



Regulating the demand for commercialized sexual services

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ARTICLE INFO

Keywords:

Prostitution
Sex work
Demand
Kerb-crawlers
Legalization

ABSTRACT

In recent years, attention has increasingly shifted towards the buyers rather than those who provide sexual services. At the same time women involved in prostitution are increasingly coming to be seen as victims in need of support rather than offenders deserving punishment. This article aims to deconstruct the notion of male 'demand' for commercialized female sexual services and examines some of the measures that have been adopted in different countries to address and reduce this form of demand.

Introduction

The tide is turning. Not too long ago virtually all of the discussions about prostitution focused on the women involved, who were seen as 'offenders' guilty of 'supplying' sexual services, but recently attention has shifted to male 'demand'. There are a number of reasons that underpin these changes. First, it has become increasingly evident that the vast majority of the women involved in the sex trade are either economic or social victims rather than free-willed offenders, and that many have experienced years of abuse, exploitation and coercion. Second, and relatedly, the deployment of sanctions such as the fine has come to be seen as an increasingly inappropriate response to the women involved in prostitution, since it often places more pressure on them to intensify rather than decrease their involvement in prostitution. Male buyers, on the other hand are seen as more responsive to a range of sanctions. Third, it has become apparent that there are significant differences in the motivations, interests and power relations between those involved in prostitution and their buyers. It is the desires, fantasies and perceived needs of the buyers that are being catered for through the commercialization of sex. Indeed, this commercial transaction has little or nothing to do with the sexual needs or interests of the women involved. As Plumridge, Reed, and Gifford (1997) have suggested we need to dispense with the 'myth of mutuality'. Fourth, the claim that the majority of men either need to purchase sex in order to satisfy unmet biological needs or because they are single, disabled or lonely, has been shown to be unfounded. Although there are some researchers who seem keen to perpetuate this myth by focusing on small and unrepresentative samples of men (Sanders, 2008a), studies on men who buy sex have repeatedly shown that the majority are married or have regular partners (Farley, Bindel, & Golding, 2009; Wilcox, Christmann, Rogerson, & Birch, 2009).

These different developments have changed attitudes towards men

who buy sex amongst policy makers, politicians, researchers and the general public. The continued and growing focus on sex trafficking has also raised the issue of men buying sex from women who have been coerced or are subject to forms of pressure, deception or intimidation. Consequently, prostitution in general has come to be seen as a toxic mix of economic pressures, physical coercion and emotional tensions in which women are increasingly coming to be identified as the victims. The unequal and often damaging nature of the relationship between purchasers and sellers has raised the issue, socially and politically, of whether the purchase of sex itself is a legitimate and acceptable activity. The passing of legislation in Sweden in 1999, which criminalized the purchase of sex, is increasingly seen internationally as a pioneering approach to the issue that more accurately reflects the differentials of power between women involved in prostitution and male buyers (Waltman, 2011). The passing of the law in Sweden is reduced the number of men who buy sex, while popular support for the law has increased.

In addition, Norway introduced a ban against the purchase of sexual services in 2009, which includes sexual services purchased abroad. Similarly, in 2009 Iceland passed a law outlawing the purchase of sex, while in 2003 Finland introduced a law that banned the sale and purchase of sex in public places, and in 2005 enacted a law that sanctioned the purchase of sexual services from a person who is the object of procurement or human trafficking. More recently Canada introduced legislation in 2014 criminalizing the purchase of sex, while in 2015 Northern Ireland became the first part of the UK to make paying for sex a criminal offence.

In the UK there has been an increasing focus on demand. In the mid 1980s legislation was directed at kerb crawlers in England and Wales and in 2007 Scotland outlawed kerb crawling and Northern Ireland followed suit a year later. This legislation has been steadily strengthened over time. However, in 2009 there was a major shift in the

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regulation of demand, which involved seeing it in relation to coercion and abuse, rather than a public order offence. This change of attitude was reflected in the passing of the Policing and Crime Act (2009) in England and Wales. This is a strict liability offence directed at those who purchase sex from women involved in prostitution that are 'subject to force'. Over the last two decades in the UK and in America the policing of street prostitution has increasingly been directed towards the kerb-crawlers, while the number of cautions and prosecutions for the women involved has significantly decreased (Shively, Kiorys, Wheeler, & Hunt, 2012).

In 2014, the All Party Parliamentary Group on Prostitution advocated the reduction of demand for prostitution by transferring the burden of criminality from those selling sexual services onto those who pay for sex. Similarly, the Women's Support Project in Scotland and the Glasgow Violence Against Women Partnership have recently called for buying of sex to be made illegal. Campaign groups such as 'End Demand' which was launched by UK Feminista in 2014 claims that prostitution fuels sex trafficking and has campaigned in the UK for the introduction of a Sex Buyer Law which involves criminalizing paying for sex, decriminalizing selling sex, while providing support and exiting services for those involved in prostitution (End Demand, 2016). In general, those advocating the criminalizing of the purchase of sexual services argue that sanctions should be directed at tackling men's sense of entitlement to the bodies of women and girls.

Apart from the development of formal sanctions in different countries, the United Nations has made a clear commitment to addressing demand for sexual services. Article 9 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000) calls for the development of research, media campaigns as well as social and economic initiatives to prevent and combat trafficking in persons and suggest in relation to demand that:

"States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."
(United Nations, 2000)

In this and related documents the authors see a clear link between the level and nature of demand and the prevalence of trafficking in persons. Undoubtedly, much of the focus within national states and the European Commission has been on the victims of trafficking, however, it is becoming increasingly recognized that while the sex trade is not reducible to a simple interplay of 'demand' and 'supply', reducing demand can have a considerable effect on the scale and operation of the sex industry.

Alongside these formal policies on demand a number of informal initiatives have been developed in recent years amongst non-governmental organizations including voluntary agencies and activist groups who have developed different forms of campaigning and publicity designed to deter, or at least sensitize men, who purchase sex about the harms that may be caused (Raymond, 2013).

Thus, demand has become an important but still under-researched component in addressing the issue of prostitution. Therefore, a more detailed investigation into the dynamics of demand offers the possibility of understanding more about the drivers of prostitution as well as potentially providing policy makers with information that will help them address this issue in a more systematic and effective way.

Deconstructing demand

The various reasons or rationalizations that men gave for paying for sex have been relatively well documented (Groom & Nanwani, 2006). These tend to involve the claims that they are looking for some sexual variety, or are attracted by the prospect of illicit encounters, or the desire for impersonal and uncomplicated sex, or alternatively that they

are motivated by the convenience and accessibility of commercialized sexual encounters (Di Nocola, Caudor, Lombardi, & Ruspini, 2009).

When investigating demand it is important to distinguish, as far as possible, between the reasons and rationalizations that men give for purchasing sex. When men are interviewed they are likely to give answers to the question: 'Why do you pay for sex?' that they think are acceptable. Thus, although their answer may be that they are 'just looking for some sexual variety' there may be other underlying motives in play. Thus, for example they may be primarily motivated by a desire to exercise control over a woman and thereby asserting their sense of masculinity, or alternatively they may be motivated by the desire to break with the moral constraints of their own domestic lives (O'Connell Davidson, 1998). Identifying some of these deep seated, but often unacknowledged, motivations and desires may go some way to explain the high levels of violence inflicted by clients on women involved in prostitution, and why such a large percentage of those men who purchase sex are married or have regular partners. Male purchasers are much less likely to admit or acknowledge such feelings, particularly in highly structured or self-complete questionnaires. It may also be the case that the men concerned are not clear about their own motivations or may have contradictory desires. Identifying these processes requires a deeper examination into their motives than most of the research on this issue has done, to date.

Men who purchase sex are not a homogenous group. Neither are they subject to the same forms and levels of motivation. If our aim is to tackle the issue of demand and provide an effective policy response, it is necessary to develop a fuller understanding of the attitudes, motivation and emotional experiences of the men who purchase sex. Evidence from different countries suggests that there is considerable variation in the level of demand for commercialized sexual services in different locations as Fig. 1 below indicates.

Although these figures are to be treated with some caution they do suggest is that there is considerable variance in different locations and this is likely to be a function of the nature of the operation of formal and informal sanctions in these countries coupled with different social norms. Apart from the difficulties of gaining reliable estimates of the level of demand it is important to distinguish between the number of men in each country that have ever purchased sex and those who have purchased sex in the last twelve months. Relying on the former set of figures is likely to give an inflated and undifferentiated account of the frequency with which these men have paid for sex.

Thus, in some of the more detailed research on demand a differentiation is made between the numbers of times that respondents have purchased sex within a given period. For example, research carried out by Iovanni and Pringle (2005) in Denmark makes a distinction between those men who have paid for sex between 1 and 5 times (60%), those that have purchased sex 6–12 times (12%) and those that have paid for sex 12 times or more (28%). A Canadian study by Lowman (2006) found that 8% of male respondents had paid for sex once in their lives, whereas 33% had purchased sex between two and ten times. A further 32% had paid for sex between eleven and fifty times and just under a quarter had paid for sex more than fifty times. A study by Louie, Crofts, Pyett, and Snow (1998) involving 328 males, provided a different profile, with 47% of buyers visiting prostitutes less than every three months, whereas 27% paid for sex between every week and every fortnight. Approximately 25% paid for sex every six months (Wilcox et al., 2009). A further study by Yen (2008) claims that 'hard-core' habitual users account for a disproportionate share of the demand for prostitution.

There are other ways of categorizing buyers. Research carried out by Daalder (2007) in the Netherlands divided buyers into three groups, in relation to the type of motivation involved. The first group were described as 'business like' who just want sex. The second group were identified as 'adventurous'. This category includes those men who seek different experiences, while there is a third group of 'romantics' who are looking for intimacy. This form of categorization is similar to that

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