been discussed very recently (Engeli & Rothmayr, 2016; Euchner & Preidel, 2018; Grohs, 2020; Wagenaar & Altink, 2012; Wagenaar et al., 2017), no study so far, at least to our knowledge, has explored morality policy from the point of view of regulatory intermediation. Similarly, the scholarly community concerned with indirect governance has overlooked morality policies (Euchner, 2019a, p. 16). Yet, subjects such as the social stigmatization of private actors and the varying trustworthiness of private partners offer new scientific terrain, that enriches the understanding of indirect governance modes more generally.

## 3. THE RELATIONSHIP BETWEEN RESPONSIBILIZATION AND REGULATORY INTERMEDIATION IN INDIRECT GOVERNANCE

The idea of intermediation with stigmatized and non-stigmatized private actors, as well as the previously discussed phenomenon of control is also addressed in the literature on responsibilization. This is a scholarly field which largely focuses on crime prevention and safety. Additionally, it considers the regulation of prostitution, which makes this literature a fertile stream for any conceptualization of indirect governance modes in issues of value-based policy. Intermediation of stigmatized actors has evolved from responsibilization strategies which make intermediation and responsibilization overlapping but not identical phenomena. This is why we will make clear, first, where these phenomena overlap and how we distinguish between cases of intermediation and responsibilization; second, how in particular governance modes of "quasi-intermediation" (i.e., cases where intermediaries acquire limited authority) bring with them a doubling of roles for the actors involved.

Garland (2001) defines responsibilization as a process in which governments encourage private enterprises and citizens to take responsibility for avoiding unnecessary risk and to implement precautionary measures to protect themselves, others and society as a whole against crime and insecure living circumstances. The relevant risks are social risks relating to illness, unemployment, poverty, health but road safety, too, as a public value has stimulated processes of responsibilization of (non)state actors (Hysing, 2019). This process of responsibilization not only entails a transfer of public tasks from government to societal actors, but also includes the application of techniques to shape individual persons into responsible citizens (Van Houdt & Schinkel, 2014).[1] The idea came

up in light of the disappointing experiences with instruments such as criminalization and punishment being less effective in solving such societal problems.[2]

The UK scholarship on responsibilization in prostitution policy provided examples that made us aware of how responsibilization in this field comes close to, and sometimes overlaps with, intermediation, although the scholarship did not categorize them in this way. For instance, Phoenix (2007), Scoular and Carline (2014), and Scoular and O'Neil (2007) explored how sex workers were approached so as to make them govern themselves individually as well as other sex workers. According to Matthews (2005, p. 886), the responsibility for managing street prostitution was increasingly taken away from the police and devolved, not only to outreach workers and other agencies, but also to sex workers themselves, in order to "govern" fellow sex workers.[3] From case studies of legalized prostitution regimes, we know that responsibilization could also exist in making citizens care for others: NGOs were responsibilized to look after the health and well-being of sex workers. In addition, Zeegers (2018), for instance, shows how the regulator wanted brothel managers in the Dutch licensing system to professionalize, which meant that they should turn themselves into rule-compliant entrepreneurs and sex workers into rule-compliant employees. This illustrates how responsibilization is also about creating "appropriately" acting corporations and other organizations and "expecting market entities to assume socio-moral obligations" (Garland, 1996; Shamir, 2008, p. 9).

A rather different but more topical, example concerns the clients of prostitution. Through (partial) criminalization of the purchase of sexual services, the regulator tries to incite "a helping hand" to prevent human trafficking from entering the trade. In the Swedish case, this is pursued by promoting total abstention from such purchases; in the Dutch case, by encouraging the selective purchase of sexual services by only contracting workers who offer their services voluntarily as well as the reporting of any abuses noticed during purchase.

The examples given above first show how intermediation evolved from responsibilization: national and local government turned sex workers, clients and/or facilitators of prostitution into intermediaries that help them implement the ban on human trafficking and other rules for safeguarding the health and safety of (fellow) sex workers. Second, these examples illustrate that indirect governance through responsibilization is connected to criminal and administrative law provisions which—in addition to formalizing a decentralization of responsibilities—are also strategies aimed at making stigmatized and other actors behave responsibly and thus help to create a safe sector and/or safe society by reducing exploitation. Regulators apply repressive or facilitative techniques in these strategies of responsibilization depending on whether they perceive the addressees as risky—in the sense of being potential perpetrators of crime—or not (Van Houdt & Schinkel, 2014). In the latter case of actors that are perceived as possessing the capability of behaving morally responsibly, facilitation is used as a strategy to keep an eye on them, whereas interventions that are more repressive are used for the risky actors. The legal provisions make punishment possible and as such serve as a stick with which transgressors—those not behaving responsibly—can be punished. The carrot for stigmatized private actors is to acquire the status of a responsible intermediary who helps government in the fight against crime.

One might well ask whether all cases of responsibilization are also cases of intermediation. In order to answer this question, we looked into where these two phenomena overlap and what distinction can be drawn between them. First, responsibilization involves three tiers; in addition to the regulator (mostly national or local governments), there is the tier of enterprises or citizens that have to take responsibility, and the tier of citizens who are meant to be protected, in other words the beneficiary (this may also be society as a whole). Different from this, the third tier in intermediation is the target, as expressed in the acronym RIT. However, some RIT scholars have included the role of the beneficiary, thereby acknowledging a fourth tier in intermediation (Koenig-Archibugi & Macdonald, 2017). However, in most cases of intermediation the beneficiaries only play an indirect role. Take the intermediation case of the ICC where the regulator calls upon third-party actors to help with detecting and prosecuting alleged war criminals. The focus here is on enforcing rules upon the addressees and not on how society will become a safer place for citizens by doing this, as is the case with responsibilization. Second, legal rules are involved in intermediation. As in regulatory intermediation the target or rule addressee is included explicitly. In contrast, responsibilization consists in the regulator asking third-party actors to contribute to the health and safety of themselves and others, and a legal rule is not necessarily involved. Intermediation as addressed in this special issue is primarily connected to the implementation and enforcement of legal rules. The broader and more general goal of reducing (societal) risks is only involved indirectly.

The overlap between the two concepts occurs where intermediation includes the technique of making (stigmatized) actors behave responsibly in order that they may follow legal rules themselves, or make other actors follow these rules. There are two possible ways in which intermediaries relate to targets in this overlap: first, the (stigmatized) actor is object and subject of intermediation simultaneously, and thus the intermediary and target of rule-enforcement at the same time; second, the actor is an in-between actor, called the intermediary, that helps the regulator to hold another actor accountable, namely the target of a legal rule, in following the rule.

In accordance with the overlap between responsibilization and intermediation described above, in the next part, we distinguish between indirect moral governance modes where (1) the in-between actor or intermediary acquires a role in governing a further actor involved who is the target (group) of the rule (i.e., there is a clear instance of "*others-governing*"), which we identify as a "proper" case of *intermediation*, and (2) the in-between actor acquires a role in governing itself (i.e., because these are merely directed at "*self-governing*" in the sense of an actor governing itself and some other persons in the group the actor belongs to). The latter we call "*quasi-intermediation*." Making explicit the connection between intermediation and responsibilization, helped the authors of the special issue to trace the new relationships that have been created between regulators, intermediaries and targets in the prostitution field. Awareness of and knowledge about these new relationships in its turn will contribute to developing the fledgling RIT research and the conceptualization of indirect moral governance in theoretical and analytical terms.

## 4. A NEW TYPOLOGY OF INDIRECT MORAL GOVERNANCE: HOW REGULATORS COPE WITH THE VARYING TRUSTWORTHINESS AND OPERATIONAL CAPACITIES OF PRIVATE INTERMEDIARIES

After these reflections on the relevance of the literature on responsibilization to the dynamics of indirect moral governance modes in prostitution policy, we now turn to the two research questions: (1) What forms of private intermediation exist in the implementation of morality-based issues? and (2) How do public regulators cope with private intermediaries being more or less socially stigmatized? Based on the literature on responsibilization and the RIT scholarship, as well as the findings in the contributions to our special issue, we identify two dimensions of indirect moral governance that are key for classifying different forms of private intermediation in prostitution policy: (1) the operational capacities of private intermediaries and (2) the trustworthiness of such stigmatized private actors as perceived by regulators. In brief, the main concern of the typology is how the regulator may steer or oversee socially stigmatized private actors that belong to the set of potential regulatory partners.

### 4.1. Dimension 1: Operational capacity of private intermediaries

The first dimension, *operational capacity of private intermediaries*, is concerned with the extent of the operational capacity of the private intermediary to support implementation. Depending on this extent, the regulator confers a restricted or wider authority on the intermediary. The dimension relies on the principal idea of intermediation, namely that regulators incorporate intermediaries into the regulatory process that "possess capacities relevant to regulation that regulators themselves lack or that intermediaries can provide more effectively or at lower costs" (Abbott et al., 2017c, p. 20). One of the most important capacities is operational capacity, which is particularly relevant for policy implementation processes, standing as the focus of interest in this special issue. According to Abbott et al. (2017c, p. 20), operational capacity is "the ability to deliver services, provide advice and support to facilitate targets' implementation, monitor target behavior, and sometimes enforce regulation" (Abbott et al., 2017c, p. 20). This capacity very much depends on the "access" to the field; that is, intermediaries are better able to make contact with certain targets than regulators. In addition, for some intermediaries this applies more than for others, as they might be able to access a large and diverse group of targets. The number of rule addressees they are able to reach out to might depend on their degree of organization and professionalization, but it might also be related with what their profession entails. Those that are personally in touch with various targets on a daily basis have a higher degree of access than others.

One might well ask why it is so important to take the degree of operational capacity into account. Why should regulators at all intermediate private actors with only limited operational capacity? We argue that in regulatory areas bordering illegal markets, the regulator might consider any "helping hand," even from less capable

intermediaries as necessary to solve and improve policy implementation processes and rule enforcement. This might simply be because the regulator has to go with what it can get. Particularly in prostitution policy, implementation is extremely challenging (Wagenaar & Altink, 2012), as the state agencies and the police lack (trustful / constructive) access to policy targets.

### 4.2. Dimension 2: Perceived trustworthiness of private actors in the eyes of the regulator

The second dimension of indirect moral governance, *the perceived trustworthiness of private actors*, captures the extent to which regulators consider private third-party actors to be reliable partners. Trust and trustworthiness have long been discussed as essential elements of large-scale cooperation (Fukuyama, 1995; Luhmann, 1989; Putnam, 1995). Luhmann (1989) proposes a very broad and encompassing definition of trust, arguing that trust is "upfront risk-taking" (Luhmann, 1989) that involves deliberately abstaining from checking whether any interaction partner is telling the truth, is not defecting, and is keeping to his or her commitments. Trust lowers the costs of monitoring and sanctioning that might be required if individuals were not trustworthy, as trusting partners makes it possible to widen the range of cooperative arrangements (Luhmann, 1989, pp. 1–2).

The scholarship about trust and trustworthiness go hand in hand: "trust is influenced by uncertainties, vulnerabilities, and expectations derived from the context, while trustworthiness is relatively more stable and innate, mostly driven by social norms and values" (Özer & Zheng, 2019, p. 497). Previous studies very much conceptualized trust as a governance mode, while we emphasize the role of "trustworthiness" and argue that the "perceived trustworthiness" of private actors by regulators is one important determinant of different indirect moral governance modes. We assume that the trustworthiness of any private actor is to be construed by the governing actor who is judging the former. In other words, it is the regulator and its interests, values and cultural embeddedness that systematically influence its perception of the trustworthiness of any potential partner (for a more detailed discussion see Yang [2005]). This is not to claim that the actions of the actors judged do not have any influence on the regulator's perception of their trustworthiness. Stigmatized private actors by behaving either well or badly can influence how their trustworthiness is perceived. They might improve this perception if they keep to the conditions set but they also might fall into total disgrace the moment they do not. According to Van Wijk and Mascini (2019) the latter happened to the sex business entrepreneurs in the Netherlands who had not sufficiently checked on whether women working in their business were victims of human traffickers (cf. Wagenaar & Altink, 2012). The perceived trustworthiness can change over time as a result of the behavior of actors, also for the better: ultimately this is in the eye of the beholder, the regulator.

We conceptualize the "perceived trustworthiness" of private actors as inhabiting a continuum between "low" and "high," and thus in a nuanced rather than a dichotomous fashion (trustworthy or not trustworthy). The low levels of perceived trustworthiness of private actors might be related to low levels of societal reputation and any unfamiliarity or relational distance between the private actor and the regulator, whereas high levels of perceived trustworthiness may accompany the opposite picture (i.e., high societal reputation and familiarity) (for a similar discussion, see the literature on policy change and policy subsystems in the Advocacy Coalition Framework [Weible et al., 2009]). This conception is also based on the assumption that private actors that because of stigmatization tend not to be perceived as highly trustworthy still may be selected by the regulator for cooperation because the importance of their operational capacity and expertise for the regulator simply outweighs their reputation (cf. Lundin [2007] who argues that trust and resource independence are two independent factors promoting interorganizational cooperation in local policy implementation).

### 4.3. Four forms of indirect moral governance

When we plot the two dimensions of indirect moral governance, four distinct forms of indirect moral governance emerge (cf. Fig. 1): (1) intermediation via orchestration, (2) intermediation via threat of punishment, (3) quasi-intermediation via orchestration, and (4) quasi-intermediation via threat of punishment. We argue that these four forms vary depending on: (i) degree of the authority of intermediaries and (ii) modes of control over intermediaries. First, a large degree of authority, which we connect with "proper" intermediation, encompasses situations where intermediaries are enlisted or authorized to co-govern other targets (others-governing). A limited degree of

|  | | Perceived trustworthiness of intermediary by the regulator | |
|---|---|---|---|
|  | | More trustworthy<br>(i.e., favorable reputation, familiar) | Less trustworthy<br>(i.e., unfavorable reputation, not familiar) |
|  | high | **INTERMEDIATION**<br>via orchestration | **INTERMEDIATION**<br>via threat of punishment |
| *Operational Capacity* | low | **QUASI-INTERMEDIATION**<br>via orchestration | **QUASI-INTERMEDIATION**<br>via threat of punishment |

**FIGURE 1** Typology of indirect moral governance. *Source*: Own conceptualization

authority means that private intermediaries are primarily assigned for self-governing activities, which we call "quasi-intermediation."

Second, we distinguish between "hard" and "soft" forms of control of intermediation, called either control via "orchestration" or "threat of punishment." The logic follows Abbott et al. (2015a, 2019), who define "control" as the set of instruments that regulators can use to shape and constrain intermediaries' behavior so that they pursue the regulator's goals and cannot subvert them (Abbott et al., 2019, p. 2). They categorize instances in which the regulator has formal legal control over the intermediary as the hard mode of control (Abbott et al., 2015b, pp. 8–9). In hard control, the regulator may exercise hierarchical control over the intermediary as they can (threaten to) remove the intermediaries' authority should they fail to perform as expected (Abbott et al., 2019, p. 4). This includes, for instance, punitive forms of controlling intermediation (e.g., regulators increase the criminal liability of clients to make them report human trafficking or the administrative liability of brothel managers by licensing them and making their license conditional on their cooperation in implementing legal rules). Soft forms of control exist where the regulator enlists (i.e., orchestrates) intermediaries to cooperate on a voluntary basis. Thus, soft modes of control are mainly based on ideological and material inducements (Abbott et al., 2015b, p. 8; Abbott et al., 2019, p. 4) and thus, on positive incentives instead of classical tools for command and control. Prominent inducements include: ideational or financial support, to increase loyalty and competencies; persuasion, to shape intermediary goals; or negotiation, to reconcile divergent goals (Abbott et al., 2019, p. 4).

In sum, the four indirect moral governance modes proposed vary in terms of the degree of authority the intermediary is assigned to, and the mode of control regulators exert over intermediaries. The primary expectation is that more trustworthy and capable intermediaries receive more authority and face less control, while less trustworthy and capable intermediaries are expected to receive less authority and face harder control.

Before describing the four proposed modes of indirect moral governance in more detail, we want to stress that intermediation will often take different forms at the same time in one country and for the same type of actor. The typology should be understood dynamically; intermediation processes can evolve from one type to another over time and across actors; however, the boundaries between some types are more difficult to cross than between other types. Moreover, legal gateways may influence which private actor can be considered at all by the regulator given that national and international legal regimes may exclude some private actors by definition from being considered as valid intermediaries. For instance, brothel managers or sex workers are excluded in countries that have an abolitionist regulatory regime like Sweden, or a prohibitionist regime, such as South Africa, India or Russia where prostitution is entirely forbidden.

When describing the different forms of moral intermediation in the following discussion, we will draw upon the contributions to the special issue, and thus show how, taken as a whole, these enhance our understanding of their (dynamical) institutional design when considering the capabilities and the varying trustworthiness of private intermediaries in a value-laden policy field.

### 4.3.1. Intermediation via orchestration: Large authority of and soft control over trustworthy and capable private actors

The first form of indirect moral governance, *intermediation by orchestration*, describes a situation where the regulator collaborates with an intermediary that is perceived as rather trustworthy and capable of facilitating policy implementation. Thus, the regulator has good reason to substantially authorize the actor and oversee his or her activity only in a soft manner as the intermediary seems capable of reaching out to a large group of targets and is considered little likely to cheat on the regulator (e.g., due to good reputation, shared values). The contributions to the special issue identify manifold private actors that are perceived as reasonably trustworthy and are enlisted to support regulators. These actors include primarily NGOs, taxi drivers (companies) or hotel managers. For example, Erikson and Larsson (2019) describe how the Swedish government enlists taxi companies, drivers, and hotel managers to help the state discover prohibited client behavior such as demanding sexual services or forcing sex workers to offer sexual services. They are perceived as particularly capable of facilitating implementation due to their regular and close contact with potential clients, a criminalized but still existing target group, which is difficult to reach out to in complex, semi-illegal markets, where the supply of services is not illegal but only the demand. In short, their access to the target is unparalleled. Similarly, hotel managers and taxi companies might be considered as rather trustworthy entrepreneurs who are willing to cooperate and protect their reputations. The fact that buying sex is widely considered morally wrong in Sweden, gives the government leverage in putting reputations in play. The authors explain that "because no legal sanctions are directly associated with a refusal to intervene (from the taxi driver or others), their participation in the governance structure is completely voluntary and based upon self-interest, such as the garnering of social goodwill" (Erikson & Larsson, 2019, p. 12).

Furthermore, it is very common in European countries for NGOs to take over an intermediary role in implementing national prostitution laws (Wagenaar et al., 2017). This is because local state agencies regularly lack the operational capacity to implement the specific provisions of national laws, while NGOs often enjoy this capacity. Commonly, they were already established before the trend of decriminalization legalized the prostitution market in many European countries. Thus, they are experienced in supporting a group of semi-legal targets through, for example, professional health care consultation, legal advice over social security questions, and information about exit options. Accordingly, specialized NGOs often have good access to key targets. Most commonly, states incentivize and control the activity of these NGO intermediaries via financial support and, thus, in a rather soft manner (Euchner, 2019b). Finally, NGOs are often enlisted to participate in regulatory networks that specify and negotiate implementation guidelines (Euchner, 2019b). So, they are able to systematically co-govern others given very limited state oversight. For example, Erikson and Larsson (2019, p. 6) observe that the Swedish government's 2008 action plan against prostitution and human trafficking proposed that partnerships with private and special civil society actors should be added as a fourth "P" alongside the three other principles of prevention, protection, and prosecution. However, both contributions Euchner (2019b) and Erikson and Larsson (2019) illustrate that regulators primarily enlist those NGOs that share their definition of policy problems and potential solutions and for that reason are perceived as trustworthy partners, being expected to comply carefully with the regulator's orders. In sum, this form of indirect moral governance called "intermediation via orchestration" is the "softest" mode of moral intermediation, in which very capable private actors perceived as trustworthy are enlisted by the regulator to co-govern a large group of targets under limited state control.

### 4.3.2. Intermediation via threat of punishment: Large authority for and hard control over less trustworthy but capable private actors

The second form of indirect moral governance, *intermediation via the threat of punishment*, is closely associated with the classical governance mode of delegation and hard control in cases of high insecurity. In this type of intermediation, a regulator conditionally grants considerable authority to an intermediary perceived as less trustworthy of carrying out defined governance tasks on its behalf, which are directed at a group of targets to which the intermediary does not belong. This form of governance is a high-risk endeavor, as the regulator relies on an actor that may not share the regulator's moral values and understanding of policy problems, and for that reason poses a higher risk of non-compliant behavior that would make the arrangement ineffective. Thus, hard control of the behavior of the intermediary through, for example, the possibility of withdrawing or re-regulating the intermediary's authority, is very likely (Abbott et al., 2019, p. 5). At the same time, the regulator relies on this

private actor as his or her operational capacity is expected to substantially facilitate policy implementation. Examples from the contributions to the special issue concern, in particular, the intermediary function of brothel managers in legalized systems such as those of the Netherlands or Germany (Euchner, 2019b; van Wijk & Mascini, 2019; Zeegers, 2018). These publicly stigmatized entrepreneurs are officially authorized to co-govern the sex worker-client relationship due to their specific expertise, resources, as well as their proximity to the targets. They are asked, for instance, to provide facilities that comply with prescribed health and security standards. Moreover, brothel managers may enforce the payment for sexual services by clients and may fend off human traffickers or pimps. If they fail to do so, this will have direct and very negative consequences for either the intended targets or beneficiaries of the rules, which makes hard forms of control (e.g., loss of licenses to run such a business) very popular among regulators. Thus, the regulators in the Netherlands and Germany authorize publicly disputed and less trustworthy entrepreneurs to act as intermediaries in policy implementation due to the latter's operational capacity, yet they also threaten them with hard legal consequences in the event of misbehavior.

### 4.3.3. Quasi-intermediation via orchestration: Limited authority for and soft control over trustworthy but less capable private intermediaries

The third form of indirect moral governance, *quasi-intermediation via orchestration*, describes instances in which regulators collaborate with private actors they perceive as reasonably trustworthy but dispose of limited operational capacity. In such cases, intermediation with soft methods of control and limited leeway of authority seem to be most appropriate for the regulator.

The contributions in our special issue have detected a few instances approximating this form of indirect moral governance. Examples come from the Netherlands and Germany (Euchner, 2019b; van Wijk & Mascini, 2019), where some local regulators have enlisted single, specifically selected sex business entrepreneurs and self-employed sex-workers, to participate in round tables on prostitution policy. These single actors are perceived as relatively more trustworthy but feature less operational capacity due to the absence of a larger organizational background and professionalized organization. Accordingly, these actors have more limited authority, as they are primarily governing their own group (themselves individually along with their colleagues) as they are targets of the rules that they are asked to help formulate; these implementation guidelines often include specifications for the health and security standards of sex businesses or police monitoring routines for these establishments. At the same time, through the very specific setting of these round tables, the regulator is able to control the intermediaries' activities through soft measures such as persuasion, negotiation, or lenience (beyond the selection process in the very beginning).

Euchner (2019b) provides another example that reflects a larger chain of quasi-intermediation via orchestration (De Silva, 2017). Albeit this example does not strictly follow the logic of top-down intermediation, since another intermediary, and not the public regulator, oversees and collaborates with the group of private intermediaries. Since the 1980s the NGO "Deutsche Aidshilfe" has been enlisted by the German national government via financial subsidies to support the state in reducing HIV infections. Deutsche Aidshilfe has a pro-regulatory stance toward prostitution policy and is perceived as trustworthy partner, at least in some regions of Germany. Similarly, this NGO initiated a so-called "train-the-trainer" program for sex workers. The main idea of the project is to train sex workers in health and safety issues related to sexual practices, and then have these newly trained workers offer training to their colleagues in other cities or other sex establishments. The NGO carefully approaches and enlists those sex workers they believe can carry out the task in a competent way but obviously only for a very limited number of other targets. "Deutsche Aidshilfe" does not strictly control the activity of these secondary intermediaries, but instead uses soft measures (i.e., ideational and small financial support) to promote compliant behavior by these actors in their role as intermediaries as well as targets. Despite the limited operational capacity of single actors (i.e., one sex-worker can reach out to only a limited number of colleagues), they consider the train-the-trainer program an effective additional instrument in implementing a regulatory framework that legalizes prostitution but still aims to improve the working conditions of sex workers and/or offer exit-options for a group of targets which is very difficult to access. In this case, a private intermediary enlists another private agent (i.e., individual sex workers) whom they know and perceive to be trustworthy but who dispose of limited operational capacity due to the absence of an organizational infrastructure.

In sum, this form of indirect moral governance encompasses instances in which the enlisted intermediaries are perceived as rather trustworthy but possess limited operational capacity. Thus, the regulator opts to give these intermediaries only a limited degree of authority, mainly resulting in self-governing tasks, making soft measures the most suitable instrument of control.

### 4.3.4. Quasi-intermediation via threat of punishment: Limited authority for and hard control of less trustworthy and less capable private actors

The fourth form of indirect moral governance, *quasi-intermediation via threat of punishment*, reflects a situation where the regulator responsibilizes a private actor that is perceived as less trustworthy and possesses only limited operational capacity. Accordingly, the regulator may strictly oversee this intermediary and given him/her only limited authority. At first, it is important to mention that intermediation processes for such specific actors are indeed rare, and hardly detected in the contributions to the special issue. Yet, there are single examples, where state agencies consider such forms of intermediation as valuable additional instruments to cope with the heavy implementation deficits that accompany prostitution policy laws.

One example is partial client criminalization, presented by the regulator as a tool to induce prostitutes' clients, first, to only purchase sexual services that are offered voluntarily and; second, to report possible cases of sex workers being forced to provide sexual services (defined in criminal law as human trafficking). In other words, regulators call upon unfamiliar and stigmatized partners with limited operational capacity (i.e., single clients), who turn into quasi-intermediaries through the adjustment of their own behavior (i.e., seeking out sex workers who seem to work on a voluntary basis and reporting cases of human trafficking) and so indirectly prevent harm to others. Their operational capacity is rather limited as they lack a larger organizational structure and the ability to systematically contact large targets groups. Another example is single sex workers. While facing strong stigmatization and limited operational capacity in most societies, they are asked to govern themselves by obeying certain health and safety standards which should improve the safety not only of their own work, but also of the

|  |  | **Perceived trustworthiness of intermediary by the regulator** | |
|---|---|---|---|
|  |  | More trustworthy (i.e., favorable reputation, familiar) | Less trustworthy (i.e., unfavorable reputation, not familiar) |
| **Operational capacity** | high | **INTERMEDIATION via orchestration**<br><br>*Examples:*<br>*NGOs are enlisted to consult sex workers in Germany/ the Netherlands<br>*NGOs are enlisted to consult victims of human trafficking in Sweden<br>*Hotel managers or taxi driver companies are enlisted to report cases of prostitution in Sweden | **INTERMEDIATION via threat of punishment**<br><br>*Examples*:<br>*Brothel managers have to fend off pimps and control sex worker-client relationships in Germany and the Netherlands; if they fail, they will lose their license or eventually become themselves accused of human trafficking |
|  | low | **QUASI-INTERMEDIATION via orchestration**<br><br>*Examples:*<br>*Individual sex workers, sex worker organizations and brothel managers are enlisted to participate in round tables on prostitution and human trafficking<br>*Individual sex workers are selected for train-the-trainer programs | **QUASI-INTERMEDIATION via threat of punishment**<br><br>*Examples:*<br>*Self-employed sex-workers need to register or report health checks or comply with specific building standards (e.g., fire safety, health safety); if not, they will lose their license<br>*Clients are asked to only purchase sexual services that are offered voluntarily and to detect and report cases of human trafficking; if not, they may themselves be punished |

**FIGURE 2**   Typology of indirect moral governance (with examples). *Source*: Own conceptualization

environment for those demanding sexual services. In all these cases, the regulator makes an appeal to stigmatized targets of a rule, making these targets intermediaries as well as targets, that is, quasi-intermediaries with limited authority, with the goal of preventing harm for themselves as well as others (Fig. 2).

In summary, we believe all the examples of intermediation described above represent distinct types of indirect moral governance modes that should be addressed separately to better understand indirect governance dynamics in morality-based policy fields.

## 5. EVOLUTION OF DIFFERENT FORMS OF INDIRECT MORAL GOVERNANCE ACROSS COUNTRIES, ACTORS AND TIME

With the introduction of these forms of indirect moral governance, one may well ask how prominent intermediation is in policy-making concerning prostitution. In fact, the contributions to the special issue illustrate that the intermediation of third-party actors in the governance of prostitution policy is a widespread phenomenon, popular across different prostitution policy regimes, regions, and third-party actors. The forms of indirect moral governance introduced occur not only in legalized prostitution regimes (Euchner, 2019b; van Wijk & Mascini, 2019; Zeegers, 2018), but also in criminalized prostitution regimes (Erikson & Larsson, 2019) and informal sex-work markets (Goyal, 2020). They are prominent in Europe (e.g., Germany, Sweden, the Netherlands, and the UK) as well as in Asia (e.g., India) and involve a variety of private actors, such as sex workers, clients, brothel managers, NGOs, and taxi drivers.

Moreover, the emergence of these processes seems to coincide with the growing attention of international organizations and international law to the human trafficking problem (Erikson & Larsson, 2019; Zeegers, 2018). The acknowledgment that a classic criminal law approach is deficient in detecting and prosecuting human trafficking for sexual exploitation is especially likely to persuade governments to engage third-party actors as regulatory intermediaries. However, at the same time the dramatizing of human trafficking for sexual exploitation is used by some political actors to undermine the reputation of actors operating on the prostitution market.

Additionally, intermediation is related to a diverse set of governance duties for improving policy implementation. These can include support in formulating implementation guidelines, in offering public services (e.g., consulting activities for sex workers), or in ensuring the enforcement of and compliance with rules (e.g., brothel managers charged with monitoring the presence of victims of human trafficking).

How do the proposed forms of indirect moral governance evolve across actors and time? First of all, the second type—intermediation via threat of punishment—is older than the other forms, which face softer modes of oversight or are only about the individual governing her-/himself or its own group. By the 19th century, several cities in Europe (e.g., Brussels, Paris, and Berlin) had authorized landlords to run sex establishments ("Unzuchtsgewerbe") and thus to co-govern sex workers, specifically by supporting the state in the registration of sex workers and in organizing regular health checks by municipally appointed doctors (de Schaepdrijver, 1986; König, 2016, p. 21). Yet, these regulatory regimes were abolished in many countries in the early 20th century, as part of a systematic restriction or prohibition of prostitution and, thus, a more uniform command-and-control approach among European states (Euchner & Knill, 2015; König, 2016). Hence, in the 20th century, public regulators rarely empowered private actors to support them in implementing prostitution policy laws or to govern themselves, as the police or local agencies usually took over these tasks. Thus, the first and the third forms of moral intermediation, where private actors are considered competent and trustworthy partners, are a 21st century phenomena.

The contribution of Goyal (2020) on prostitution policy in India offers a view on the situation pre-dating the 21st form of intermediation. Goyal (2020) showed how regulatory intermediation by private actors emerged in informal markets in a jurisdiction where the offer of sexual services is officially prohibited but still exists. Besides the intermediary role of the police, who are responsible for enforcing the prohibition of prostitution, Goyal (2020) discovered that informal markets in prostitution policy stimulate intermediation from below, which is to say from the targets themselves (Brés et al., 2019). Goyal (2020) conducted expert interviews and a survey, which illustrated that independent sex workers mobilize pimps to act as private intermediaries to protect them from corrupt policemen, who force sex workers to perform sex acts in compensation for not reporting them. These pimps are often women who charge sex workers high fees to bribe the police on the sex workers' behalf, and who

rent flats in "safe" residential areas to make sex work less dangerous than on the street. Nonetheless, sex workers are very much dependent on these private intermediaries, and any failure on the part of the intermediaries can have serious consequences, not only for the sex workers, but also for the pimps themselves. In this situation, intermediaries co-govern other targets as well as themselves under the threat of punishment. Thus, this empirical case shares many aspects of intermediation via the threat of punishment but, strictly speaking, it does not fit any of the types, it is a case of bottom up as well as illegal intermediation that in no way is managed top-down by public regulators.

While the form of intermediation described by Goyal (2020) has existed for decades and may still exist in several countries, it might be expected to be a rare example, as many countries have initiated reforms in prostitution policy in recent decades. Regulatory approaches have become more popular (Euchner & Knill, 2015) and created an opportunity for a *top-down forms* of moral intermediation as several third-party actors have become decriminalized (Euchner, 2019b). Yet, the increasing popularity of intermediation does not mean that such a governance tool is the most effective or fair way of steering policy implementation, as we will elaborate upon next.

## 6. A FEW NORMATIVE REFLECTIONS ON THE CONSEQUENCES OF PRIVATE INTERMEDIATION IN A MORALITY-BASED POLICY FIELD

The contributions to the special issue illustrate that the intermediation of private third-party actors brings a degree of (legal) authority to (formerly) stigmatized actors, at least apparently. However, it also brings extra risks and burdens. First, there is the moral hazard connected with involving targets in the writing of the implementation rules intended to regulate them. There are many examples in industry and banking of how this easily leads to the continuation of risky and careless behavior, which can have disastrous consequences (Kruck, 2017; Pagliari, 2012). However, such behavior is not likely to occur in the morality-based fields addressed here as, in contradiction to the above fields, the targets are not very powerful, in fact, a large power asymmetry exists. Furthermore, there is more ideological disagreement between the regulators and the targets.

Second, there is the risk and burden of marginalization. Scoular and Carline (2014) emphasize the pathologizing of sex buyers and sex workers that is connected to the English and Welsh strategy of what we call quasi-intermediation. Van Wijk and Mascini (2019) describe Dutch sex business entrepreneurs taking on the responsibility to employ only "autonomous" sex workers and not alleged victims of human traffickers, as being disciplined under the threat of losing their license. The entrepreneurs confronted the sex workers involved in addition to this intervention with other interventions; interventions directed at preventing them to illegally trade drugs or other goods, all of which infringed upon their privacy and undermined their independence. Accordingly, on the one hand, responsibilization/intermediation in the sense of creating actors that not only comply with the rules but apply certain values and take care of others and their own duties out of their own inclination (Shamir, 2008, p. 7), might be beneficial for some citizens and communities. On the other hand, it comes at heavy costs for those who are already marginalized and stigmatized.

However, one might discuss whether under some circumstances, the benefits of quasi-intermediation (i.e., calling upon citizens to behave responsibly and do this voluntarily in order to prevent negative societal consequences) clearly outweigh its costs. The logic is appealing and reminiscent of how, currently, some European governments intend to cope with the spreading of the COVID-19 virus: individuals are called upon to "behave responsibly" in order to protect the older and most vulnerable members of our society. This is a wise policy considering the impossibility of having public or other private actors enforce rules in the private sphere of the house, which at the same time is a likely source of contamination.

There are also examples in the UK scholarship on responsibilization in prostitution policy of how intermediation of some groups can help to empower sex workers and other marginalized groups. In reaction to the HIV/AIDS epidemic in the 1980s, medical researchers, social and health workers in coping with this epidemic, involved (former) sex workers in managing their own group (Matthews, 2005; Phoenix, 2007; Scoular & O'Neil, 2007). Similar examples can be found in the Dutch context: The GGZ, the Dutch association of mental health and addiction care, involved the Red Thread, an organization of (former) sex workers in offering advice and help to sex workers. In addition, benevolent citizens, who felt responsible for the protection of sex workers' health and their more general empowerment, contributed to these activities in the Netherlands. In the zones

designated for street prostitution, they organized "living room" projects in which they provided sex workers with a safe haven and opportunities to consult doctors and neighborhood police and to acquire information about social services. Many of these cases involved empowerment of people in a vulnerable situation facilitated by citizens and organizations that wanted to help others and protect them against illness and other social risks.

In sum, the intermediation of private third-party actors in prostitution policy has been criticized as a typical example of states doing less in order to save costs, and in doing so, shifting risks to individuals and often marginalized social groups. This criticism is certainly reasonable. Yet, the examples above show how intermediation of private actors in some cases might be concerned with how civil society groups, including affected individuals, can be activated to support public values and help implement human rights (Merry et al., 2010; Selznick, 2002), which could be positive for the affected groups as well as society as a whole.

## 7. CONCLUSION

The contributions to the special issue have shown that the RIT model (Abbott et al., 2017b) is extremely useful for disentangling the complex, network-like processes of the governance of prostitution policy around the globe. Prostitution is a field in which the implementation of rules traditionally has been steered by direct hierarchical intervention and criminal liability. However, private actors increasingly fulfill roles as regulatory intermediaries. For some of these actors, public collaboration is often a new terrain due to their societal stigmatization (e.g., brothel keepers, sex workers, clients). The introduction picks up this underexplored problem and proposes a typology of indirect moral governance. The typology explicitly theorizes on the perceived trustworthiness of private intermediaries and their operational capacity. We suggest that the combination of both dimensions leads to four substantially different shades of top-down steered moral intermediation that are of interest for the larger RIT scholarly community. The main reason is that any "empowerment" of intermediaries increases "the normative space" (Abbott et al., 2017a, p. 281) and thus, the challenge of balancing competence, trustworthiness and control requirements for reaching the very best regulatory outcome. Thus, the typology offers an innovative analytical tool to systematize regulators' responses to governance and implementation problems in the case of morality policies and value-laden issues more generally, including the responsibilization of stigmatized actors.

These findings suggest many more questions, which we distill into three areas of future research relevant to the RIT community. First, it would be highly interesting to explore the optimal combination of hard and soft forms of self- and others-governing intermediation for creating a healthy prostitution business that respects human rights and improves the position of hitherto marginalized groups. It would also be interesting to analyze the consequences of administrative and punitive forms of hard control. Administrative intermediation comes down to committing intermediaries through a contract, whereas punitive intermediation tries to bind the intermediaries through punishment. The latter might be less apt than the former for fostering a relationship of trust between the regulator and the intermediary that is needed for (developing) competence in stigmatized intermediaries. Generally speaking, we advocate empirical studies that evaluate the effectiveness of intermediation of private actors across combinations of control as well as combinations of different hard forms of control in both classical and non-classical morality-based policy fields.

A second direction for future research would be to delve into the enabling dimension of the responsibilization of civil society groups. For instance, it would be interesting to explore whether and under what circumstances any official entitlement of (long-time) stigmatized actors could increase their acceptance among the population and thus, increase their legitimacy as intermediaries. A third direction could include the study of self-initiated processes of intermediation. In that regard, the categories of Brés et al. (2019), "emergent and alternative intermediation," might be good starting points, as these highlight arrangements where intermediation is not officially initiated (i.e., accorded by the regulator) but comes from below. We believe that the literature is somewhat dominated by a focus on the downward stream of intermediation and would profit from a focus on upward streams. The latter would bring the relationship between intermediaries and targets much more into the center of analysis, and thus would highlight questions related to the effectiveness of intermediation, as well as its normative consequences.

## Endnotes

1   Van Wijk and Mascini (2019) most clearly exemplify the surplus value of this understanding of responsibilization in detecting and distinguishing new forms of intermediation, in this case mainly imposed on entrepreneurs in the sex business. Erikson and Larsson (2019) depart from a similar understanding of responsibilization but focus on how private actors, for example taxi drivers and hotel owners are enlisted more voluntarily, likewise Goyal (2020) who focuses on pimps taking care of sex workers where the state fails to do so.

2   Sometimes collaboration between addressees' advocacy groups and regulators in this context leads to long-lasting relationships, as in the case of New Zealand where the New Zealand Prostitutes Collective became a partner very much trusted by government (Rottier, 2018).

3   He also points out how the relationship between the police and sex workers was targeted as protection of the latter instead of their prosecution and punishment.

## DATA AVAILABILITY STATEMENT
Data sharing not applicable to this article as no datasets were generated or analysed during the current study.

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