

Researching Prostitution and Sex Trafficking Comparatively

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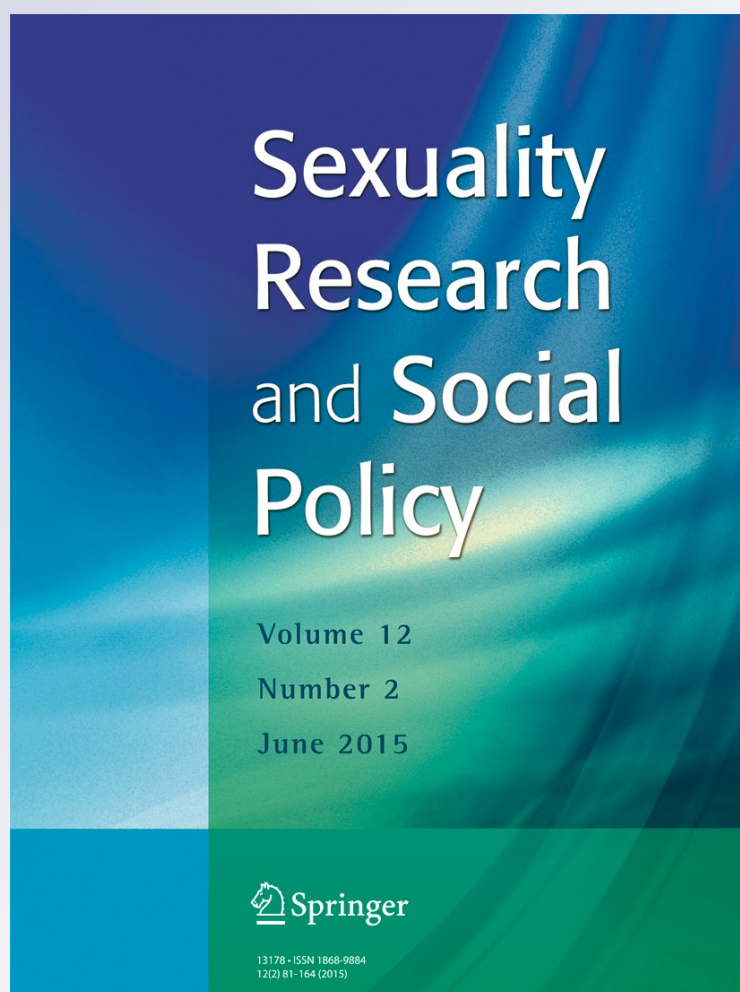
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Abstract This article examines different types of comparative research designs as applied to either prostitution or sex trafficking. I first present several comparative approaches that are found to be deeply flawed either because of the problematic assumptions of the analysts or because the data provided are insufficient to support the conclusions drawn. I then review research designs that compare two to four cases in depth and have the potential to yield stronger evidence-based findings and richer theoretical insights. The article concludes by discussing a set of methodological issues that face researchers who conduct comparative research on sex work.

Keywords Sex work · Research methods · Sex trafficking · Public policy

Introduction

Prostitution is universally seen as a *problem* rather than an *opportunity*. There is a strong and widespread antipathy toward it on the part of most individuals, most NGOs, and most governments. Prostitution is viewed as dangerous for the sellers, as attracting perverse customers (deviants and abusers), as disruptive for communities where prostitution is visibly present, and as unmanageable by state authorities.

The dominant framing of prostitution is based on entrenched historical folk wisdom as well as a scarcity of research in places where prostitution is legal and regulated by the state. The depiction of prostitution in popular and official discourse is usually based on information from nations where the act or its preconditions are illegal and severely

marginalized. And, when decriminalization and legalization are debated in legislatures or in the media, it is usually in the abstract, without reference to actual legal-prostitution systems.¹ Similarly, most academic studies have been conducted in nations where prostitution is criminalized and clandestine. This means that knowledge is heavily skewed in the direction of a single type: illegal sexual commerce. Much less is known about nations that have more tolerant policies and thus offer an alternative to criminalization (Weitzer 2009, 2012).

What is needed, therefore, is research on *all* types of systems—illegal, legal, and extralegal—both single-case studies and comparisons of two or more cases. Single-case studies can excel in providing context, depth, and a holistic picture, so nothing in this article is meant to imply that such studies should be replaced by multicase comparisons. The literature on prostitution is filled with excellent case studies, though the empirical literature on sex trafficking is more limited (Weitzer 2011). This article focuses on comparative research because it *can potentially produce broader generalizations and more sophisticated explanations than single-case studies*—helping to show whether findings from a single case are either unique to that context or somewhat more generalizable (Nelken 2010, p. 14). Comparative findings also may have theoretical implications, insofar as the results highlight both universals and important variations in prostitution or trafficking. Comparisons can help us document and theorize the uneven distribution of such things as consent, agency, exploitation, coercion, power relations, job satisfaction, and well-being.

The first section of the article discusses some extremely flawed comparative work, and the second section highlights

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¹ “Legalization” here means decriminalized and state-regulated. The nature of the regulations vary considerably across legal regimes, from minimal (e.g., New Zealand) to extensive (e.g., Nevada, Queensland, Australia).

superior studies. I use both sets of literature to identify important challenges facing researchers who conduct comparative studies. I include quantitative and qualitative studies conducted by both academic scholars and by the research units of non-governmental organizations.

Examples of Flawed Comparative Analysis

There are at least three types of comparative research designs that, when applied to sex work or trafficking, are either problematic or fatally flawed.

Type I: Comparison Reveals Similar Outcomes Regardless of National Prostitution Policy

Some scholars use cross-national comparisons to support their belief that state prostitution policy is largely or totally irrelevant. These scholars take the controversial view that it matters little whether prostitution is legal or illegal and, if legal, the nature of government regulations. In other words, prostitution is policy resistant. This conclusion is based on the author's comparisons of different nations and a "finding" that diametrically opposed systems have little or no effect on commercial sex practices. For these scholars, both macro- and microlevel factors produce these similar outcomes. At the macrolevel, there is an "invisible hand" (globalization, neoliberalism) that overdetermines national or local realities. At the microlevel, sex workers are depicted as indifferent to state policies and incorrigible to regulation.

Two prostitution scholars have taken this position. One, Elizabeth Bernstein, believes that radically different legal changes in the late 1990s in Sweden, the Netherlands, and the USA resulted in similar outcomes—including a trend toward "the elimination of prostitution from city streets," the marginalization of illegal migrant sex workers, and "the de facto tolerance of a small tier of predominantly white and relatively privileged indoor clients and workers" (Bernstein 2007, pp. 164, 146). Such cross-national convergence is driven by dominant political and economic forces at the national level as well as the more opaque role of economic globalization:

Whether sex work is decriminalized, legalized, or criminalized, the interests of real estate developers, municipal and national politicians, and business owners may overshadow the concerns of feminists and sex workers. What is most remarkable about the disparate array of legal strategies that Europeans and North Americans have implemented in recent years is how singular they have been in effect...Despite some important surface-level contrasts...regimes which legalize the sex trade as well as those which claim to seek its elimination share

several common threads which link them to larger changes in the global economy. (Bernstein 2007, pp. 164, 166)

These claims are problematic. First, Bernstein's insistence that any differences between prostitution regimes are merely "surface level" is evidence-thin. Second, she assumes that "the interests" of economic and political actors are uniform, both within a nation and across nations. Such a monolithic picture disregards the often conflicting interests *between* state and economic elites as well as *within* each of these sectors. Third, surprisingly, the voices of sex workers themselves are absent from Bernstein's arguments. To what degree are trends in the *global economy*, which she claims are responsible for converging outcomes on the ground, salient to the actors involved? Or, by contrast, do sex workers, managers, and clients indeed perceive and experience diverse *national* policy regimes differently? And fourth, some of Bernstein's alleged trends are fallacies. It is certainly not the case that Sweden—since the passage of its client criminalization law in 1999—fits the claim of "de facto tolerance of...indoor clients and workers" (Bernstein 2007, p. 146). Neither street nor indoor prostitution is tolerated in Sweden today. Regarding the claim that street prostitution is disappearing worldwide, it should be noted that there was fairly little street prostitution in Sweden and the Netherlands prior to law reform, making these nations poor test cases. And, there is plenty of evidence that street work remains a distinct market sector in many other countries (including the USA) because the participants have interests in reproducing it (many workers and their clients prefer to operate in the street sector). The street market may be contracting but is certainly not disappearing internationally. But, my main point is that Bernstein's broad assertion that a nation's prostitution policy is largely irrelevant is not convincingly argued or evidenced.

While Bernstein qualifies some of her claims by using the term "similar," Laura Agustín takes a more extreme "no differences" position. She notes that actors involved in prostitution operate mostly outside the law, everywhere, and then leaps to the conclusion that all policy regimes are a "failure":

Large numbers of entrepreneurs and workers, *wherever* regulation is found, *always* ignore the rules and fail to participate. Given the failure of such regimes *everywhere* to be and do what they claim, it is not rational to continue to argue over which of them is best. (Agustín 2008, p. 76, emphasis added)

Agustín does not explain *why* different legal orders have similar outcomes except to say that the authorities lack sufficient resources to control sex workers—emphasizing the incorrigibility of actors "everywhere." And, she dismisses anyone who believes that law and policy can make a difference:

The collusion of so many serious social actors in the pretense that the classic prostitution regimes [e.g., criminalization, legalization] are rational makes me wonder how much evidence that such regimes do not work is necessary before their many adherents give up on them....Projects to control prostitution do not fit into any rational framework of social progress. (Agustín 2008, p. 83)

First, it is not clear what Agustín means by “rational.” Second, she fails to articulate an alternative to the “classic prostitution regimes.” Judging from her claim that prostitution cannot be controlled, it appears that she prefers a totally unregulated system where the state relinquishes its authority and provides no special protections over and above what other workers receive. Third, she reduces law to repressive “control,” neglecting the ways in which legal reforms can bestow rights and protections on sex workers (see Scoular 2010). Of course, the latter depends on whether legal protections are fully implemented and enforced by the authorities and embraced and activated by sex workers, but some systems have indeed had empowering outcomes (see below). And fourth, aside from the observation that “large numbers” of actors do not abide by the rules, Agustín presents *no evidence* for the grand claim that all policy regimes are a failure, despite criticizing others for ignoring “the evidence” that government policies have no effect on the actors involved.

Now, it is certainly possible that different regimes may have *some* similar effects on the ground. It is true that sex workers are fairly resistant to control by the state. And, it is true that a policy can result in the privileging of some sex workers more than others, as there will always be some categories of ineligible workers (minors, illegal migrants, trafficking victims, etc.). But, Bernstein and Agustín disregard important qualitative differences between nations. There is a stark difference—both practical and symbolic—between nations where prostitution is officially condemned and participants demonized and criminalized (e.g., Sweden, the USA, and China) and nations where workers and clients are legally free to engage in sexual commerce (e.g., the Netherlands, New Zealand, Germany, and Australia).

Law and state policy can and do impact the social organization of sex work, power relations among participants, and their lived experiences (see Scoular [2010] on this point). Even if, as Agustín notes, many actors ignore legal requirements (e.g., not registering, not paying taxes, and avoiding mandatory health exams), it still makes a difference to *them* whether they are regarded as criminals or legal actors with rights. And, they also have opinions about specific laws and regulations. Interviews with 100 migrant sex workers working in London, for example, found that *all* of them thought that

decriminalization “would improve their living and working conditions and enable them to exercise their rights more fully” (Mai 2009, p. 6). And, a survey of 247 prostitutes in San Francisco found that 71 % endorsed decriminalization, 90 % wanted laws to protect their rights, 83 % supported a policy of mandatory health screening of prostitutes, 79 % believed that sex workers should “determine their own working conditions without being taxed or regulated by government,” and 91 % felt that if prostitution remained illegal, prostitutes should be offered social services rather than being incarcerated (Lutnick and Cohan 2009).

Evidence from many nations shows that the type of policy regime in place can influence—positively or negatively—what happens on the ground. When policy is liberalized, it can indeed redound to the benefit of sex workers:

- Almost all (97 %) of the 102 legal brothel workers interviewed in a Queensland, Australia, study said that an advantage of working in a legal brothel was the safety that it provided. They were 17 times less likely to have been “raped or bashed” by a client in the preceding year than a sample of illegal street prostitutes working in Queensland (3 and 52 %, respectively) (Seib et al. 2009).
- New Zealand legalized prostitution in 2003. A survey of 772 prostitutes 5 years later found that more than 90 % of them were aware that they now had legal and employment rights under the new law, two thirds felt that the law gave them more power to refuse a client or his requests, and a majority (57 %) felt that police attitudes toward them had improved since passage of the law (Abel and Fitzgerald 2010). Stigma persisted and employment conditions remained somewhat inadequate, but overall, a second study concluded that legalization had achieved many of its objectives and that the majority of those involved in the sex industry were better off now than under the prior system (PLRC 2008).
- An analysis of questionnaires completed by 4,559 female sex-trafficking victims, who had received assistance from field missions run by the International Office for Migration (IOM), was unequivocal: “These results confirm results of many other studies that have looked at the consequences of criminalization policies. Whenever sexwork has been criminalized, sexworkers have been moved to more secluded places with the consequences of being more exposed to different kind of risks: assault, fraud, control, and lack of freedom” (Di Tommaso et al. 2009, p. 155).
- Likewise, when a policy becomes more restrictive or onerous, as it has in the Netherlands since 2008 (Aalbers and Deinema 2012; Outshoorn 2012; Weitzer 2012), this is reflected in both sex workers’ working conditions and their views of state policy. A survey of 94 window prostitutes working in Amsterdam’s central red-light district in

2010 found that 80 % had heard about the city council's plans for the area (closing some window-brothel buildings, restricting working hours, registration of prostitutes, and raising the minimum age from 18 to 21), but only 2 % supported these plans. Fully 88 % thought that the *current* policies toward prostitution were already too repressive, 95 % believed that the city's *plans* for the red-light district are "not good for prostitutes", and 93 % disagreed with the *idea* that "politicians know the issues of prostitutes" (Amsterdam Sociaal 2010).

One implication of the critique above is that comparative analysis must be based on solid empirical evidence from the cases compared. Although Bernstein and Agustín claim that their cross-national conclusions are empirically grounded, the evidence that they present is actually quite meager, and their claims are contradicted by other research findings.

Type II: Comparison Reveals that National Context Matters Greatly, but Questionably

In the area of sex trafficking, many grandiose "estimates" have been offered over the past 20 years, despite the lack of supporting evidence for these claims, as many critics have shown (Fedina 2014; Weitzer 2011; Zhang 2009). Some analysts, however, do present "data" to support their conclusions, and some big comparative studies purport to rank nations on the prevalence of sex trafficking. The European Commission (EC) recently reported figures on trafficking victims in 27 European nations for 2008–2010. The EC acknowledged that the figures supplied by member states were unstandardized—drawn from different kinds of agencies and using different definitions and methods of counting victims. Some reported "identified" victims, while others reported "presumed" victims. The "presumed" category refers to persons who "fulfill the definition of trafficking...but have not been formally identified" by some authority (EC 2013: 30), yet the basis on which these presumptions are made is not revealed. The EC's hodgepodge effort undermines any sound cross-national comparisons.²

Reliance on severely flawed data is mirrored in the Global Slavery Index, which ranks 162 nations on the prevalence of slavery (defined to include human trafficking and forced labor) (Walk Free Foundation 2013). Like the EC report, the slavery index draws information from a hodgepodge of unstandardized and thus non-comparable sources. This includes population surveys in a few countries, media stories, information from "experts," and reports by official agencies and

NGOs. For some nations, the creators of the index engaged in a bizarre "extrapolation" from nations where (dubious) data are available to "similar" nations lacking such data: "For example, the prevalence ratio from the UK study was assumed to be relevant to other European island nations such as Ireland and Iceland, whereas the prevalence ratio for USA was assumed to be relevant to developed Western European countries such as Germany" (Walk Free Foundation 2013, p. 111). The US "prevalence ratio" was based on an old State Department claim that as many as 17,500 individuals were trafficked into the country every year—a figure that the State Department has since abandoned. For all of Eastern Europe, the report simply extrapolates from estimates derived from a household survey (discussed below) of five Eastern European nations to the rest of Eastern Europe. This procedure lacks scientific logic. On the one hand, the authors ignore particularities and impute "similarity" to nations based either on their proximity or on the assumptions of the index creators. On the other hand, the "estimates" for the countries that are used as "typical" of a certain type (the UK, US, and five Eastern European nations) are themselves subject to error, as is true for all national-level figures on trafficking and human slavery. Note that the terminology used here "assumed to be relevant" leads to a conclusion of the "best estimation that can be derived from the extrapolation within an assumed range" (Walk Free Foundation 2013, p. 111). If the initial assumptions are erroneous—as they certainly appear to be—extrapolation is nothing more than guesswork.

For most of the 162 countries, however, there was no official estimate (as in the UK and US) of victims and no survey of the population conducted either in the country or in a neighboring or "similar" country that could then be extrapolated to the country in question. For most countries, therefore, "it was necessary to fall back on secondary source information" (Walk Free Foundation 2013, p. 113). The use of diverse, unstandardized, and often anecdotal secondary sources—NGOs, officials, media reports, and local "experts"—for quantitative purposes is yet another fatal flaw in this comparative enterprise, particularly when it is remembered that slavery and trafficking are typically clandestine practices that are extremely difficult to detect. Differences in slavery/trafficking figures from country to country are an erroneous artifact of the type and quality of sources in each nation, which differ radically from place to place.

The slavery index is intended to "name and shame" what its authors consider the ten "worst" nations on the slavery scale. Five of these are in Africa (Gabon, The Gambia, Ivory Coast, Benin, and Mauritania) where information is notoriously thin and hardly sufficient to justify such categorization, and the other five are Haiti, Pakistan, India, Nepal, and Moldova. With the possible exception of Moldova, there is absolutely no reason to have *even the slightest* confidence in estimates regarding such societies, where reliable data on

² The report ranked Cyprus as the "worst" in 2010, with 6.3 victims per 100,000 population. The three "best" nations (0.1 victims per 100,000) were Hungary, Lithuania, and Portugal. Hungary's rank as one of the best anti-trafficking nations is perplexing because other sources rank it as a major source of trafficking within Europe.

virtually all social problems are lacking. The authors also identify the ten “best” nations—with the lowest slavery/trafficking rates—all of which are in Western Europe plus New Zealand. It is noteworthy that the director of a major organization, Anti-Slavery International, wrote a scathing critique of the Global Slavery Index in August 2013: He advocated abandoning the quantitative ranking exercise altogether and replacing it with country-specific qualitative field studies (McQuade 2013).

Two other studies go further—attempting to discern whether countries where prostitution is legal have better or worse trafficking records than countries where prostitution is illegal. Both studies are based on information from the UN Office on Drugs and Crime (UNODC), whose report on 161 countries was based on information from an assortment of 113 different sources (governments, the media, research institutes, NGOs, and IOs).³ For some countries, only one of these sources was available, resulting in a gross lack of uniformity and comparability across countries. Using the UNODC report, economists Cho, Dreher, and Neumayer (2012) tried to determine if prostitution laws were related to the incidence of human trafficking—despite the fact that the UNODC expressly *cautioned against* using its report for either single-nation assessments or for multination comparisons because “the report does not provide information regarding actual numbers of victims” (UNODC 2006, pp. 37, 44–45). UNODC highlighted the absence of a standard definition of trafficking across countries, the lack of transparency in data collection and reporting in many nations, the diverse nature of the 113 sources, and the conflation of smuggling, trafficking, and irregular migration numbers in some country figures. Cho et al. (2012, p. 70) acknowledge that the figures do “not reflect actual trafficking flows” and that it is “difficult, perhaps impossible, to find hard evidence” of a relationship between trafficking and any other phenomenon, but they proceed to use the UNODC report anyway and draw profound conclusions about the relationship between trafficking and national prostitution laws. Another problem is the use of a cross-sectional design (at a single time point) to measure something that should be examined longitudinally: trafficking before and after legalization. But, this kind of design would require solid baseline figures to compare to subsequent figures—neither of which exists for most countries. Even more problematic, the authors rely on aggregate national human-trafficking figures (which *combine* labor, sex, and other kinds of trafficking) in their attempt to assess whether legal prostitution makes a difference. Thus, there is a striking *mismatch* between the trafficking figures and their relationship to prostitution law: The trafficking “data” are based on a compound of different types, yet these aggregate figures are then used to assess

whether prostitution law is related to the incidence of trafficking. Finally, it is important to note that the amount of trafficking is influenced by a variety of push and pull factors—not just the legal regime in place—and it is difficult to control for these factors when some or many of them cannot be measured in all of the 161 countries in the study.

Another study recapitulates Cho’s errors, using the same UNODC source in addition to data from the International Labour Organization. The authors concede that these data are deficient (“limited and unsatisfactory in many ways”; “the underlying data may be of bad quality”), but they also think that the very diversity of sources across nations “improves the data quality” (Jakobsson and Kotsadam 2013, pp. 93, 94). I argue that such an unstandardized set of sources ruins the possibility of sound comparisons between countries. And, like Cho et al., these authors ignore the obvious mismatch between their two key variables: *Prostitution law* is correlated with *all types of reported trafficking*, not just sex trafficking. Given this glaring mismatch, the conclusion of Jakobsson and Kotsadam (2013, p. 102) that their study “suggests that harsher prostitution legislation may reduce the amount of trafficking to a country” lacks credibility.

Cho et al. and Jakobsson and Kotsadam also can be criticized for the imprecision of their core variable: “legal prostitution.” First, they reify the construct, demonstrating no appreciation of how it varies from place to place. These variations include the *types of prostitution* that are legally permitted and outlawed, which differs radically from one legal prostitution regime to another. Second, the term “legal” masks *different kinds of state regulation* in each of the nations where prostitution is legal. In other words, legal prostitution is hardly a monolithic category either in the kinds of activities that are permitted or the kinds of regulations in effect. And third, both studies are restricted to “law on the books,” ignoring “law in action.” To focus solely on the letter of the law—rather than on how it is implemented and enforced—puts inordinate emphasis on the statute, which may or may not have real-world effects. Finally, these authors recognize—but then discount—the possibility that some nations where prostitution is legal may have superior mechanisms for detecting sex trafficking. Four of the seven nations categorized as having “legal prostitution” are rated “very high” on trafficking by Jakobsson and Kotsadam, yet this may be an artifact of better detection or reporting by law enforcement authorities rather than actual victimization rates. The Dutch government’s trafficking agency made this point in one of its annual reports:

It is often said in the media that the lifting of the general ban on brothels [in 2000] has led to more THB [trafficking in human beings]. This is not a correct

³ Only sources in these languages were used: English, French, German, and Spanish.

conclusion. Before the lifting of the general ban on brothels, THB and other (criminal) abuses were taking place in all sectors of prostitution. Some of these sectors are now under control and can be assumed to have rid themselves of their former criminal excesses, or are doing so....It is possible that THB is increasing in the illegal, non-regulated or non-controlled sectors. If this were to be the case, it still cannot be assumed that the extent of THB is now at the same or even above the “old” level it was before the ban on brothels was lifted. It is in fact likely that this is not the case. (Bureau of the Dutch National Rapporteur on Trafficking in Human Beings 2005, p. 91)

One implication is that legalization *can* help reduce trafficking, at least in the legalized sector, due to greater government oversight. In the Netherlands, a Ministry of Justice report concluded that, since legalization in 2000, “it is likely [that] trafficking in human beings has become more difficult, because the enforcement of the regulations has increased” (Daalder 2007, p. 84). The number of cases of trafficking investigated by the police in Germany declined and then stabilized since 2003; prostitution was legalized in 2002 (Kriminalistisches Institut 2009; UEGD 2012). Rigorous case studies of specific legal regimes are arguably a superior research design to the superficial multinational approaches described above (e.g., Weitzer 2012).

The multinational comparative studies described above have already impacted public policy. The EC report, Global Slavery Index, and Cho article received substantial publicity in the media and have been cited as “evidence” in support of new anti-prostitution legislation in some countries, including a February 2014 resolution in the European Parliament urging member states to criminalize the purchase of sexual services.

Type III: Comparative Survey Research

Another type of cross-national design is a survey of two or more populations. Constructing a representative survey of individuals involved in commercial sex or trafficking is impossible because they constitute a hidden population whose boundaries are unknown. One can, of course, interview victims who come to the attention of the authorities, as was done in the IOM survey mentioned earlier in the article (Di Tommaso et al. 2009), but these surveys are not representative of the victim population. However, representative surveys can be done with the entire population. A unique IOM survey was fielded in 2006 in five Eastern European nations—Belarus, Bulgaria, Moldova, Ukraine, and Romania—all of which were believed to have major trafficking problems. Sampling a total of 5,513 randomly selected households, respondents were

asked whether any extended family member (husband, wife, child, parent, and sibling) had been trafficked into sex work, nursing/domestic work, or other work.⁴

Unfortunately, the authors who analyzed these data did not break down the findings by both question and country (Omar Mahmoud and Trebesch 2010). Instead, they report that 108 individuals (2 %) across the five countries stated that a family member fits the survey’s definition of a victim: 86 labor and 22 sex-trafficking victims. Of the total, Moldova had the greatest absolute number of victims (56), compared to 18 in Bulgaria, 15 in Ukraine, 11 in Belarus, and 8 in Romania. The authors do not provide separate country figures for the sex-trafficking question, but overall, they detected few such cases.

Are studies surveying family members useful for producing comparative knowledge on sex trafficking? Asking individuals whether another family member has been a victim of trafficking (1) assumes that the respondent is aware of all family members’ experiences and (2) seems to ignore the sensitive nature of the questions asked, thus inflating the number of false negatives. For these two reasons, reporting bias is likely to be high using this method.

Surveys may also be conducted on the public’s attitudes toward prostitution—documenting opinion at the national level and comparing nations, perhaps with a view to identifying societies that might be amenable to policy reforms. Fortunately, there is one major data source that allows for such comparisons: the World Values Survey. The survey asks the respondent “whether you think prostitution can always be justified, never be justified, or something in between.” For those selecting the “never justified” response, the 2005–2007 figures range from a low of 18 % in Switzerland to a high of 84 % in China. The repressive nations of France, Sweden, and the USA are in the middle, in the 40–43 % range. An interesting case is Norway, which had the third highest tolerance ranking in 2007 (21 %), but followed Sweden in criminalizing the purchase of sex in 2009. In several nations, however, social tolerance and legal tolerance are congruent.

One advantage of the World Values Survey is that it allows us to track attitudinal changes over time and to compare different nations’ trajectories. Figure 1 illustrates the survey’s longitudinal utility for selected countries beginning with the first wave in 1981–1982. For comparative cross-sectional purposes, however, there are some problems with this particular survey. We do not know how respondents interpret the question: Is the term “justified” roughly equivalent to “acceptable” or does it imply something different? And, does

⁴ Respondents were asked whether a close family member had travelled to another country and been (1) “offered a domestic or nursing job, but was locked and forced to work for no pay,” (2) “offered a job at an enterprise, on a construction site, or in agriculture, but was locked and forced to work for no or little pay,” or (3) “offered employment, but the passport was taken away upon arrival to the destination country, and was forced to work in the sex business.”

“justified” mean the same thing to respondents in different countries?

This survey does not ask questions about policy preferences. For that, I have collected separate poll data from various nations (see Table 1). The polls were conducted in different years, and the questions sometimes differ in wording—with some polls asking specifically about the legalization or licensing of brothels, while most simply ask about the “legalization of prostitution.” None of the latter polls defines “legalization”—so it is likely that most respondents interpret “legal” simply as decriminalized, rather than imagining specific kinds of regulation. And, the numbers cannot help us explain anomalies, such as why only 51 % of the public in New Zealand supported legalization in the same year that prostitution was decriminalized (in 2003), whereas a large majority of French citizens (74 %) favored legalization in a 2013 poll, and oppose client criminalization—thus clashing with a bill approved by the lower house of the French Parliament (the National Assembly) in 2014 that would criminalize clients.⁵ The fact that Canada and the USA are so far apart—65 versus 38 % support for legalization—may be partly a result of a highly publicized, 5-year Canadian court case challenging the country’s prostitution laws; the case began in 2008 in a lower court and remained in the news at the time that the survey was conducted.⁶ Yet, this may be only part of the explanation because 71 % of Canadians favored legalization in 1998 as well (Weitzer 2012, p. 78).

Both the World Values Survey and multinational opinion poll data have some value for comparative purposes. They provide a rough barometer of public opinion at the national level, and it is arguably better for law and public policy to be informed by popular preferences than to clash markedly with them, as in France. However, both types of surveys are tricky to use cross-nationally: Decontextualized, opinion poll results are susceptible to misinterpretation, just like the multinational trafficking and slavery estimates discussed earlier.

None of the multinational Type III designs are sufficiently contextualized: They lack *narrative accounts* regarding the actual experiences of “presumed” or “identified” victims of trafficking, ignore the central *meanings* that individuals attach to labor migration and to prostitution, and offer no guidance on *why* individuals view prostitution as acceptable/unacceptable or why they favor legalization or other policies. The central problem with both the sweeping claims of Agustín/Bernstein and with the multinational assessments is

that they are far removed from microlevel structures and lived experiences. Agustín and Bernstein present little evidence to support their claim that state policy is irrelevant to sex workers (and, strangely, no data on the views of sex workers themselves), and the multinational studies are based on sources that lack equivalence, and thus comparability, across nations and/or where key data are largely hidden (given the illicit nature of the activity).

Now that I have identified some examples of flawed comparisons, I present some ideas about preferable designs.

Superior Comparative Research

The key challenges in comparative research are threefold: (1) sufficient researcher knowledge of each case, (2) collection of high-quality data, and (3) data comparability. These standards are not easily met, as Nelken (2010, pp. 15, 20) points out: “Classifications can be controversial, descriptions deceptive, explanations erroneous, interpretations interminable, translations twisted, and evaluations ethnocentric....Deciding what is ethnocentric or relativistic is not always straightforward.”

To meet these challenges, I recommend comparative research within a much narrower scope than the multicase approach critiqued above.⁷ As several scholars note, the larger the number of cases, the more difficult it is to identify factors that are salient across the cases and to thus reach valid conclusions (e.g., Nelken 2010, p. 29; Ragin 1987). For a case-oriented research design (as opposed to a variable-oriented one), analysts recommend a limited range of settings—such as *two to four* nations, regions, cities, or districts within a city (Ragin 1987).⁸ Such studies can have both quantitative and qualitative advantages. If the data gathered in these more limited arenas are reliable, they can provide (1) more valid statistics on the size and scope of the phenomenon under investigation, (2) more reliable measurement of social-structural variables, and (3) richer insights on actors’ lived experiences. The preferred unit of analysis is the *meso* or *microlevel*, not the macroglobal level. Some examples follow.

Nations

Comparing prostitution policy regimes between nations is a straightforward exercise and can yield important findings. An

⁵ The 2013 French poll specified the “reopening of brothels.” In five polls taken between 2011 and 2013, 70 to 82 % of French respondents disapproved of the idea of criminalizing clients.

⁶ *Bedford versus Canada*, ONSC 4264, Ontario Superior Court of Justice, September 28, 2010. The case was heard by an appeals court in 2012 and culminated in a Supreme Court ruling in 2013 (*Canada [Attorney General] versus Bedford*, 2013 SCC 72, Supreme Court of Canada, December 20, 2013).

⁷ This section focuses specifically on comparative methods. General issues in researching sex work have been discussed by other scholars (e.g., Dewey and Zheng 2013; Sanders 2006; Shaver 2005).

⁸ It is possible to have more cases, but manageability becomes an issue if the study is qualitative. A study where such manageability did not seem to pose problems is participant observation in 37 strip clubs by Bradley-Engen (2009). She uses her data to construct a typology of three types of clubs.

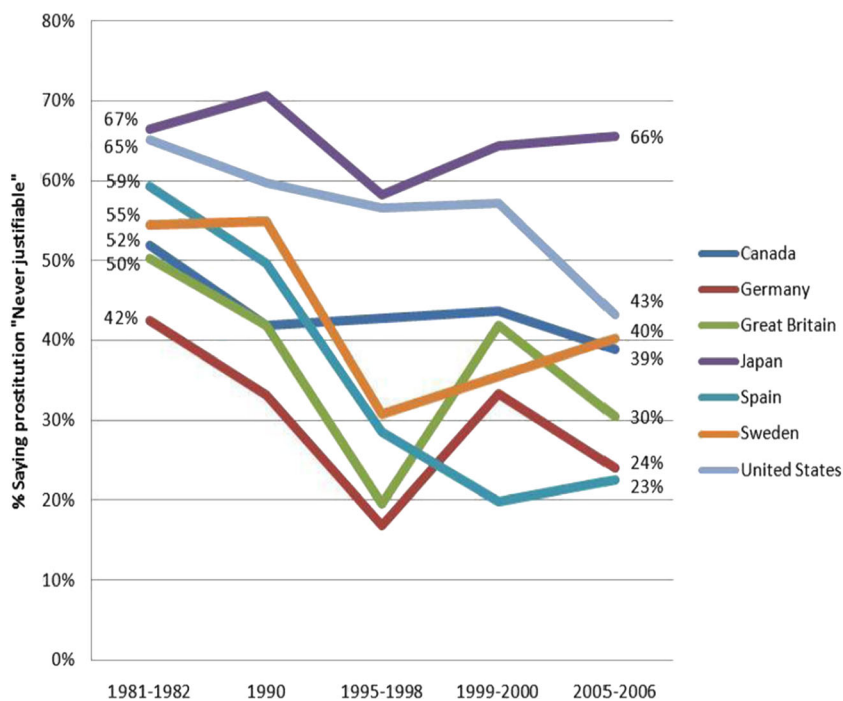


Fig. 1 Attitudes toward prostitution

example is a study of five Nordic countries, where researchers found that what is sometimes called the “Nordic model” actually has some important internal differences (Skilbrei and Holmstrom 2013). However, explaining cross-national similarities and differences in law and policy is more challenging than documenting them, but still achievable (Skilbrei and Holmstrom 2013). And, when the analyst moves from the policy arena to prostitution on the ground, comparing entire nations is risky in light of local variations in the spatial distribution and forms of prostitution (see next section).

Table 1 Public opinion on legalization of prostitution

	Favor legalization (%)
Britain (2006)	65
Canada (2012)	65
Czech Republic (1999)	70
France (2013)	74
Germany (1999)	68
Israel (2005)	65
Netherlands (1997)	73
New Zealand (2003)	51
Portugal (2001)	54
Taiwan (2009)	52
USA (2012)	38
Western Australia (2006)	64

Source: Author’s compilation of poll data from different sources (Weitzer 2012, p. 78)

Subnational Units

Analysts who examine sociological or policy aspects of prostitution comparatively usually select a few discrete settings—states, provinces, or cities—either within a particular nation or in comparison to matched settings in another nation. For example, research has compared selected cities in Austria, Belgium, Germany, and the Netherlands (Wagenaar et al. 2013; Weitzer 2012). Each study centered on particular cities, not the nation as a whole. Comparing two Australian states with legal prostitution regimes, Sullivan (2010) discovered that New South Wales has some important advantages over Queensland. A comparison of Dortmund and Leipzig shows that the two German cities differ strikingly in how local authorities perceive and manage prostitution, with Leipzig quite repressive and Dortmund relatively tolerant and marked by collaborative relations between the authorities and the commercial sex sector (Dölemeyer et al. 2010). Australia offers another example: Researchers examined health and safety outcomes for sex workers in three policy regimes (Harcourt 2010). Prostitution is illegal in Perth, in Melbourne brothels are legal if licensed but other sex work is illegal, and in Sydney brothels and other types of prostitution are decriminalized but not licensed. Based on a survey of 605 brothel workers across the three cities in addition to other data sources, researchers found some remarkable differences by type of regime. Melbourne, with its licensed and monitored brothels, was more likely to have alarm systems in the rooms (72 vs. 26 % in Perth and 36 % in Sydney), security cameras

(78, 66, and 61 %, respectively), and free condoms (88, 12, and 39 %) and to have a maximum five-star rating based on the researchers' field observations regarding whether the brothels were worker-friendly workplaces (20, 0, and 3 %). These findings suggest that formal policy (in this case, licensing and monitoring of brothels) can significantly affect health and safety on the ground.

Districts within Cities

Some cities have more than one visible prostitution zone. These red-light areas can be compared in a fairly clean manner—that is, holding key variables constant because the zones exist within a single city. We can also compare red-light districts across cities (Ashworth et al. 1988, p. 208; Hubbard and Whowell 2008; Weitzer 2012), but doing so within the same country allows us to control for national context. Ethnographic research in such erogenous zones can be used to test the conventional assumptions about conditions that are claimed to be intrinsic in such areas (Reckless 1933). Indeed, some red-light districts in Europe fit and others clash with the conventional image of such areas as dilapidated, socially disorganized, and criminogenic. Research on red-light districts in Amsterdam, Frankfurt, Antwerp, and Brussels documented a full spectrum of physical arrangements, social organization, government involvement, and policing styles (Weitzer 2012, 2013).

Longitudinal Comparisons

In addition to comparisons between settings, it is important to compare patterns longitudinally. This can be an especially effective way of documenting the impact of policy reforms in a specific locale, as in a study of changes in the Times Square area of New York City (Papayanis 2000). Changes over time are most easily documented if an older study exists that can be compared to more recent patterns. Using a previous study as a base (Ashworth et al. 1988), Hubbard and Whowell (2008) map the location of commercial sex districts 20 years later in the cities that Ashworth et al. examined. Hubbard and Whowell find some significant differences in spatial patterning over time, changes that can be linked to, *inter alia*, city-level policies regarding sex districts.

Businesses

Erotic businesses can be compared within a particular locale. An example is a study of ten hostess bars in Dalian, China, by Zheng (2009), which she groups into three types based on her participant observation at each bar: low tier, mid-range, and upscale. Interesting, the mid-range bars were found to have better working conditions than either the low-tier or upscale bars. Another significant study of both sex work and

trafficking in the context of prostitution bars is the comparison of two towns on each side of the Laos-Thailand border by Molland (2012). He examines the structure and process of migration from one place to the other and similarities and differences in the dynamics and effects of sex work in bars in the two locales. Trotter (2008) conducted a similar comparison of prostitution bars in Durban and Cape Town, South Africa.

Gender

In addition to the need for ecological and longitudinal comparisons, gender deserves a special place. There are few systematic comparative studies of male, female, and transgender sex work in the same locale and/or in the same line of work (exceptions include Koken et al. 2010; Weinberg et al. 1999). Researchers can hold type of work constant where men and women work in similar kinds of places or tiers (e.g., bars, streets, as escorts), but even where they work in different venues, comparisons can yield fruitful insights. Such work is imperative for two reasons: (1) to distinguish what is universal from what is gendered in sex work and (2) to inform public policy. We know that male workers are usually invisible in both policy creation and regulation/enforcement. Even where the law is gender neutral (not always the case), male workers are largely untouched by state policy—official neglect that arguably puts them at greater risk (Crofts 2014).

It is noteworthy that almost all of these research designs were limited to two to four cases, as recommended by comparative methodologists. And, there are policy implications as well. Insofar as comparative research identifies positive and negative features in particular settings or populations, analysts are in a better position to identify “best practices” that may be implemented elsewhere. This is obviously superior to the formulation of national policies in a vacuum, without cross-fertilization from elsewhere. Policy transference can occur, at least to some degree, despite differences in national histories, cultures, and populations (Weitzer 2012). The spread of the Swedish approach is one example of this, but other models are potentially transferable cross-nationally as well.

Some Practical Issues

In conclusion, I briefly outline some methodological issues in comparative research, including case selection and data analysis.

In the “most-similar cases” research design, cases are selected that are similar on most variables but differ on a few others. No two cases are identical, so there will always be at least some significant differences between them, but the differences must be related to the research questions motivating

the study. The factors that are similar can be held constant, allowing us to explain differences by the remaining factors that differ between the cases (e.g., Weitzer 2013).

Most-similar cross-case designs are well suited to standardizing research questions, interview instruments, and observational checklists. For a most-similar design, the following practices have been advocated: (1) ensure that the selected cases share a sufficient number of features, (2) clearly identify the phenomenon to be described or explained across the cases, (3) include cases with a “positive” outcome and cases with a “negative” outcome, and (4) be flexible, with an option of replacing a selected case if it turns out to differ too much from the others (Berg-Schlösser and De Meur 2009).

A “most-different cases” design can be used, but this can be challenging if only a few settings are being compared. It undermines the ability of researchers to identify explanations for the differences because of an overload of divergent variables across very different cases: “As the number of cases and the number of relevant causal conditions increase, it becomes more and more difficult to use a case-oriented approach” (Ragin 1987, p. 49). However, there may be some issues related to sex work for which most-different designs would be the best approach, particularly if one is interested in creating typologies or identifying best practices (e.g., Bradley-Engen 2009; Dölemeyer et al. 2010; Harcourt 2010; Sullivan 2010; Zheng 2009). The nature of one’s research question should dictate case selection.

Comparative researchers must have sufficient knowledge of local conditions to be able to (1) know where to find the needed data, (2) gain access to data sources (e.g., hidden venues, elites, NGO staff, and managers of sex workers), and (3) comprehend the meaning and nuances of the data collected. This implies that indigenous researchers—not outsiders—will be in the best position to collect and analyze the data. At the same time, a local researcher may take for granted what needs to be problematized and interrogated, whereas outsiders may ask fresh questions that local researchers have not considered. One solution would be a team project composed of both.

Another challenge is how to weigh and interpret official statistics, archival material, newspaper reports, and interviews with key actors and stakeholders in different settings (sex workers, legislators, civil servants, law enforcement officials, NGO staff, health officials, etc.). When gathering information from these sources in a comparative design, it is important to ensure that it is commensurate and indeed comparable across the cases. Is the information drawn from each case of equally high quality and reliability? These gold standards may be difficult to meet in practice, but are nevertheless ideals to be striven for.

To counter potential bias in any particular source, the standard practice is to triangulate with other sources. Triangulation is especially important when studying highly

stigmatized activity. Relying on a single source, such as the police or an NGO, can result in substantial bias. In other words, the more diverse the sources, the better it is. This applies especially to qualitative comparative studies, rather than the quantitative multinational ones that I criticized earlier, where a mix of dissimilar sources across nations undermines the capacity to draw valid conclusions.

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