



Is buying sex morally wrong? Comparing attitudes toward prostitution using individual-level data across eight Western European countries



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ARTICLE INFO

Article history:

Received 21 April 2016

Received in revised form 29 November 2016

Accepted 30 December 2016

Available online xxxx

Keywords:

Attitudes

Demand

Gender equality

Prostitution legislation

Sex trafficking

ABSTRACT

States try to combat sex trafficking through both the criminalization of buying sex and by entirely legalizing or regulating the market for prostitution. Proponents of criminalization argue that this approach leads to less acceptance of prostitution, creating a smaller sex market, and reducing the inflow of trafficked victims. Few studies examine if prostitution laws are associated with attitudes toward prostitution. We assess attitudes in eight European countries, using newly collected survey data. This is one of few studies comparing attitudes across different prostitution regimes. Citizens in countries where the purchase of sex is criminalized are less tolerant toward the buying of sex compared to citizens living in countries where the purchase of sex is legalized. Also, people viewing gender equality as important are less accepting of the purchase in countries where buying sex is prohibited, but more accepting in countries where buying sex and running a brothel are legal.

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Introduction

The question of whether to criminalize or legalize the purchase of sex divides Europe (Crowhurst, Outshoorn, & Skilbrei, 2012). Sweden, Norway, and Iceland have tried to combat trafficking through criminalization of the buying of sex, while the Netherlands and Germany have tried to improve the conditions of sex workers partly through legalization. From both sides politicians have currently argued that both types of policies could be a way to decrease trafficking, although the law was initially not justified to fight trafficking in neither Germany nor the Netherlands. In Spain, the UK and Denmark, the buying of sex is legal but running a brothel is criminalized.

Scholars have vividly debated to what extent the criminalization of prostitution pushes the sector underground and to what extent it decreases the demand for the purchase of sex, thereby making a country that criminalizes prostitution less attractive to traffickers. Scholars arguing for the decreased demand stress that it is plausible that criminalizing the purchase of sex should reduce the market for prostitution, both through a direct deterrent effect of the law and through less public acceptance of prostitution, reducing the sex market, and in turn also the inflow of trafficked victims (Cho, Dreher, & Neumayer, 2013; Jakobsson & Kotsadam, 2011b; Marinova & James, 2012). There may, however,

also exist an offsetting effect implying that the decrease in the possibility of buying sex legally may increase the demand for trafficked women (Akee, Basu, Bedi, & Chau, 2014). A recent study for example shows that whether prostitution is prohibited or legalized is irrelevant to victim protection (Cho, 2015), while scholars have also stressed that the Swedish approach to criminalize the purchase might have led to a decrease in prostitution (Ekberg, 2004; Waltman, 2011).

Understanding attitudes among the general public is important since these attitudes affect the stigmatization, which in turn affects incentives and behavior (Della Giusta, Di Tommaso, & Strøm, 2008; Della Giusta, di Tommaso, & Strøm, 2009). To our knowledge, only one study has examined attitudes toward prostitution among the general public across several countries (Immordino & Russo, 2015a). The authors show empirically that there is a relationship between national prostitution policy and attitudes toward prostitution. Three studies focus on attitudes toward prostitution in Norway and Sweden (Jakobsson & Kotsadam, 2011a; Kotsadam & Jakobsson, 2011; Kotsadam & Jakobsson, 2014), finding more acceptance toward prostitution in Norway in 2008, but no general attitudinal effects of the criminalization of buying sex in Norway in 2009, when implementing a difference in difference estimation.

In the present study, we add to the previous studies by first using original individual-level data from the UK, the Netherlands, Germany, France, Spain, Denmark, Norway, and Sweden. These countries are all Western European countries and share several similar features because of this particular geographical location, but at the same time there exists a big variation in their legal approach to the sex market, which make them ideal for a comparison in attitudes toward prostitution. Second,

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similar to Jakobsson and Kotsadam we use a more specific measure on attitudes toward the purchase of sex and attitudes toward the criminalization of buying sex, which better captures acceptance toward specifically the purchase of sex (demand). Third, the data gives us the opportunity to test more specific hypotheses on individual attitudes.

We test four hypotheses. First we test whether citizens in a country where prostitution is legalized or regulated are more accepting of the buying of sex compared to citizens in countries where the purchase of sex is criminalized. Second we test whether citizens in countries where the purchase of sex is legal but where running a brothel is criminalized are less accepting of the purchase of sex compared to citizens living in countries where also brothels are legal. We hypothesize further that since feminist movements have both argued for criminalization and legalization or regulation as improving women's situation (Outshoorn, 2005), people saying that gender equality is important should be less accepting of the purchase of sex in countries where such purchases are prohibited, and consequently, people saying that gender equality is important should be more accepting of the purchase of sex in countries where such a purchase is legal.

Our main findings are that citizens living in countries where the purchase of sex is criminalized are less tolerant toward the buying of sex compared to citizens living in countries where the purchase of sex is legalized, also when controlling for individual factors. Additionally, Swedes and Norwegians are more in favor of a law criminalizing the purchase of sex compared to the other nationalities. We also find that citizens living in a country where both buying sex and running a brothel are legal (Germany and the Netherlands), compared to citizens living in a country where only running a brothel is illegal (Spain, the UK, Denmark, and France), are more positive toward buying sex. Although these findings reflect attitudes among large segments of the citizens, rather than being representative for the total populations, there are clear differences in attitudes between the country samples, which might be reflected in, or may be due to, the different legal frameworks. For example, Swedes and Norwegians may have made buying sex illegal because they were more negative toward buying sex to start with. Alternatively, Swedes and Norwegians may be more negative toward buying sex because they have lived under this law for several years. The results also suggest that people saying that gender equality is important are less accepting of the purchase of sex in countries where buying is criminalized but are more accepting of such a purchase where both buying sex and running a brothel are legal.

The article has the following format. First, the prostitution and trafficking literatures are briefly introduced in order to set the problem in a broader context. The theoretical account is presented, drawing on literature from the specific topic of how attitudes toward prostitution are shaped and also from literature on the role laws might have in norm formation more generally. Second, the choice of method is presented together with a presentation of the collected data. The third section presents the results, and the final section summarizes the findings, concludes, and provides a discussion about how policy makers can use the findings in future decision-making on prostitution legislation in Europe, and elsewhere.

Theory

So far, scholars have not gotten a unified answer to whether different types of prostitution policies are associated with attitudes toward prostitution, the size of the sex market, or human trafficking.² Consequently, it might not come as a surprise that we see such a varied landscape of different prostitution regimes in Europe today. There are for

example at least two arguments about how prostitution law might affect trafficking. One is that criminalization of prostitution increases the inflow of trafficked victims by pushing the sector underground; the other is that criminalization instead decreases the demand for the purchase of sex, thereby making such a country less attractive to traffickers. Scholars arguing for the latter rest their argument on the assumption that sex trafficking can be compared to an illicit business. Traffickers, similar to businessmen, seek demand for their goods, and it is plausible that criminalizing the purchase of sex should reduce the market for prostitution, both through a direct deterrent effect of the law and through less public acceptance of prostitution, reducing the sex market, and in turn also the inflow of trafficked victims (Cho et al., 2013; Jakobsson & Kotsadam, 2011b; Marinova & James, 2012). There may, however, also exist an offsetting effect implying that the decrease in the possibility of buying sex legally may increase the demand for trafficked women (Akee et al., 2014). Because it is very difficult to measure the occurrence of human trafficking we argue that it becomes even more relevant to empirically test the theoretical mechanism these scholars emphasize. The argument about decreased demand is partly based on the belief that prostitution legislation essentially has a normative enforcing function (Della Giusta et al., 2009; Immordino & Russo, 2015a; Jakobsson & Kotsadam, 2011b; Kotsadam & Jakobsson, 2014). Della Giusta et al. (2009) argue that social stigma is an important determinant of the quantity of sex supplied and demanded. The stigma comes from a moral judgment, and since individuals care about their social standing in society, they face potential reputation losses from buying or selling sex. Prostitution is stigmatized to different degrees in different societies, leading to different market equilibriums in different countries (Della Giusta et al., 2009; Immordino & Russo, 2015a). All else equal, reduced stigmatization increases the marginal net gain of supplying sex as well as the marginal willingness to pay for it. Conversely, increased stigmatization reduces the marginal willingness to buy and sell sex, hence reducing the equilibrium quantity exchanged.

In addition to this, several scholars have theoretically emphasized that social sanctions, or punishment of not obeying the underlying norm, might matter even more for compliance than hard monitoring (McAdams, 2000; O'Donnell, 2007; Posner, 2000). Accordingly, heavy financial punishment is not sufficient in itself for restraining from one type of illicit behavior. For example, a high percentage of persons do obey the tax policy in the US, even though the risk of getting caught is minimal (Posner, 2000). It is thus plausible that the 'induced feelings of guilt or shame, gossip, shunning, ostracism, and not infrequently, violence' that would come by breaking a social norm is much more constraining on the individual's behavior than the fiscal cost (O'Donnell, 2007). Sunstein, for example, refers to shame as a social tax, which could be 'enough to produce compliance' (Sunstein, 1996: 2030). Thus, people are not only rational when it comes to fiscal costs and benefits but approval and disapproval from others should also be considered in such calculations (McAdams, 2000; Posner, 2000). Laws are in this sense norm carriers displaying the prevailing social norm in a society (McAdams, 2000). Policymakers that manage to signal what is desirable with the introduction of particular laws can create normative feedback effects (Svallfors, 2010). Studies that empirically examine the causal relationship between laws and attitudes are scarce, but several scholars have examined the relationship between institutions and policies on attitudes cross-sectionally (Alesina & Fuchs-Schündeln, 2007; Fong et al., 2006; Soss & Schram, 2007; Svallfors, 2010). For example, several studies showing that laws prohibiting smoking in public spaces are associated with attitudes often rely on cross-sectional data without control groups, and can therefore not identify causal effects (Gallus et al., 2007; Tang et al., 2003). Only one study has revealed the effect of an Irish smoke-free law on attitudes using longitudinal data with UK residents as the control group. They find clear increases in support for total bans among smokers (Fong et al., 2006).

One of the mechanisms put forward by the trafficking literature—that different types of prostitution laws should affect attitudes

² In a study about health risks for participants in the sex market, Immordino and Russo (2015b)

show that regulation best minimizes harm, while prohibition (both selling and buying, or only one of them) reduces quantity, the authors build an equilibrium model, and the results are tested on empirics from one Italian case.

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