

SEX WORK REGULATION ACROSS 85 NATIONS

The Political Economy of Prostitution

By Grace J. Jang

Despite the popularity and efficacy of laws that criminalize consumers in the sex industry, adoption of such policies is slow and limited. In other cases, countries act to adopt legal frameworks that may leave sex workers unprotected from violence or harm. How do we explain such different choices across different countries? To address this, I undertake a political and economic view of sex work, which refers specifically to prostitution in this study, and subsequently investigate political and economic characteristics across 85 countries as factors that may affect their selection of different types of sex work policies. Furthermore, I examine the impact of diverse political value systems as well as economic conditions. The project employs a multinomial logistic regression model to examine the relationship between these factors and the adoption of five different sex work policies. The analysis of data demonstrated that total female participation in the labor force was the most influential factor, followed by civil liberties and political rights, across the countries included in the study.

I. Introduction

Countries undertake diverse legal approaches to regulate their sex industries, but given the mixed nature of their impact across diverse national contexts, it is unclear how they come to adopt such policies. For example, Sweden's approach to criminalize buying sex, which tackled the demand for prostitution, saw rising levels of the population's support given its effectiveness in protecting workers. Despite strong recommendations to adopt this policy, only a handful of countries acted to implement it. Norway and Iceland adopted similar approaches in 2009, after ten years of debate; Northern Ireland and France followed suit in 2015 and 2016.¹ However, counter arguments assert that tackling the demand for sex perpetuates harm by labeling sex workers as "immodest" and the cause of social ills.² Can we then conclude that choice of sex work policy results from political debates based on philosophical differences? A notable pattern arose with the Swedish case, with responsive countries all around Western Europe undertaking similar approaches. One may hypothesize that countries' adoption of a policy takes time and follows geographic patterns, but it is still unclear on a few points. First, we do not yet know

1 Carol Harrington, "Gender policy models and calls to 'tackle demand' for sex workers," *Sexuality Research and Social Policy* 15, no. 3 (2018): 249–58.

2 Victoria Bateman, "How decriminalisation reduces harm within and beyond sex work: Sex work abolitionism as the 'cult of female modesty' in feminist form," *Sexuality Research and Social Policy* 18 (2021): 819–36.

which countries are more sensitive to certain types of policies, with different focuses on punishing consumers versus workers. Second, it is unclear as to what causes such delay in adopting a policy that has demonstrated effectiveness in a nearby country, which may assume a similar cultural context. Third, other countries act against the pattern and enact other policies, such as those criminalizing workers, with less popularity and support. These questions motivate this project to investigate and ask, what factors should we consider to explain this pattern of slow adoption? What correlations can we draw between different countries and their sex work policies?

A. Political economy perspective on sex work

The political economy perspective contends that policy outcomes follow based on the economic dynamics of an issue.³ On sex work, this framework is grounded in capitalistic differences in wealth, rather than wealth inequality as a result of systemic gendered oppression. It thus sheds light on the impact of unequal opportunity and pay on women's financial dependence and survival opportunities, moving the dialogue from individualized deviancy to structural inequality.⁴ While both the political economy perspective and Marxist feminism argue that low socioeconomic status may drive sexual commerce, political economy deviates by ascribing a relationship between the state and economy, arguing that outcomes of policy are largely attributed to state context and actions. Based on this premise of political economy on sex work policies, this paper focuses on both political and economic elements shaping sex work policies.

Drawing upon this perspective, I explore how political and economic factors influence these policies across countries. Given the debate between differing feminisms on the political framing of sex work policies, the research seeks to understand how diverse national contexts may impact their legal approaches to the sex industry.

II. Research background

A. Nature of the sex industry

The nature of the prostitution industry, not just domestic to the United States but in an international lens, must first be clarified in order to conceptualize what legalization might entail. In the global arena, the trade for commercial sex operates exploitatively, recruiting subjects from socioeconomically underprivileged, often non-Western, areas. For example, 70 to 80 percent of all prostitutes in India were found to have entered the industry by coercive or manipulative means, in which they had likely been forced into their positions with violent threats or false promises of livelihood.⁵ Throughout various parts of Asia, prostitution is heavily and infamously catered to Western tourists and military personnel. For instance, Thailand “contracted with the U.S. government in 1967 to provide prostitutional (‘rest and recreation’) services for American troops during the Vietnam War.” Thai prostitution has since expanded for a market of Western tourists to become a \$4 billion-per-year business—“only a minute fraction of which ends up in the hands of the workers themselves.”⁶

Another notable aspect of the industry lies in its inextricable element of risk. Modern late capitalism has been characterized by theorists and criminology scholars as a ‘risk society,’ in an exploration of the centrality of risk reduction to legislation navigating crime control. A focus on sex workers’ particular relationship to risk yields room for larger theoretical inquiries. On one hand, the question may serve to legitimize the experiences of sex workers when situated amidst the image of other working citizens and professionals also attempting to diminish their own risks of “dynamic but unpredictable (post)modern life.”⁷ However, exploring this facet more importantly highlights the distinction of dangers faced uniquely by women in the sex industry.

3 Madelaine Adelman, “The battering state: Towards a political economy of domestic violence,” *Journal of Poverty* 8, no. 3 (2004): 45–64.

4 Heather Berg, “Left of #MeToo,” *Feminist Studies* 46, no. 2 (2020): 259–86.

5 Karen Peterson-Iyer, “Prostitution: A feminist ethical analysis,” *Journal of Feminist Studies in Religion* 14, no. 2 (1998): 19–44.

6 Peterson-Iyer, “Prostitution.”

7 Anne Marie Cesario and Lynn Chancer, “Sex work: a review of recent literature,” *Qualitative Sociology* 32 (2009): 213–20.

B. Policy approaches to the sex industry

There are four main policy approaches to regulating the sex industry: criminalization of the selling and purchasing sex services, criminalization of the purchase of sex services, legalization, and decriminalization. The criminalization approaches undertake the goal of abolishing the sex industry.⁸ Criminalization of both selling and purchasing sex services is the most common policy in the world, upheld in the United States, Asia, and many countries in Africa.⁹ The Swedish model, which criminalizes purchasing sex services but not the selling, has been recognized recently by an increased number of countries, including Ireland, Northern Ireland, Canada, Israel and France.¹⁰

Legalization allows certain forms of sex work and bans others. For example, England and Wales accept selling and purchasing sex services without third-party involvement. Thus, they legalize independent escorting but exclude brothel keeping.¹¹ Examples of countries that are tolerant of more forms of sex work, including licensed brothel keeping, are Germany and the Netherlands.¹² In summary, the forms of sex work that are legalized and without punitive measures differ by country. Their shared element is a focus on the attempt to restrict, regulate, and contain the sex industry.¹³

Decriminalization encompasses the removal of all punitive measures against selling, purchasing, and organizing commercial sex. It aims to shift towards an integration of sex work into the labor market and reduce harm to sex workers.¹⁴ Such policies have yet only been adopted in New Zealand, New South Wales of Australia, and Northern Territory of Australia.¹⁵ Partial criminalization may involve the punishment of organizing sex work, but refrains from its actual selling and purchase.

C. Radical/socialist vs. liberal feminisms on sex policy

To understand the role of the sex worker in light of gender analyses in political economy, I will explore the common discourses surrounding legal conceptions of prostitution. Though largely generalized, the first main position takes on the abolitionist stance, which holds that prostitution is an inherently exploitative and illegitimate market in violation of women's rights.¹⁶ Usually in alignment with radical and socialist feminisms, abolitionists support the prohibition of all commercial sex, which may be categorized more popularly as sex work. On the other hand, proponents of legalizing commercial sex hold a view of prostitution as a matter of economic freedom and choice of employment for women. Originating from liberal feminism, advocates for this position consider legalization an essential step in securing equal rights and safe conditions for sex workers.¹⁷ Both stances concede that decriminalization of selling sex services warrants little weight in the conversation around legalization, as the law should never punish women working as prostitutes. The liberal prostitution regime extends this protection to the consumers of sex services as well.

8 Petra Östergren, "From Zero Tolerance to Full Integration: Rethinking Prostitution Policies," *The SAGE Handbook of Global Sexualities*, 2020, 569–99. <https://doi.org/10.4135/9781529714364.n27>.

9 Susan Dewey and Tonia St. Germain, *Women of the Street: How the Criminal Justice-Social Services Alliance Fails Women in Prostitution* (New York University Press, 2017). <https://doi.org/10.18574/nyu/9781479854493.001.0001>.

10 Lisa L. Thompson, "Does Legalizing Prostitution Prevent or Cause Harm?" in *Finding Our Way through the Traffick: Navigating the Complexities of a Christian Response to Sexual Exploitation and Trafficking*, ed. Christa Foster Crawford et al., 1517 Media, 2017, 188–204. <https://doi.org/10.2307/j.ctv1ddcrqh.33>.

11 Anna Carline and Jane Scoular, "A critical account of a 'creeping neo-abolitionism': Regulating prostitution in England and Wales," *Criminology & Criminal Justice* 14, no. 5 (2014): 608–26.

12 Synnøve Økland Jahnsen and Hendrik Wagenaar, eds. *Assessing prostitution policies in Europe* (Routledge, 2018).

13 Östergren, "From Zero Tolerance to Full Integration," 569–99.

14 Lucy Platt, Pippa Grenfell, Rebecca Meiksin, et al., "Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies," *PLoS medicine* 15, no. 12 (2018).

15 Gillian M. Abel, "A decade of decriminalization: Sex work 'down under' but not underground," *Criminology & Criminal Justice* 14, no. 5 (2014): 580–92.

16 Cesario and Chancer, "Sex work," 213–20.

17 Seo-Young Cho, "Liberal coercion? Prostitution, human trafficking and policy," *European Journal of Law and Economics* 41 (2016): 321–48.

What has remained consistent and thus driven the heart of conversations regarding the sex industry is the overwhelming prevalence of women as workers to supply their bodies and of men as consumers of commodified sex. Discussing theoretical implications, empirical realities, and legal interventions to the market for sex cannot occur without heavily gendered understandings of power and social institutions. Thus, the status of the sex worker has become one of hugely relevant contention at the core of gender and class analyses in political and academic settings. Perhaps most popularly exemplified here is the modern push to normalize prostitution and sex work—in other words remove all social stigma—by activists and organizations in the United States. This stance is observed heavily across the progressive left, especially in younger generations, and is strengthened alongside dominating strands of liberal feminism that push for the full legalization of the sex industry.¹⁸ This literature review thus delves into the impact of legalization on the status of workers by focusing on the role of the pimp-state in sanctioning violence against women.

III. Literature review

A. Link between sex work policy and sex trafficking

With this debrief on the broader nature of work in the sex industry comes the necessary link between sex work and sex trafficking. The importance of this distinction can not be understated for many feminists who advocate for legalization and full decriminalization policies. Trafficking, generally defined as the forced labor of those in the sex industry and frequently entailing migration, remains harshly delineated for non-abolitionists from a free and personal election to work as a prostitute. On an opposing line is Cho, Dreher, and Neumayer (2013) on the effect of legalizing prostitution on human trafficking inflows.¹⁹ Economists identify two opposing and unknown magnitudes by the scale effect and substitution effect which occur in response to this policy change. Legalization that results in an expansion of the market for prostitutes constitutes the scale effect and increases sex trafficking. The substitution effect is exerted when the demand for trafficked prostitutes falls concurrently with a rising demand for legal prostitutes.²⁰ Evidently, an empirical analysis of a global dataset spanning across 150 countries demonstrates that the scale effect has dominated the substitution effect. States with legalized prostitution, on average, experience increased inflows of trafficked women.²¹

B. Legalization of brothel exploitation

There is a clear line of causality drawn between the legalization of sex work and the subsequent increase in the brothel's power over the sex worker. The increased demand for workers from an increased market for sex results in the flourishing popularization of brothels, which brings in immense profit for pimps. Lower rates and more buyers means increased pressure for workers to give more and earn less. What this entails in terms of labor relations between prostitute and pimp, worker and brothel, is higher levels of profitability and control by the management.²² Prostituted women in German brothels evidently suffer as a result of legalizing or fully decriminalizing commercial sex. Not only did women experience severe violations of their rights as workers, but the stated interactions of political economy left them with lower earnings, tougher competition, and devalued states as a result of the expanding role and profitability of brothel management. A sponsor of the New Zealand full decriminalization bill even admits the political fantasy of workers' rights in prostitution: "it's going to be the owners or the operators

18 Peterson-Iyer, "Prostitution."

19 Seo-Young Cho, Axel Dreher, and Eric Neumayer, "Does legalized prostitution increase human trafficking?" *World Development* 41 (2013): 67–82.

20 Cho, Dreher, and Neumayer, "Does legalized prostitution increase human trafficking?"

21 Rachel Tallmudge and Robert Jeffrey Gitter, "The Determinants of Human Trafficking in the European Union," *Journal of Human Trafficking* 4 (2): 155–68. doi:10.1080/233 22705.2017.1336368.

22 Nnenna Lynn Okeke, "Book Review: Making Sex Work: A Failed Experiment in Legalized Prostitution," *Journal of International Women's Studies* 9, no. 3 (2008): 353–56. <https://www.proquest.com/scholarly-journals/making-sex-work-failed-experiment-legalized/docview/232164360/se-2>.

[of brothels and other sex businesses] who are going to be the long-term beneficiaries [of decriminalization].”²³

C. Legalization of Working Conditions

An analysis of conditions for women in different types of sex work is relevant to proponents of legalization advocating to move sex workers indoors into clubs and brothels. The assumption that they might be less vulnerable than they were in street prostitution is challenged. In fact, many women find themselves on the streets precisely because they acted to evade the control and exploitation of pimps. The benefits that pimps access from the legalization and full decriminalization of prostitution actually drive some women out of the brothel scene and thus increase clandestine, illegal and street prostitution.²⁴ Others avoid registering themselves and submitting to regulations like mandated health checks. Further, the immense stigma associated around sex work, another barrier impeding women’s security, remains unaffected by legalizing or decriminalizing the sex industry for its workers. Prostitutes in the Netherlands articulate a greater vulnerability to be stigmatized as ‘whores,’ an identity which follows them for life once their names are registered and anonymity is lost. It is for these reasons that the greatest numbers of women in sex work continue to operate illegally and underground.²⁵ Seeing as street activity remains an uncharted sphere, and overcrowding the already exploitative brothel leads to increases in street prostitution, legalization cannot be concluded to exert a positive impact on working conditions for women neither in the brothel nor in the street.²⁶

D. Legalization of protection policies

Arguably the most straightforward evaluation of violence against sex workers can be found in the provision of legal protections. Cho conducts an empirical analysis using data from 149 countries for the period between 2001-2011 to investigate the relationship between the liberal prostitution regime of legalization and victim protection policies. Her findings yield an impact of legalization that is at best irrelevant to the protection performance, if not negative. It was instead found to be a function of general institutional quality, which involves control of corruption, women’s economic empowerment, and general economic wealth.²⁷ Interestingly, the presence of migrant populations, among the control variables, exerted a detrimental impact on victim protection to suggest that governments were reluctant to grant protections to victims of the sex trade when higher shares of migrants (who may be victims of trafficking themselves) existed in the country.

The interconnectivity established between sex work and sex trafficking gave way to a broader discussion of the impact of legalizing the global sex industry on its workers. The blurred boundaries between sex as employment and as coercion were explored to conceptualize the inextricable element of violence against women rampant in the market for commercial sex. In evaluating this outcome, the power of brothels, working conditions, and protection policies for prostitutes were taken into consideration. All aspects found a detrimental, and at best negligible, impact of legalization as a policy approach on sex workers’ rights and wellbeing.

Such controversy about the negative outcomes of legalization can be extended to other types of sex work policy approaches; this may explain why countries are not active in adopting the legal approach to criminalize buying sex services, the one which would considerably be the most innovative in solving a majority of the aforementioned issues involved in commercial sex, at least in relation to violence against women. In the following section, I present a discussion on the theory of political economy and how it is used in this study to explain the mechanisms of the adoption of sex work policies.

23 Melissa Farley, “‘Bad for the body, bad for the heart’: Prostitution harms women even if legalized or decriminalized,” *Violence Against Women* 10, no. 10 (2004): 1087–125.

24 Janice G. Raymond, “Ten reasons for not legalizing prostitution and a legal response to the demand for prostitution,” *Journal of Trauma Practice* 2, no. 3-4 (2004): 315–32.

25 Raymond, “Ten reasons for not legalizing prostitution,” 320.

26 Okeke, “Book Review: Making Sex Work.”

27 Cho, “Liberal coercion?,” 15.

IV. Theory and hypotheses

A. Political elements and sex work policies

The political values of countries hold power in shaping their legal approaches to the sex industry. To begin, the state presents a crucial cultural unit which shapes its constituents' beliefs and choices.²⁸ Further, the state develops policies and legal frameworks as an apparatus to materialize its constituents' political value systems. A UK report notes that "Legislation... sends a signal about what is, and what is not, acceptable," which clearly illustrates the relationship between political value systems and state (sex work) policies.²⁹ Extending this logic, countries' policies regulating the sex industry serve as a legitimate reflection of their beliefs and attitudes. For example, Chon demonstrates that a liberal framework of political freedom has a strong correlation with more favorable attitudes towards prostitution than conservative ones.³⁰

At its center, freedom plays a key role in shaping the political values of countries. According to Freedom House, freedom is a universal measure which can be applied to any nation, regardless of political regime or economic system. With subcategories to define 'freedom' including Electoral Process, Political Pluralism and Participation, Functioning of Government, Freedom of Expression and Belief, Associational and Organizational Rights, Rule of Law, and Personal Autonomy and Individual Rights, overall scores are combined to label countries through two categories: Political Rights and Civil Liberties.

The category for Political Rights considers Electoral Process, Political Pluralism and Participation, and Functioning of Government to evaluate the status of just political processes and democratic governance. Electoral Process, for example, begs questions regarding the nature of elections and the implementation of electoral laws. Likewise, Political Pluralism and Participation examines the coexistence and organization of political groups in competition with one another, with a focus on election dynamics and freedom of political choice. Finally, the Functioning of Government factor involves itself with the effective execution of government policies by freely elected leaders. The Civil Liberties category measures four subcategories: Freedom of Expression and Belief, Associational and Organizational Rights, Rule of Law, and Personal Autonomy and Individual Rights. Freedom of Expression and Belief evaluates the state of media, individual practice, academic liberty, and surveillance. Associational and Organizational Rights follows a similar strand for freedom of assembly by nongovernmental organizations and other unions. Rule of Law concerns an independent judiciary to explore how due process prevails to ensure equal protections. Last, Personal Autonomy and Individual Rights evaluates freedoms related to property, marriage, movement, and opportunity.

I posit along the political economy perspective that sex work policies may be considered a political outcome addressing the value systems of a society regarding sex work. Focusing on Political Rights and Civil Liberties, it is logical to believe that attitudes toward the sex industry and its policies might vary by the level of political rights that citizens enjoy. For example, citizens enjoying a high level of political rights may be able to better organize an agenda in order to exert a stronger political influence over the adoption of sex work policies than those accessing less rights. Civil liberties may also play a role shaping attitudes toward sex work, as the industry is still largely considered as one depriving workers of their freedoms. Many concerns have risen regarding workers' choice in choosing customers, refusing service, or regulations due to the high level of workplace discretion. A society wherein civil liberties are highly regarded might consider it the right thing to do to impose more comprehensive regulations on work environments, and such principles may extend to work environments of the sex industry. Further, states that uphold many civil liberties may effectively accommodate feedback from their constituents when it is freely expressed.

28 D. S. Chon, "Gender equality, liberalism and attitude toward prostitution: Variation in cross-national study," *Journal of family violence* 30, no. 7, 827–38.

29 All-Party Parliamentary Group on Prostitution and the Global Sex Trade. *Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales* (2014). <https://www.appg-cse.uk/wp-content/uploads/2017/09/Shifting-the-Burden-APPG-report-2014.pdf>.

30 Chon, "Gender equality, liberalism and attitude."

Hypothesis 1: A country's sex work policies are affected by its level of a) political rights and b) civil liberties.

B. Economic elements and sex work policies

While a country's political value system, defined by its degrees of freedom, claims wide consensus as a key force in shaping policies in general, this view alone receives criticism for its misalignment between political value systems and the outcomes of such policy measures. Such failures are largely explained by economists who believe policy outcomes follow based on the economic dynamics of an issue. To that, the political economy perspective presents a different view that ascribes a relationship between the state and economy, arguing that outcomes of policy are largely attributed to state actions. Extending the logic, according to them, violence against women occurs because of a misalignment between the economic system and the political processes driving the state.³¹ For example, politically enacting welfare reform may interact with the economic state to exacerbate poor women's experiences, as working class women grow increasingly dependent on cash and in-kind assistance from figures like sexual partners, fathers, and other relationships.³² The state's selection of policies is thus an outcome of its economic characteristics, which legitimizes a consideration of economic elements to better address how legal frameworks for the sex industry are shaped. Liberal thinkers like Marth Nussbaum even take the stance that prostitution should not be isolated from the economic situation of women in a society.³³ In this case, I focus on the state's support for different policies in undertaking key issues related to sex work, which encompasses a broad range of sex businesses.

I draw hypotheses and expect that sex work policies are an apparatus of the state addressing an economic context of sex work. Therefore, women's economic conditions are considered to play a pivotal role and influence the selection of legal frameworks. For example, Edlund and Korn (2002) detail a theoretical explanation of prostitution by focusing on the economic functions of a society.³⁴ In their study, the supply of women and the demand of men are considered as the set of key elements determining the profitability of commercial sex.

Taking the same approach, I focus on the supply side of the sex industry, women participating in the labor force, and expect that such an economic force plays a role in shaping sex work policies. In other words, high levels of women in the workforce might increase competition among women for limited opportunities for regular professions, potentially pushing them into the sex industry. Responding to this pressure, a nation may select sex work policies that are more protective of women, due to the political dilemma of criminalizing women working in the sex industry from lack of other economic choices. On the other hand, a large number of women in the workforce may indicate a higher level of gender inclusivity, which may lead to a supply shortage for the sex industry and thus increase workers' profitability in sex industry. Prostitution in such a society is likely to be considered a voluntary choice that comes with higher profits, which might enable policy makers to impose morality standards and take punitive measures against sex workers. While open to both directions, it remains likely that female participation in the workforce has much to do with the supply side of the sex industry, which further influences sex work policies.³⁵ Therefore, I hypothesize first that female participation in the labor force shapes the formation of sex work policies. Second, focusing on the fact that most women in the industry are young, I also expect that young female participation in the labor force should also affect the selection.

Hypothesis 2: A country's sex work policies are affected by its a) female workforce and b) young female workforce.

31 Adelman, "The battering state."

32 Kathryn Edin and Laura Lein, *Making ends meet: How single mothers survive welfare and low-wage work*. Russell Sage Foundation, 1997.

33 Martha C. Nussbaum, *Sex and social justice*, Oxford University Press, 1999.

34 Lena Edlund and Evelyn Korn, "A theory of prostitution," *Journal of Political Economy* 110, no. 1 (2002): 181–214.

35 Edlund and Korn, "A theory of prostitution."

V. Measurement and variables

The research employs a quantitative approach to investigate the impact of seven sociopolitical indicators on sex work policies (SWP). It incorporates a cross-sectional design, analyzing data from numerous countries to assess the relationship between SWP and the control variables, GDP per capita (GDP), political stability (PSTB), and control of corruption (CRTN); and the independent variables, young female participation in the labor force (YFL), total female participation in the labor force (TFL), political rights (PRI), and civil liberties (CVL).

I focus on Freedom House data collected from 2018 for a few reasons: first, much of the key data on sex policies derives from observations in recent years. Second, the data from 2019 and onwards in the World Bank are largely missing or suspected to have been influenced heavily by the COVID-19 pandemic. Therefore, while Freedom House offers recent data, it is best to use the data from 2018, given that all three sources offer their most optimal quality and availability. Table 1 presents variable description.

Table 1. Variable Descriptions

	Explanations	Unit	Source
GDP per Capita	Country's GDP divided by total population	2015 U.S. dollars	World Bank
Political Stability	Likelihood of political instability and violence	Aggregate indicator in units of standard normal distribution [-2.5 weak; 2.5 strong]	World Bank
Control of Corruption	Extent to which public power is used for private gain	Aggregate indicator in units of standard normal distribution [-2.5 weak; 2.5 strong]	World Bank
Young Female Labor	Female proportion aged 15-24 of population that is economically active	Percentage	World Bank
Total Female Labor	Female proportion of population aged 15+ that is economically active	Percentage	World Bank
Political Rights	Degree of political rights granted and exercised	Average of points across subcategories: Electoral Process, Political Pluralism and Participation, and Functioning of Government	Freedom House
Civil Liberties	Degree of civil liberties granted and exercised	Average of points across subcategories: Freedom of Expression and Belief, Associational and Organizational Rights, Rule of Law, and Personal Autonomy and Individual Rights	Freedom House
Sex Work Policies	Five categories of legal approaches to regulate sex work (Partial criminalization, Selling and buying sexual services criminalized, Selling sexual services criminalized)	Categories	The Sexual Rights Initiative

1. Variable 1: Political Values

This paper uses countries' degrees of freedom as a proxy of their political values, taken from *Freedom in the World*, which divides the measure into two categories and seven sub-categories. Classified as Political Rights, I first take the average of ratings across Electoral Process, Political Pluralism and Participation, and Functioning of Government. Under Civil Liberties, I also consider the average of Freedom of Expression and Belief, Associational and Organizational Rights, Rule of Law, and Personal Autonomy and Individual Rights.

2. Variable 2: Economic Conditions

The female labor force participation rate is given by the World Bank, measured as a percentage of the total labor force. The labor force is characterized as the population of workers aged 15 and older during a given period. The young female labor force participation rate is defined as the proportion of female workers aged 15-24 out of total workers during a given period.

A. Control variables

GDP per capita is taken from the World Bank to measure countries' gross domestic product divided by midyear population; it is utilized as a control for countries' varying economic status. GDP represents the added gross value of all resident producers in a domestic economy, calculated in constant 2015 U.S. dollars. This paper considers the economic status of countries because sex work is driven by or correlated with levels of income and socioeconomic status. It is widely known that prostitution is more prevalent in poor countries; legal approaches may follow this pattern.³⁶

The political environment of countries is measured and defined by two variables: Political Stability and Absence of Violence/Terrorism, and Control of Corruption. Provided by the World Bank, Political Stability and Absence of Violence evaluates the probabilistic nature of political instability and related instances of violence. Its estimates score a country on an aggregate indicator in units of a standard normal distribution. Control of Corruption serves as an evaluation of the level to which private gain is achieved by the exercise of public power. This measure includes instances of corruption across all scales of impact, as well as actions incited by elites and private interests. Countries are scored on the same aggregate indicator. Political Stability and Control of Corruption are both considered because they are likely to impact the profitability of sex industries. For example, a society with an unstable political environment or high levels of corruption experience large instances of bribery, of which sexual services are a popular form.

B. Dependent variables

Data on the sex work policies of 85 countries is taken from the National Sexual Rights Law and Policy Database. Categories for countries' legal approaches include: Buying sexual services criminalized, Not subject to punitive regulation/not criminalized, Partial criminalization, Selling and buying sexual services criminalized, and Selling sexual services criminalized. Though included by the database, two categories, Issue determined/differs at subnational level and Other punitive regulations, are removed from the study due to an insignificant number of cases.

The categories are defined as follows: the criminalization of selling sexual services, in addition to its organization (brothel managing or pimping) constitutes 'Selling sexual services criminalized.' The criminalization of activities like brothel keeping and advertising sex work, but excluding the selling and buying of sex, constitutes 'Partial criminalization.' Decriminalization, entailing the absence of laws or regulations, constitutes 'Not subject to punitive regulation/not criminalized.'

36 Ronald de Graaf, *Prostitutes and their clients: Sexual networks and determinants of condom use* (Utrecht 1995).

VI. Methodologies

A. Sources of data

Freedom House provides the *Freedom in the World* database, an annual report on global political rights and civil liberties, from which the research draws upon its numerical ratings by country. The methodologies of the report derive largely from the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, which grounds *Freedom in the World* on the premise that its standards apply to all states and territories, without lending to its geographic background, ethnic or religious composition, or level of economic development. It thus believes in the stance that freedom for all people is most adequately achieved by liberal democratic societies. The database evaluates the tangible rights and liberties granted to citizens in the status quo, rather than the structure of government or its performance. This serves to acknowledge the reality that the status of political rights is impacted by both state and nonstate forces, such as insurgents and armed groups. Freedom House operates on the understanding that institutional or written guarantees of rights are not necessarily sufficient in actually fulfilling them. Greater focus is shed on their implementation and access, though law and formal institutions are considered in the scoring process as well.

The *Freedom in the World* report is produced by a team of analysts and expert advisers, internal and external to Freedom House from across the academic, think tank, and human rights communities. The 2024 edition credits 132 analysts and around 40 advisers. The review process for scoring and collecting information utilizes a broad array of sources, including news articles, nongovernmental organization reports, academic analyses, professional references, and on-the-ground-research. Initial scores are based on the events and status of each country, which are discussed and reviewed through meetings with the analysts, Freedom House staff, and expert advisers. The report encompasses their shared consensus and emphasizes a methodological consistency and high level of intellectual attention in its final judgment of a country's political freedom and rights.

The Sexual Rights Initiative provides the National Sexual Rights Law and Policy Database, an online report which draws from sources such as national Constitutions to explore laws and policies on sexual rights. The standards consider reproductive rights as well as sexual and reproductive health in its mission to fortify the political respect, protection, and fulfillment of sexual rights across countries. The Initiative operates off of the claim that fundamental human rights are inextricably involved with the rights of individuals to sexual, reproductive, and bodily autonomy, as well as access to health services and related comprehensive education. Because every state assumes a unique role in regulating and restricting aspects of sexuality and reproduction, harmonizing law and policy with a human rights focus serves to enlighten the protection of sexual rights across the globe.

As legal norms may be conflated with sociocultural norms, and because of the manner in which laws are implemented differently by country, the Database focuses primarily on codified (or civil) and common law. Where available and to their greatest extent, legal information is extracted from sources such as Constitutions, criminal law, civil law, administrative law, policy documents, case law, and other regulatory instruments. The collected data across countries is validated by local and national expert figures such as lawyers, activists, academics, or nongovernmental organizations, who contribute unique insight and nuance throughout all aspects of the research.

The World Bank employs the Development Data Group to operate macro, financial, and sector databases. To ensure the quality, accuracy, and integrity of collected data, the group works with the regions in the Bank and its Global Practices to maintain a professional presence by employing internationally accepted standards across its member regions to build a consistent reference for scholars and policymakers. Its statistics meet criteria concerning their reliability and relevance, and are compiled using standard methodologies.³⁷ In its goal of working towards a world without poverty, the World Bank aims to provide a reliable collection of global data by acknowledging and working to ameliorate the disparities faced by developing countries in forming and maintaining strong national statistical systems. Its work thus focuses on investing in statistical activities, supporting data collection and analysis frameworks, and strengthening the international statistical system to measure and evaluate governments.

37 Wm Albert Eckert, "Situational enhancement of design validity: The case of training evaluation at the World Bank Institute," *American Journal of Evaluation* 21, no. 2 (2000): 185–93.

The line of reasoning is that comprehensive national data provides the key to forming effective policies and monitoring their impact on poverty reduction.

The initial dataset was sourced from Freedom House, which provided comprehensive data on dimensions of freedom for 100 countries. Another dataset sourced from the Sexual Rights Initiative included various policy indicators pertinent to gender equality and sexual rights. After combining the World Bank dataset, the combination yielded a refined set encompassing 90 countries, after reconciling differences and ensuring compatibility across them. During the preprocessing phase, I evaluated each case for completeness and relevance. This involved addressing issues such as missing values and inconsistencies in the data. As a result, the final analytical model was constructed using data from 85 countries, ensuring that only the most reliable and comprehensive data were included in the analysis. A complete list of the 90 countries included in the integrated dataset is provided below.

List of 90 countries used for the study

Afghanistan	Finland	Nigeria
Albania	France	North Macedonia
Algeria	Georgia	Pakistan
Antigua & Barbuda	Greece	Palau
Argentina	Guatemala	Papua New Guinea
Armenia	Guyana	Paraguay
Bangladesh	Hungary	Philippines
Barbados	India	Poland
Belarus	Indonesia	Portugal
Belgium	Ireland	Qatar
Belize	Italy	Romania
Benin	Jamaica	Rwanda
Bhutan	Japan	Saudi Arabia
Bolivia	Kazakhstan	Senegal
Bosnia & Herzegovina	Kenya	Singapore
Botswana	Latvia	South Africa
Brazil	Lithuania	Spain
Bulgaria	Luxembourg	Sri Lanka
Burkina Faso	Malawi	St. Lucia
Canada	Malaysia	Sudan
Chile	Maldives	Sweden
Colombia	Mexico	Thailand
Costa Rica	Mongolia	Togo
Croatia	Montenegro	Trinidad & Tobago
Cyprus	Morocco	Tunisia
Dominica	Namibia	Uganda
El Salvador	Nepal	United Kingdom
Estonia	Netherlands	Uruguay
Ethiopia	New Zealand	Vanuatu
Fiji	Nicaragua	Zambia

VII. Analytic methods

A. Multinomial logistic regression model

To demonstrate the relationship between the variables and countries' legal approaches to sex work, I employed a multinomial logistic regression analysis. This method was chosen due to the categorical nature of the dependent variable. The analysis returns coefficients for each variable, which serve as weights in an equation giving the probability of a country to select one of the subject policies. For our model, the reference group is 'Selling sexual services criminalized,' wherein sex workers are subject to punishment and buyers or businesses are not penalized. The goodness-of-fit of the multinomial logistic regression model is assessed using the McFadden pseudo R-square (MFR2). The MFR2 provides an indication of the model's predictive ability and interpretability, analogous to the R-squared analysis in linear regression. An MFR2 value of 1 signifies a perfect fit, while a value of 0 indicates no relationship between the predictors and outcomes. Following Clark and Hosking's guidelines, an MFR2 greater than 0.2 is considered indicative of a good fit. In our model, the calculated MFR2 value was 0.253, confirming the goodness-of-fit of the model.

VIII. Results

In general, higher GDP per capita seems to indicate a better focus on criminalizing the purchase of sexual services, while refraining from inflicting punitive measures on sex workers. Countries that criminalize buying sexual services have a GDP per capita value of 19117.5, whereas criminalization of selling sexual services has one of 7555.9. Notably, an overwhelming 39 of the 85 countries in the study yield to "Partial criminalization," with a GDP per capita value of 15586.2. "Political stability" and "Control of corruption" likewise follow the same general trend of focusing punitive measures onto the purchase of sexual services with higher values. Further, there is a relatively high level of young female presence in the labor force where buying sexual services is criminalized, and a similarly high level where there is no subjection to punitive regulation or criminalization. The lowest level results where the selling and buying of sexual services are criminalized. The total female labor participation rate is lowest for countries that criminalize the buying or the selling and buying of sexual services, and highest where there are no punitive regulations. "Political rights" and "Civil liberties" are also lowest for countries that criminalize the selling and buying of sexual services. Table 2 presents basic descriptive statistics of the variables used.

Table 2. Descriptive Statistics (N=85)

	Buying sexual services criminalized (N=8)	Not subject to punitive regulation/Not criminalized (N=8)	Partial criminalization (N=39)	Selling and buying sexual services criminalized (N=18)	Selling sexual services criminalized (N=12)
GDP per Capita	19117.5(22175.4)	17704.7(17070.0)	15586.2(21608.6)	13141.5(17098.8)	7555.9(6098.3)
Political Stability	.464(.625)	.369(.753)	.098(.706)	-.231(1.214)	.163(.742)
Control of Corruption	.642(1.031)	.516(1.179)	.067(.820)	.055(1.00)	-.145(.680)

	Buying sexual services criminalized (N=8)	Not subject to punitive regulation/Not criminalized (N=8)	Partial criminalization (N=39)	Selling and buying sexual services criminalized (N=18)	Selling sexual services criminalized (N=12)
Young Female Labor	49.9(14.83)	47.72(12.74)	33.8(11.68)	28.78(12.96)	33.0(8.83)
Total Female Labor	38.28(1.41)	58.17(5.32)	50.5(10.96)	40.84(14.32)	55.18(6.44)
Political Rights	9.458(4.283)	10.292(3.848)	9.487(3.196)	7.796(4.018)	9.056(3.507)
Civil Liberties	10.625(4.002)	11.219(3.963)	10.539(3.061)	8.222(4.178)	10.646(2.773)

Note: mean (Std.)

Presenting the results of a multinomial analysis of the data in Table 3, the chi-square statistics for the overall model yield most of the independent variables as being significant to the data for 4 degrees of freedom. The models for Young female labor force participation, Total female labor force participation, and Civil liberties are all significant to at least a 95% significance level. Only Political rights does not indicate a significant model.

Table 3. Results of Multinomial Logistic Regression (N=85)

	Buying sexual services criminalized	Not subject to punitive regulation/Not criminalized	Partial criminalization	Selling and buying sexual services criminalized	Likelihood Ratio test Chi-Square
Intercept	11.475(6.218)*	9.093(6.699)	11.990(5.598)**	17.080(5.855)***	19.990***
Control variables					
GDP per Capita	.000(.000)	000(.000)	000(.000)	000(.000)	4.291
Political Stability	-2.123(1.230)*	.010(1.250)	-.233(.927)	-1.072(1.109)	5.776
Control of Corruption	3.169(1.413)**	1.380(1.422)	.572(1.141)	2.233(1.297)*	12.016**
Independent Variables					
Young Female Labor	.081(.063)	.155(.062)**	.057(.052)	.086(.060)	9.604**
Total Female Labor	-.336(.151)**	-.337(.159)**	-.290(.122)**	-.455(.142)***	20.943***
Political Rights	.472(.620)	1.138(.697)	.766(.466)	1.259(.576)**	7.218
Civil Liberty	-.860(.777)	-1.419(.831)*	-1.031(.639)	-1.810(.737)**	10.167**

The reference category is: Selling sexual services criminalized.

*** p < 0.01, ** p < 0.05, * p < 0.1

The leftmost column lists variables of interest, from the control and independent variables included in the study. For the probability of selecting each type of legal approach, all variables are regressed to the five different legal approaches. The results of four types are included, as the last category “Selling sexual services criminalized” is used as a reference group. For the first type, “Buying sexual services criminalized,” Total female labor force

participation ($\beta = -.336, p < .05$) shows a negative correlation on the probability of selecting the approach. This means one unit of increase in Total female labor leads to a significant decrease (34%) in selecting policies criminalizing the buyers of sexual services compared to the reference choice, “Selling sexual services criminalized.”

For the second, “Not subject to punitive regulation/Not criminalized,” Young female labor force participation ($\beta = .155, p < .05$), Total female labor force participation ($\beta = -.337, p < .05$), and Civil liberties ($\beta = -1.419, p < .10$) all demonstrate a significant relationship with the model, with only Young female labor exerting a positive impact on selecting the policy. This means that one unit of increase in Young female labor correlates with around a 16% increase in the selection of policies that do not inflict punitive regulations or criminalization, in regards to the reference “Selling sexual services criminalized.” On the other hand, one unit of increase in Total female labor or in Civil liberties leads to a decrease of 34% and 142% in selecting decriminalizing policies, respectively.

For the third, “Partial criminalization,” only Total female labor force participation also demonstrates a significant negative relationship ($\beta = -.290, p < .05$). One unit of increase in Total female labor results in a 29% lower likelihood of selecting partial criminalization policies in relation to “Selling sexual services criminalized.” For the fourth option, “Selling and buying sexual services criminalized,” Total female labor force participation ($\beta = -.455, p < .01$), Political rights ($\beta = 1.259, p < .05$), and Civil liberties ($\beta = -1.810, p < .05$) demonstrate a significant relationship for the model. In other words, one unit of increase in Total female labor leads to a 46% decrease in the probability of selecting full criminalization policies, as compared to “Selling sexual services criminalized” only. The same increase in Political rights sees a 126% increase in the chance of fully criminalizing policies, whereas an increase in Civil liberties results in a 181% decrease in likelihood.

In sum, Hypothesis 1 is partially proven as both political elements are selectively significant to certain sex work policies. Hypothesis 2 is also partially proven as total female labor proves significant, but young female labor is only significant to a set of sex work policies.

IX. Discussion

The study’s findings that countries that are richer, wherein citizens enjoy higher levels of civil liberty and employ a greater participation of women in the workforce, are more likely to adopt approaches that are either seemingly protective of women (by punishing only buyers) or tolerating (by decriminalizing sex work), raise important questions for the feminist discourse and political debate around issues of the sex industry. First, these findings are aligned with much of the research which posits that highly developed, democratic states generally uphold greater cultural tolerance for commercial sex as work. The literature reveals higher likelihood by citizens to accept prostitution and a political tolerance of the industry in democratic and post-materialist nations, such as the U.S. and Spain.³⁸

Such an outcome presents an important point of tension with the given literature review and previously discussed implications for sex work policies. In particular, legalization policies are shed light on for their presence as a dominant contender in feminist debate and for their reflection of largely liberal and tolerant cultural attitudes towards women’s sexuality and political freedom. However, the literature is juxtaposed as an argument against the legalization of commercial sex in light of its impact on violence endured by women in the industry. From the results of this study, we can then draw important points of contention between the political dialogue and observed trends in the data. Considering how countries with access to greater civil liberty, and with higher levels of female participation in the workforce, support legal approaches reflecting more tolerant attitudes towards prostitution, I note how countries’ political agendas and socioeconomic impacts on the welfare of their citizens may be misaligned. For example, the negative relationship between greater female participation in the workforce and policy measures which are more protective or tolerant of women in the sex industry may imply an ironic conflict for societies with more working women. I acknowledge a potential for ambivalent interpretation of greater female workforce rates; it is unclear as to whether this comes as a result of greater gender inclusivity, or out of the economic need for women to contribute their labor.

38 Liqun Cao and Edward R. Maguire, “A test of the temperance hypothesis: Class, religiosity, and tolerance of prostitution,” *Social Problems* 60, no. 2 (2013): 188–205.

I also see that the economic elements of this study exerted a more significant impact on policies than the variables concerning political factors. Though Political rights and Civil liberties demonstrated a significant relationship with the criminalization of selling and buying, as opposed to selling alone, and Civil liberties with full decriminalization, a much more consistent trend was established by the role of Total female labor force participation across all policy types. Thus, our results may have fallen in line with the economic literature, which claimed a significant relationship between the economic state and policy outcomes.

X. Limitations and future research

Despite being successful by itself, this research opens many avenues for further exploration. While our findings presented significant linkages between the political and economic elements of society and sex work policy, the research falls short in capturing a comprehensive mechanism of policy making processes. Future research may make use of other approaches, such as case studies, which allow for micro-level observations of national policy formation and development. This may lend itself to an examination of how political and economic forces, or different demographic stakeholders, play a role in the adoption of legal approaches to regulate the sex industry. Another direction might be considering an interaction effect of economic and political forces in shaping sex work policies. The current study only examines independent effects of each variable, but the reality of how political and economic forces interact is more complex.

Another facet which may require further attention is understanding what total female labor force participation actually entails. This poses room for further study because women in the workforce may potentially indicate positively that societies are more gender inclusive, or negatively that women must necessarily contribute labor, in order to make enough secondary income within a society-wide economic recession or other systemic issues. Concerning women's position and roles within diverse political and economic contexts, topics related to child rearing, family planning, and systemic poverty may arise. Therefore, future work may make use of sophisticated efforts to capture other social connotations of women's presence in the workforce.

Other variables to consider include women's social and political status, measured by the proportion of women in leadership positions. This yielded an insignificant role as an independent variable, which I suspect may have been due to inadequate data from the sources I relied upon. Future research projects may endeavor to explore different variables such as this, from other databases, utilizing more effective collection methods. This may contribute more comprehensively to an understanding of the potential relationship between female social and political status and sex work policies.

Importantly, there is an obligation by a study making extensive use of data from the World Bank to acknowledge critiques that suggest its role in neocolonialism, including its provision of loans with necessary accounting requirements which substantially influence the activities of nation states, as well as concerns that it is operating to extract from developing countries in the name of development and educational reform.³⁹ Despite its ascribed role as a scientific, objective knowledge bank, Anwaruddin and others have argued that the Bank is founded on biases that influence its notions of research and evidence-based practice.⁴⁰ From this perspective, one needs to pay attention to the ways in which the Bank, in driving policies and educational reforms in developing countries towards neoliberal capitalism, is also contributing to the accumulation of immense and unpayable debts for developing countries, further impacting their economic and political landscape. This research falls short in adequately compensating for any faults in the data, as it relies on information derived through less than a completely scientific and objective agenda.

XI. Conclusion

I address the question, what political and economic circumstances influence legal approaches to the sex industry?

39 Dean Neu, Elizabeth Ocampo Gomez, Cameron Graham, and Monica Heincke, "'Informing' technologies and the World Bank," *Accounting, Organizations and Society* 31, no. 7 (2006): 635–62.

40 Sardar M. Anwaruddin, "Educational Neocolonialism and the World Bank: A Rancièrian Reading," *Journal for Critical Education Policy Studies (JCEPS)* 12, no. 2 (2014).

Taking into consideration both political elements and economic characteristics of countries, I utilized an array of control and independent variables to assess their impact on the selection of policies governing sex work in 85 countries.

Running an analysis of the data among four key variables, Young female labor, Total female labor, Political rights, and Civil liberties, and controlling for GDP per capita, Political stability, and Control of corruption, the study finds Total female labor force participation as the most impactful factor to consider in countries' adoption of their policies for the sex industry. Greater levels of women in the workforce indicated a lower likelihood by nations to choose policies different from those that criminalize sex workers (sellers). Because this impact was consistent across all legal categories, it stands as the most notable factor. Our expectations for the role of Political rights and Civil liberties were partially satisfied. They demonstrated influence on whether both the selling and buying of sexual services was criminalized, though they fell short in the extent to which they affected how countries selected policies. Finally, both Civil liberties and Young female labor impacted whether policies inflicted any punitive regulation or criminalization. To be clear, greater levels of civil liberty enjoyed by citizens saw a hugely negative impact on whether countries chose full decriminalization policies as opposed to criminalizing sex workers, but greater amounts of young women in the labor force led to a higher likelihood of decriminalization.

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