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# Archives of Sexual Behavior

## Prostitution policies and attitudes toward prostitutes

--Manuscript Draft--

<b>Manuscript Number:</b>	
<b>Full Title:</b>	Prostitution policies and attitudes toward prostitutes
<b>Article Type:</b>	Article
<b>Keywords:</b>	prostitution; policies; attitudes; moral; agency
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<b>Order of Authors Secondary Information:</b>	
<b>Funding Information:</b>	
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## **Prostitution policies and attitudes toward prostitutes**

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## **Prostitution policies and attitudes toward prostitutes**

### **Abstract**

The present study examines whether regulatory attitudes toward prostitution are related to moral elements, such as agency attributed to prostitutes and moral outrage. A Spanish sample ( $N = 391$ , aged from 18 to 53 years old) completed a questionnaire that included two separate parts. In the first part, participants answered a scale on regulatory attitudes toward prostitution; in the second part, after reading one of two scenarios, participants completed questions about agency and moral outrage. Results showed a different pattern of moral perception of prostitutes depending on the regulation attitudes toward prostitution, and perception of prostitutes as victims of sexual slavery (Scenario 1) or as women who freely choose to prostitute themselves (Scenario 2). This study provides empirical evidence of how some regulatory attitudes toward prostitution have a strong moral burden, depending on the type of prostitute who practices it. These findings make a fruitful contribution to our knowledge of attitudes towards prostitution, which could inform future policy-making.

### **Keywords**

Prostitution; Policies; Attitudes; Moral; Agency.

## Introduction

Prostitution is a complex phenomenon to study due to a dearth of scientifically reliable information to determine its exact extent. Prostitution is usually defined as the activity in which one person exchanges sexual services for something of value, most frequently money. However, its study can be approached from multiple perspectives and levels, i.e., as a public health issue; as a legal dilemma; as a question of personal choice; as stigma, ethical, or moral issue; in terms of gender violence; or as a violation of human rights (Benoit, Jansson, Smith, & Flagg, 2017; Weitzer, 2019; Moran & Farley, 2019). Although the literature has suggested that these multiple perspectives are related, until now, few empirical studies have investigated the link between the support of prostitution policies and attitudes toward prostitutes. In this paper, we examined how legal attitudes toward prostitution lead to different moral traits attributed to female prostitutes, when they are considered victims of sexual slavery vs. women who chose to prostitute themselves.

Although there are male and transgender people who prostitute themselves, research has usually focused on female prostitution (Benoit, Smith, Jansson, Healey, & Magnuson, 2018). In this sense, the attitudes and debates toward prostitution seem to be led by the over-representation female prostitution. Specifically, prostitution may be considered an outcome of social and gender unequal structure, a consequence of the patriarchal culture (Moran & Farley, 2019), an immoral act (Weitzer, 2019), or a work freely chosen (Benoit et al., 2017), leading to polarize legislative approaches across countries (Abel, 2018). These differences of points of departure and strategies for tackling prostitution seem to be explained by the historical and cultural differences among nations (Kuosmanen, 2011; Weitzer, 2017), generating debates about what is the best way to regulate prostitution at international, European, and national level (Crowhurst, Outshoorn, & Skilbrei, 2012; Rodríguez & Gillis, 2017; Skilbrei, 2019). In particular, three regulatory stances have been identified.

*Abolition* supporters consider the exchange of sex for money as a form of gender violence and the consequence of an objectification culture in which women are perceived as objects to be used by men (Comte, 2014). From this perspective prostitution exists because of gender, racial, and economics inequalities, which make prostitution and sexual slavery inseparable terms (Moran & Farley, 2019). Abolitionist laws aim to ban prostitution by penalizing the purchase of sexual services based on the

argument that prostitution exploits vulnerable women. In fact, research has indicated that people who attribute human trafficking to inadequate legislation show more negative attitudes toward the client than toward the victim (Digidiki, Dikaiou, & Baka, 2016). In this sense, prostitutes are considered as victims who should be not criminalized, but protected them and helped to abandon this activity (Comte, 2014; Danna, 2012; Levy & Jakobsson, 2014). Countries such as Sweden, Iceland, and Norway have adopted an abolitionist policy.

*Regulation* asserts that prostitution is a job and an economic activity that confers dignity and empowerment upon prostitutes. Regulation supporters consider that prostitution is not synonymous of sexual exploitation and are aimed at making the differences between criminal activities, such as human trafficking and sexual exploitation distinguishable from prostitution (Abel, 2018; Benoit et al., 2018; Serughetti, 2018). Therefore, this perspective recognizes women's autonomous decisions in prostitution, avoiding a paternalistic stance toward them (Benoit et al., 2017). Regulation policies seek to provide these workers with labor rights and liberties, as well as improve their working conditions, while reducing the risk of disease and abusive behaviors of procurers (Comte, 2014; Serughetti, 2018). Regulation has been adopted in nations such as New Zealand, Germany, and Switzerland, where the criminal code excludes behaviors that are related to adult sex services, because prostitutes are perceived as workers, but at the same time prostitution is regulated within a public health and safety framework (Abel, 2018; Benoit et al., 2017).

*Prohibition* considers that prostitution is related to deviant behaviors, such as drug abuse, crime, sexually transmitted diseases, immoral harm, and national insecurity (Basil, 2015). According to this stance, buying of sexual services is illegal and leads to the punishments of procurers and customers, but prohibitionist supporters pursue specially selling of sexual services because prostitutes are perceived as disposable population (Lowman, 2000) and potential carriers for disease who deserve to be punished (Bretns, 2016). Countries such as the United States (with the exception of the state of Nevada) and Hungary have adopted the prohibitionist model, where prostitutes are fined and incarcerated for offering sexual contact (McCarthy, Benoit, Jansson, & Kolar, 2012; Weitzer, 2017) even when sexual exchange has not taken place (Benoit et al., 2018).

## **Prostitution policies in Spain**

Based on several studies, some international and national reports have published the claim that Spain has the greatest demand for prostitution in Europe (APRAMP, 2011). In particular, it is estimated that 113,426 women are prostitutes in Spain (Malgesini, 2006), and 20.3% of men admit that they have paid for a prostitute's services at least once (Meneses, Rua, & Uroz, 2018). Nevertheless, these rates may be higher, as Spain may be seen as a magnet for sex tourists, since men from other European countries frequent brothels located on the Spanish borders (Sacramento, 2011).

Prostitution was completely unregulated in Spain until 2003, when Article 188 of the Criminal Code (LO 11/2003) was amended with the aim of criminalizing those who profit from prostitution through human trafficking. Therefore, the buying and selling of adult and consensual sex is not illegal in Spain, but neither is it recognized as a regular profession (Villacampa, 2017). In addition, while the existence of clubs, hotels, or apartments -in which prostitution is exercised- is not prohibited, most activities related to prostitution in public areas, such as negotiating sexual services in streets, are criminalized (Schmitt, Euchner, & Preidel, 2013).

Although Article 188 is applied by the Spanish state, the legal competencies are implemented by local governments. While Valencia and Barcelona penalize both clients and prostitutes, especially when the activity takes place on the street, Seville has adopted the abolitionist model and only fines clients (Villacampa, 2017). Cordoba, for its part, aims to raise awareness among clients about human trafficking instead of penalizing them. Moreover, there are other Spanish regions, such as Tenerife, that do not have specific regulations to deal with prostitution. This lack of an explicit legislation on prostitution has been related to negative consequences on the living and working conditions of prostitutes (Benoit et al., 2017).

In this political debate on the legal position towards prostitution, the opinion of the Spanish population can play an important role, given that prostitution is conceptualized as a policy with a strong moral burden (Weitzer, 2019). In this sense, public attitudes are fundamental in the policy-making of moral issues, insofar as whether a government will support a stance over another, depends notably on population's opinion (Cao, Lu, & Mei, 2015; Schmitt et al., 2013). Despite its



importance, the point of view of the Spanish population towards prostitution has scarcely been examined. A few public opinion polls have indicated that between 74% and 86% of the Spanish population supports the regulation of prostitution (Calvo & Penadés, 2014; Meneses, Uroz, Rúa, Gortazar, & Castaño, 2015), while only the 25% supports its prohibition (Jonsson & Jakobsson, 2017). Likewise, literature has indicated that attitudes towards prostitution tend to be related to religiosity, gender ideology, and political orientation (Bretns, 2016; McCarthy et al., 2012). Specifically, women, participants in religious activities, and those who perceive gender equality as important often disapprove of prostitution (Calvo & Penadés, 2014; Jonsson & Jakobsson, 2017).

To our knowledge, apart from these public opinion polls, there are few empirical studies that analyze regulatory attitudes of the population towards prostitution, which has also led to few reliable instruments to measure them. For instance, some studies have assessed the legal attitudes toward prostitution with one or two items (Basow & Campanile, 1990; Jonsson & Jakobsson, 2017; Long, Mollen, & Smith, 2012), such as “Enforcement of tough laws prohibiting prostitution would lead to a decrease in other criminal activities in the area” and “Is it according to you morally justified or morally wrong to pay for sex?”. Valor-Segura, Expósito, & Moya (2011) developed a self-reported scale to assess attitudes and beliefs toward different regulatory approaches among the Spanish population. The Legal Stance toward Prostitution Scale has shown good internal consistency ( $\alpha = .82$ ). Its seven items form a single dimension, with legalization as one pole of the axis and prohibition as its polar opposite. However, this scale establishes abolition and prohibition as part of the same regulatory model, despite the fact that the literature has defined them as different stances. In this sense, more instruments are needed that are oriented toward evaluating and differentiating at least prohibitionist, regulation, and abolition stances. Otherwise, this lack of specificity in the instruments could affect the theoretical and practical scope of findings.

### **Moralism in prostitution: Attributing agency**

In the moral perception of a topic, one of the most relevant dimensions is harm. The Theory of Dyadic Morality (TDM; Schein & Gray, 2017) considers that the immorality of an act is fundamentally predicted by the amount of harm it involves (or implies). The more an act seems to involve an intentional agent causing damage to a vulnerable patient, the more immoral it should seem. TDM suggests that the intuitive

perception of harm is ultimately what drives moral judgment. Some acts (i.e. prostitution, religious adherence or censorship) involve less obvious harm, and this ambiguity of harm explains the substantial moral disagreement engendered by them (Schein & Gray, 2017). TDM also suggests that those acts that are judged as immoral are condemned according to four elements: perceived harm, agency to cause harm, norm violations, and negative affect. The variability of these values leads to differences in policy stances. In this same vein, research has shown that when offenders are perceived as agents of intentional harm, they also tend to be seen as more deserving of blame and punishment (Robbins & Litton, 2018).

In this way, the moral burden of some topics, such as euthanasia, abortion, and gay marriage, guides policy-making (Pacilli, Giovannelli, Spaccatini, Vaes, & Barbaranelli, 2018; Schein & Gray, 2017). For instance, a study showed that participants attributed less human capacities to couples that decide on abortion when they felt moral outrage toward this decision. Moreover, this effect was stronger for those participants that held strong negative attitudes toward abortion (Pacilli et al., 2018). Regarding prostitution, the debate surrounding the regulatory stances as a moral issue has been widely described in the literature (Cao et al., 2015; Rodríguez & Gillis, 2017), and emerging at the root of this discussion is the dichotomy between prostitution as victimization or prostitution as an exercise of free choice (Serughetti, 2018).

As mentioned above, abolition supporters consider that prostitution is synonymous to victimization and cannot be understood as a manifestation of agency (Moran & Farley, 2019; Skilbrei, 2019). Specifically, agency is defined as the mental capacity for planning, acting morally, and having self-control, among other mind attributes (Gray, Knobe, Sheskin, Bloom, & Barrett, 2011). This lack of attribution of agency decreases the perception of harm evoked to society by prostitutes (Huschke, 2017; Schein & Gray, 2017). Likewise, the “myth of the free choice” is used to explain why some women choose to prostitute themselves, thus also reducing their agentic capabilities (Moran & Farley, 2019). This myth is based on the neoliberal ideology that nowadays women are already free and already have achieved equality. Therefore, they think that they can choose to live off their body, for instance through prostitution. From this perspective, there is no gender equality in our societies and neoliberal ideology is aimed at converting female bodies into merchandise (De Miguel, 2018). Therefore, the myth of free choice upholds that women are not really free to prostitute themselves and

positions prostitutes as subjugated women within a patriarchal society (Benoit et al., 2018). In addition, when prostitutes do not fit in the ideal victim role (passive, defenseless, and vulnerable), they tend to be perceived as immoral and deviant women that should be punished (Cojocaru, 2016). In this vein, research has found that women who are considered promoters of an objectifying culture are dehumanized and excluded by the female ingroup (Puvia & Vaes, 2015). These findings suggest that moral responsibility emerges in these cases in which women decide to prostitute themselves, because it may be seen as a norm violation that damages the efforts made by the feminist movement against gender violence, provoking moral outrage among abolitionist supporters. Thus, abolition supporters would disagree that women can freely prostitute themselves and would condemn those who espouse patriarchy and an objectifying culture.

Prohibition supporters tend to perceive that prostitution causes harm to traditional values of the community and violates social norms because its activity is strongly linked to drug addiction, poverty, sexually transmitted diseases, and immoral behaviors (Basil, 2015). Likewise, it is likely that those who support the prohibition stance believe that prostitutes deserve to be punished (Brents, 2016) as it may be inferred that they cause intentional damage [by having awareness and agency (Bastian, Laham, Wilson, Haslam, & Koval, 2011)]. Moreover, the literature suggests that the attribution of responsibility to an agent that is blamed for an immoral behavior is linked to moral outrage (Pacilli et al., 2018). Therefore, it is highly likely that prostitution provokes negative affect among prohibition supporters.

Regarding prostitution policy based on regulation, it is usually defined as morally neutral (Serughetti, 2018). From this perspective, prostitution is not judged as an issue of full agency or absolute freedom, but a matter of providing women good working conditions and human rights (Benoit et al., 2017). Hence, regulation supporters emphasize that agency should be attributed to prostitutes because these women are in full possession of their mental faculties, even when they are forced to sex sell or they prostitute themselves as a consequence of gender inequality or poverty (Huschke, 2017; Serughetti, 2018). According to this, a lack of moral outrage towards prostitution is expected in regulation supporters, because it is likely that they do not perceive it as a harmful activity or as a social norm violation.

### **The current study**

Although the literature on prostitution policy has grown in the last years, most published articles are theoretical (Abel, 2018; Benoit et al., 2018; Moran & Farley, 2019; Serughetti, 2018), with few empirical studies that examine public attitudes towards this topic (Jonsson & Jakobsson, 2017; Levin & Peled, 2011; Long et al., 2012; Valor-Segura et al., 2011). As consequence, there is also a lack of reliable instruments to assess and differentiate between the three legal stances on prostitution. In addition, to our knowledge, there are no studies that have included moral variables, such as agency and moral outrage, and regulatory stances in the same analysis to explain the attitudes toward prostitution policies.

The current study was aimed at addressing the aforementioned gaps in the literature by examining the links between legal attitudes toward prostitution and morality. Since prior research has indicated that the variability of the elements of moral judgments leads to differences in regulatory policies, we examined these links via an experimental study. In particular, we analyzed whether legal attitudes toward prostitution were related to moral elements, such as agency attributed to prostitutes and moral outrage. We expected significant differences when prostitutes were perceived as victims of sexual slavery (Scenario 1) as opposed to being perceived as women who chose to prostitute themselves (Scenario 2). Specifically, we expected regulation attitudes to be positively and directly related to agency attribution in both scenarios (Hypothesis 1). Secondly, the more abolitionist attitudes participants hold, the less agency they would attribute to prostitutes in both scenarios (Hypothesis 2), but for the non-victim scenario in particular, we expected an indirect relationship between abolition and agency through moral outrage (Hypothesis 3). Finally, we expected that prohibition would be positively but indirectly related to agency through a moral outrage in both scenarios (Hypothesis 4). Given that previous literature has found that legal attitudes toward prostitution may differ according to gender, religious beliefs, and political orientation of the population (Brents, 2016; Calvo & Penadés, 2014; Jonsson & Jakobsson, 2017; McCarthy et al., 2012), this study explored commonalities and differences in the associations between these factors.

## **Method**

### **Participants and procedure**

Data were collected via a cross-sectional survey, hosted by Qualtrics. A non-probabilistic (convenience) sample of 391 individuals (60% females and 95% undergraduates), aged from 18 to 53 years old ( $M = 21.63$ ;  $SD = 5.33$ ), participated in the study. All individuals lived in Spain, except four participants who lived abroad at the time of completing the survey. Participants indicated to be atheist (66%), Christians (28%), or belonged to other religions (0.06%.) Regarding to political ideology, most of participants classified themselves in the left-wing (58%), 31% in the center, and 11% in the right-wing.

Prior to conducting this study, approval from the Animal Welfare and Research Ethics Committee of the lead author's university was obtained. In addition, informed consent was obtained from all individuals included in the study. Participants voluntarily completed the survey, ensuring the confidentiality and anonymity of their responses. Individuals were recruited using a link to the online survey that was posted in the intranet of the university where students have access to and also, through snowball sampling. One of the two experimental conditions (victims vs. non-victims) were randomly assigned to participants. Participants did not receive course credits for taking part in the study and were verbally debriefed during the course.

## **Materials and instruments**

### **Support for regulatory approaches**

After consulting empirical research on prostitution policies and previous scales related to the topic, an item pool was generated. One of the authors, an expert in gender studies, independently reviewed these items, deleting redundant ones and selecting those that fit with the different regulatory attitudes. Then, the items were edited for clarity and content by the second author. Next, based on the feedback provided by a panel of prostitutes, some items were modified, added, or deleted. The final scale (Appendix) consisted of three subscales that were presented in randomized form: Abolition (six items, e.g., "Prostitution should be abolished because it is a form of gender violence"), Prohibition (six items, e.g., "I support prohibiting prostitution because it is offensive to the moral values of society"), and Regulation (six items, e.g., "Prostitution must be regulated because it is a freely exercised and self-managed activity"). Participants indicated the extent to which (1 = *completely disagree*; 7 = *completely agree*) they

support each of these legal stances. Higher scores indicate greater support for Abolition, Prohibition, or Regulation measures.

In order to verify if attitudes toward these legal stances were related to the support of such legislation, a short definition of them was included. Then, participants indicated what legal stance they would like the Spanish government to take (1 = *Regulation*; 2 = *Prohibition*; 3 = *Abolition*).

### **Scenarios**

After answering the measures described above, participants read a scenario describing the case of S.M., a 28 year-old woman who has been a prostitute for the last 3 years because she was part of a network that used women for sexual exploitation. To S.M., prostitution was not an employment option. Then, they were asked to think of all those women that are in the same situation as S.M.

Participants in the non-victim condition read the same scenario, which described the victim as not a part of a network and also as considering prostitution as an employment option. In line with previous research, we described a 28 year-old woman for two reasons: firstly, to avoid participants thinking that S.M. was involved in prostitution as a consequence of her psychological immaturity or her young age. Secondly, young adults are perceived as less capable to make decisions and to manage themselves (Pacilli et al., 2018).

### **Agency**

The 7-item subscale of mind attribution (Gray, Gray, & Wegner, 2007) was used to assess how participants considered a prostitute's ability to plan, memorize, recognize emotions, self-control, think, communicate, and act morally. Items were scored using a 5-point Likert scale (1 = *strongly disagree*; 5 = *strongly agree*). Coefficient omega hierarchical was .86. Moreover, participants were asked a question: "To what extent do you think that prostitution policy should take into account the opinions and needs of those who prostitute themselves?" Response options were from 1 (*not at all*) to 7 (*very much*).

### **Moral outrage**

Participants indicated to what extent woman described in the scenario made them feel disapproving, angry, outraged, annoyed, and disgusted, in one scale ranging from 1 (*not at all*) to 5 (*very much*) (Ashburn-Nardo, 2016; Pacilli et al., 2018). One of the items (disgusted) was removed to increase internal consistency. An index of moral outrage was calculated across the remaining 4 items, with higher scores indicating more moral outrage ( $\omega_h = .78$ ).

### **Background information**

Participants completed a demographic information section that included questions on age, sex, religious beliefs, and political orientation (a 7-point rating scale from 1 = *left-wing* to 7 = *right-wing*).

### **Manipulation check**

Two items were positioned to test the effectiveness of the manipulation. Participants had to indicate to what extent they considered women like S.M. victims of human trafficking and women who had freely chosen prostitution as an occupation. Response options ranged from 1 (*not at all*) to 5 (*very much*).

## **Results**

### *Preliminary analyses*

Data analyses were conducted using R (R Core Team, 2019) through ULLRToolbox (Hernández-Cabrera & Betancort, 2019). A confirmatory factor analysis (CFA) of the 18-item scale was performed through a structural equation modeling. Values of skewness and kurtosis of 6 items exhibit some distributional problems, as absolute values of those indexes exceed 3.0 and 10.0, respectively (Kline, 2005). The remaining 12 items revealed a clear three-factor structure, which fits very well for the whole sample,  $\chi^2 (df = 51) = 99.033; p < .001$ ; NFI = .97; NNFI = .98; CFI = .99; RMSEA = .049, 90% CI = [0.034; 0.063]. The three factors, Regulation ( $\omega_h = .83$ ), Prohibition ( $\omega_h = .69$ ), and Abolition ( $\omega_h = .89$ ), explained 66% of the total variance (Figure 1; The final scale is featured in the Appendix). Regulation had a negative and high Pearson's correlation to Abolition ( $-0.80; p < 0.001$ ) and Prohibition factors ( $-0.65; p < 0.001$ ). By contrast, Abolition and Prohibition factors had a positive and high Pearson's correlation ( $0.84; p < 0.001$ ).

<Insert Figure 1 about here>

Subsequent, demographic differences (gender, religious beliefs, and political orientation) in the three subscales were tested. Two different indices were calculated, one for religion (1 = atheist; 2 = any religious affiliation), and one for political orientation (1 = left-wing; 2 = center; 3 = right-wing). The results showed not significant gender differences on any legal attitudes toward prostitution ( $p > .05$ ). Regarding religion, there were statistically significant differences in regulation ( $t(367) = -3.13; p < .01$ ) and abolition ( $t(367) = 3.06; p < .01$ ), but only with 3% of the total variance explained ( $r^2 = .03$ , for both legal attitudes). Likewise, the post-hoc ANOVAs indicated significant differences in the comparisons between the political orientations in legal attitudes (Table 1).

<Insert Table 1 about here>

A series of three post-hoc ANOVAs were performed to verify if attitudes toward these legal stances were related to the support of such legislation in Spain. As expected, we found coherence between the attitudes collected through the scale and the regulatory preference that participants want in Spain (Table 2). In particular, participants who preferred abolitionist laws in Spain also displayed higher level of abolitionist attitudes than those who supported the other prostitution stances ( $F(2, 388) = 328.12; p < .001; \eta_p^2 = .63$ ). Likewise, participants that wanted regulation to be introduced to Spain showed higher scores in the regulation factor than supporters of the other stances ( $F(2, 388) = 271.66; p < .001; \eta_p^2 = .58$ ). Less clear was the regulatory attitude of those who endorsed prohibition, because they showed both abolitionist and prohibitionist attitudes stances. In fact, only 9% preferred this legal stance to be adopted in Spain. However, there was a significant difference as consequence of the rejection to regulation ( $F(2, 388) = 162.98; p < .001; \eta_p^2 = .46$ ). Given the lack of support for this legal stance in our sample, hypothesis 4 was not tested.

<Insert Table 2 about here >

### *Manipulation check*

In our preliminary analysis, we also checked whether our manipulation was successful. Results indicated the success of the experimental conditions. Specifically, participants considered prostitutes more as victims in Scenario 1 ( $M = 4.60; SD = .86$ ) than in Scenario 2 ( $M = 2.74; SD = 1.46$ ),  $F(1, 387) = 233.12, p < .001; \eta_p^2 = .38$ , while



participants in the Scenario 2 perceived prostitutes more as women who had freely chosen their jobs ( $M = 3.56$ ;  $SD = 1.37$ ), than those individuals who were assigned to Scenario 1 ( $M = 1.57$ ;  $SD = 0.98$ ),  $F(1, 386) = 269.12$ ,  $p < .001$ ;  $\eta_p^2 = .41$ .

#### *Descriptive and correlational analyses*

Two one-way ANOVAs were performed with Scenario as independent variable and agency and moral outrage as dependent variables to examine the effect of having been assigned to a scenario with a prostitute as victim or non-victim. As expected, a main effect of Scenario emerged on agency,  $F(1, 389) = 53.83$ ;  $p < .001$ , and moral outrage,  $F(1, 389) = 39.72$ ;  $p < .001$ . Specifically, participants in Victim Scenario attributed less agency to prostitutes ( $M_{\text{victim}} = -.40$ ) than those in Non-Victim condition ( $M_{\text{non-victim}} = .38$ ). By contrast, the first indicated higher levels of moral outrage toward prostitutes ( $M_{\text{victim}} = .26$ ) than the latter condition ( $M_{\text{non-victim}} = -.25$ ).

Pearson's correlations for all study variables are presented in Table 3, separately for both scenarios. Moral outrage was the only variable that was linked to attitudes of abolition and prohibition toward prostitution in Scenario 1, while all legal and moral attitudes were significantly related in Scenario 2. In particular, abolition and prohibition were negatively associated with agency attribution in the non-victim manipulation, whereas these legal attitudes were positively related to moral outrage. By contrast, regulation was positively correlated with the perception of agency, but it was negatively associated with moral outrage.

<Insert Table 3 about here >

#### *Paths from regulatory attitudes to agency*

To examine the proposed indirect effects from legal attitudes to agency attribution through moral outrage, several measured models were tested for both scenarios (Configural model). This multi-group estimation provides evidence to show the invariance of measured models between the contrasted groups by including constraints in model estimation that force loading parameter values to be the same for the two groups under comparison. The significance of some of these constraints by LM (Lagrange Multiplier) test allows for the assessment of which parameter or parameters vary for each group (Bentler, 1989). In the last stage, a moment estimation was

performed, where all loading and intercept parameters were constrained to be equal in the two groups, but the estimated mean of the factors was fixed to zero in Scenario 1 and freely estimated in the Scenario 2. This procedure enables us to contrast the null hypothesis of equality of factor means in both Scenarios.

Given the low sensitivity to the abnormality of observable variables that overcome  $\chi^2$  difficulties, the following fit indexes were used for each estimated model: Normed Fit Index (NFI), Non-Normed Fit Index (NNFI), Comparative Fit Index (CFI), the Root-Mean-Square Error of Approximation (RMSEA), and Standardized Root Mean Square Residual (SRMR). These adjustment indexes allow for the measurement of the improvement of the estimated model compared with a base model. Good adjustments between the postulated model and the data observed are those that generate values equal to or higher than 0.9 for the incremental indexes. Moreover, Hu & Bentler (1999) indicated that an acceptable model must produce RMSEA values lower than or equal to 0.07 and upper 90 confidence intervals lower than 0.1.

Two simultaneous estimations, for regulation and abolition, were performed with and without loadings constrained to be equal in both Scenarios. The unconstrained estimations fitted data very well, and the models with constrained factors loads to be equal for both Scenarios showed no decrement in fit. The chi-square statistical difference of both nested models was non-significant both in Regulation,  $\text{diff } \chi^2 (df = 12) = 9.85; p > 0.05$ , and in Abolition ( $\text{diff } \chi^2 (df = 12) = 13.41; p > 0.05$ ), showing the invariance of the proposed measurement models for victim and non-victim manipulations.

Once the invariance of the factorial structure proposed was proved, a CFA was performed with moment estimation for each legal attitude. All loading and intercept parameters were constrained to be equal, but the estimated means of the factors were fixed to zero in Scenario 1, and free estimated in the other group (Scenario 2). As mentioned above, this procedure allows contrasting the null hypothesis of factor means equality in the groups in contrast. Although the moment estimation model fitted very well with regulation as exogenous factor,  $\chi^2 (df = 182) = 316.03; p < .001$ ; NFI = .927; NNFI = .962; CFI = .967; RMSEA = .061; 90% CI = [0.05; 0.073], a comparison of the two models shown that the moment estimation model did not fit the data significantly better than the model with constrained factors loads,  $\text{diff } \chi^2 (df = 2) = 4.51; p > 0.05$ . Contrary to our hypothesis 1, regulation attitudes toward prostitution were directly

unrelated to agency in both Scenarios ( $p = .058$ ). However, regulation was indirectly linked to agency through moral outrage for Scenario 2 ( $\beta = .12, p < .001, 95\% \text{ CI} = [.068, .177]$ ), but not for Scenario 1 ( $\beta = .03, p > .05, 95\% \text{ CI} = [-.025, .075]$ ) (Figure 2).

<Insert Figure 2 about here>

<Insert Table 4 about here>

Regarding Abolition, the moment estimation model fitted very well,  $\chi^2 (df = 170) = 292.926; p < .001; \text{NFI} = .932; \text{NNFI} = .963; \text{CFI} = .97; \text{RMSEA} = .061; 90\% \text{ CI} = [.049; .072]$ . The chi-square statistical difference of both nested models was marginally significant,  $\text{diff } \chi^2 (df = 2) = 5.802; p = .055$ . Contrary to hypothesis 2, the support of abolition stance was not directly linked to agency attribution in Scenario 1 ( $p > .05$ ). However, as expected (hypothesis 3), abolition was indirectly and negatively related to agency attributed through moral outrage for the Scenario 2 ( $\beta = -.13, p < .001, 95\% \text{ CI} = [-.187, -.074]$ ), but not for Scenario 1 ( $\beta = -.05, p > .05, 95\% \text{ CI} = [-.102, .003]$ ) (Figure 3).

<Insert Figure 3 about here>

<Insert Table 5 about here >

### Discussion

Prostitution is defined as a complex phenomenon with a strong moral burden (Weitzer, 2019), in which public attitudes are fundamental in policy-making (Cao et al., 2015; Schmitt et al., 2013). Three regulatory stances toward prostitution have been identified, which have been theoretically linked to moral attitudes (Abel, 2018; Huschke, 2017). According to the TDM (Schein & Gray, 2017), these different policy stances imply opposite perspectives regarding the attribution of agency and morality toward prostitutes (Serughetti, 2018; Weitzer, 2019). As far as we know, the present research is the first attempt to empirically examine this link. Based on previous studies that have identified three regulatory stances, which differ in the perception of female prostitutes as victims of human trafficking or women who have chosen this activity (Abel, 2018; Benoit et al., 2018; Moran & Farley, 2019; Weitzer, 2019), we manipulated this perception through an experimental study. This study provides some of the first empirical evidence that supports the link between legal stances toward prostitution and moral perception of prostitutes.

Regulation perspective toward prostitution has been usually defined as morally neutral (Serughetti, 2018). From this stance is argued that prostitutes are in full possession of their mind attributes, even when they are forced to sex sell or they prostitute themselves as consequences of gender inequality or poverty (Huschke, 2017; Serughetti, 2018). Accordingly, we hypothesized a positive and direct relationship between regulation and agency attribution for both scenarios (Hypothesis 1). Despite correlations indicating that those who supported regulation tended to attribute more agency to non-victim prostitutes, the direct path was only marginally significant for both conditions in the expected direction. Moreover, contrary to our predictions, we found an indirect effect through moral outrage. Specifically, participants in non-victim condition that supported regulation policies attributed more agency to prostitutes in the extent that they felt low levels of moral outrage. This result is consistent with previous literature that indicates that regulation supporters consider prostitution as a profession, and female prostitutes are in full possession of their mental faculties, even when they are victims (Huschke, 2017; Serughetti, 2018). Therefore, from this perspective prostitution is not a matter of morality, but of labor rights and liberties (Serughetti, 2018).

Previous literature has indicated an association between abolition and morality (Abel, 2018; Huschke, 2017), and low agency attribution to prostitutes (Moran & Farley, 2019). This link might be explained, well because they are considered victims who do not decide or plan to be practicing this activity (Abel, 2018), or because prostitutes are perceived subjugated women to the patriarchal system, acting “under the myth of free election” (Benoit et al., 2017; De Miguel, 2018; Moran & Farley, 2019). Based on these findings, we predicted that high abolitionist attitudes would be related to less attribution of agency to prostitutes in both scenarios (Hypothesis 2). Although analyses showed a negative correlation between both variables in non-victim condition, the direct path was non-significant for both scenarios.

Some scholars have noted that abolition supporters tend to condemn women that decide prostitute themselves, because they are perceived as immoral and deviant women that should be punished (Cojocar, 2016). Our results seem to confirm this perspective, because those who displayed high levels of abolition attitudes attributed low agency to prostitutes in the extent they felt moral outrage (Hypothesis 3) only for the non-victim scenario. This finding suggests that those who support abolition policies may consider

that females who practice prostitution as a work option are damaged the efforts made by the feminist movement against gender violence (Sprankle, Bloomquist, Butcher, Gleason, & Schaefer, 2018). This is consistent with research that found that women perceived as promoters of an objectifying culture tend to be dehumanized (Puvia & Vaes, 2015), to the extent that the lack of agency has been also identified as a way of dehumanization (Haslam, 2006; Haslam, Loughnan, Kashima, & Bain, 2008, for reviews).

The competing views of consent and agency have triggered a relevant debate in feminism movements (Serughetti, 2018): feminists that support the abolition on one side versus feminists for regulation of prostitution, on the other. Our results seem to indicate that although abolitionist policies seek to protect prostitutes of a masculine domination system, they punish those women that opt to prostitute themselves. Specifically, evidence has shown that people viewed as irrational and unable to make decisions, are also perceived as blameworthy or morally responsible for immoral behavior, and deserved of a punishment (Bastian et al., 2011). In this sense, abolitionist attitudes may lead to negative effects on the living and working conditions of prostitutes. According to these findings, decision-making on prostitution should be aimed at ensuring universal human rights, which includes to provide social, employment, and legal assistance to prostitutes regardless of their condition of victim or voluntary individual (Serughetti, 2018). This implies rejecting any form of moralism, and recognizing that prostitutes are in full possession of their mental faculties (Bastian et al., 2011; Serughetti, 2018).

A consequence of theoretical research on regulatory attitudes toward prostitution is a shortage of reliable instruments to assess and differentiate between the three stances. Therefore, a secondary main of the current study was the design and validation of the Regulatory Attitudes toward Prostitution Scale. The instrument presented excellent psychometric properties, as well as adequate fit indexes. According to literature, three regulatory stances were found: Abolition, Prohibition, and Regulation. As expected, abolition and prohibition emerged as different postures, showing a positive and significant relationship. This finding suggests that the two legal models share the criminalization of the purchase of sexual services. However, while prohibition subscale items support that its activity harm the society's moral code (e.g. "I support prohibiting prostitution because it is offensive to the moral values of society"), the abolitionist

subscale reflects the perception of prostitution as a victimizing practice (e.g. “Prostitution should be abolished because it is a form of gender violence”). By contrast, regulation was negatively related to abolition and prohibition factors, showing that they are contrary point of views on prostitution.

The few public polls conducted in Spain have indicated that most people support the regulation of prostitution (Calvo & Penadés, 2014; Meneses et al., 2015), especially men and atheists (Jonsson & Jakobsson, 2017; Valor-Segura et al., 2011). However, our results showed that both abolition and regulation were held up in the same extent. Social and political occurrences in last years, such as the strong feminist movement developed in Spain (Charles, Wadia, Ferrer-Fons, & Allaste, 2018), could be explaining the increasing of abolitionist attitudes, as well as the disappearance of gender differences in our data. Likewise, the political debate in Spain is dichotomous, being abolition in one pole (PSOE and PP) and regulation in the opposite (Ciudadanos y Podemos), without prohibition being part of the equation. Although this lack of support impeded test our Hypothesis 4, prohibition subscale might be useful in countries, such as the United States, where prostitution is banned. Therefore, maintaining the difference between these three regulatory attitudes is interesting for contributing to prostitution policy-making.

### **Limitations and future directions**

Although there are several limitations to the current study they also provide promising research directions. Firstly, most participants were undergraduate students who were self-selected, which may indicate a particular motivation to take part in the survey. Secondly, the current work assesses regulatory attitudes toward female prostitution, without evaluating either male or transgender prostitutes. Since literature has documented both similarities and differences between female and male prostitutes (Ellison & Weitzer, 2017), as well as between gay men and transgender women (Delgado & Castro, 2014), it would be interesting to explore public opinion toward other groups, such as male and transgender prostitutes. Thirdly, although regulatory stances and morality seems to be linked to feminism (Serughetti, 2018), as well as the perception of prostitutes as promoters of an objectification culture (Puvia & Vaes, 2015), these attitudes were not assessed in this study. Future research could explore whether these constructs are related.

## **Conclusion**

Although not all of our hypotheses have been confirmed, our study provides unique empirical evidence of the moral burden in legal attitudes toward prostitution. Moreover, it demonstrates a different pattern of attitudes when prostitutes are considered to be victims of human trafficking versus someone who considers prostitution as a viable work option. Specifically, it highlights the negative judgment of abolitionists toward non-victim prostitutes, by denying them agency and thus attributing less mind capacity and freedom of choice.

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## Appendix

### Regulatory Attitudes toward Prostitution Scale (RAPS).

Items	Item Content
1	Prostitution should be abolished because it is a form of gender violence <i>La prostitución debería abolirse porque es una forma de violencia de género</i>
2	I support the abolition of prostitution because it keeps those who practice it in a state of poverty and social exclusion <i>Estoy a favor de abolir la prostitución porque mantiene a quienes la ejercen en una situación de pobreza y exclusión social</i>
3	I support the abolition of prostitution because it is synonymous with sexual slavery <i>Apoyo la abolición de la prostitución porque es sinónimo de esclavitud sexual</i>
4	I support the abolition of prostitution because it is like paying for rape <i>Estoy a favor de la abolición de la prostitución porque es como pagar por una violación</i>
5	Legal measures should be aimed at persecuting clients and protecting prostitutes <i>Las medidas legales deben ir encaminadas a perseguir a los clientes y proteger a las prostitutas</i>
6	Prostitution must be banned because it is a criminal act <i>La prostitución debería prohibirse porque es un acto delictivo</i>
7	Prostitution should be banned because it is a crime that is always linked to other crimes, such as drug trafficking, robbery, etc. <i>La prostitución debería prohibirse porque es un delito que siempre va acompañado de otros delitos: tráfico de drogas, robos, etc.</i>
8	I support the prohibition of prostitution because it goes hand in hand with sexually transmitted diseases <i>Apoyo la prohibición de la prostitución porque incrementa las enfermedades de transmisión sexual</i>
9	I support prohibiting prostitution because it is offensive to the moral values of society <i>Estoy a favor de prohibir la prostitución porque es ofensiva para los valores morales de la sociedad</i>
10	I support the regulation of prostitution since it cannot be compared with human trafficking <i>Estoy a favor de la regularización de la prostitución ya que no se puede comparar con la trata de personas</i>
11	Prostitution must be regulated because it is a freely exercised and self-managed activity

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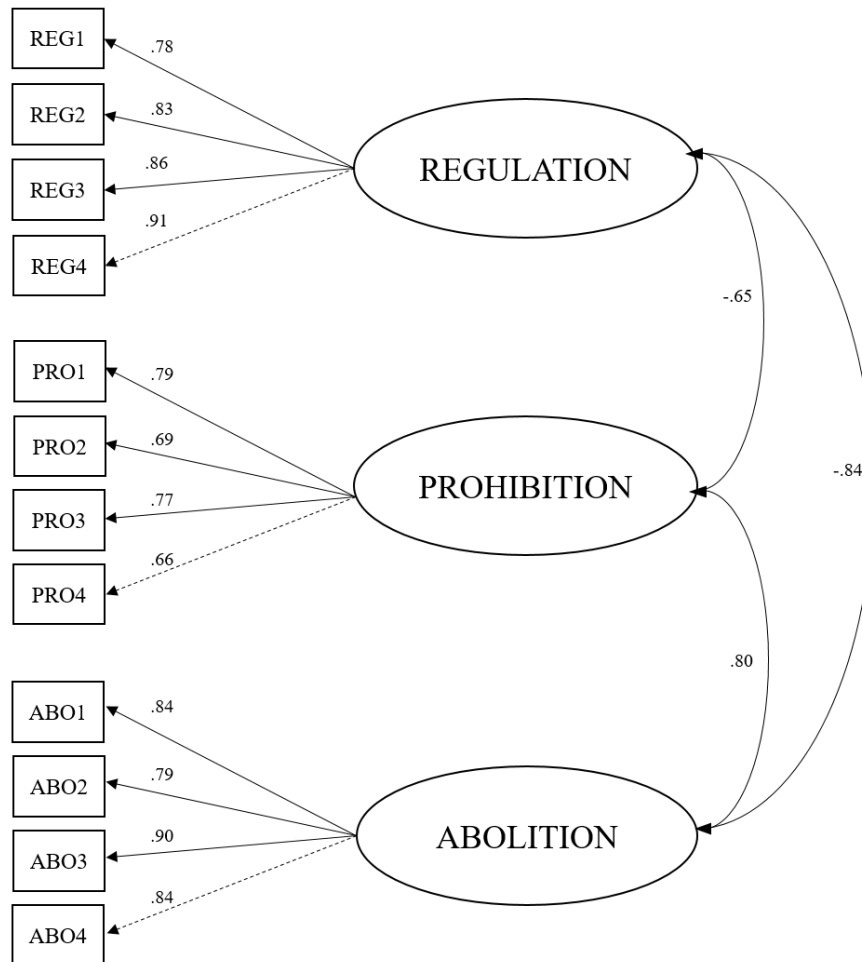
	<i>La prostitución debe regularizarse porque es una actividad libremente ejercida y autogestionada</i>
12	Prostitution should be regulated like any other work activity <i>La prostitución debe regularizarse como cualquier otra actividad laboral</i>
13	I support the regulation of prostitution because it is just another economic activity <i>Apoyo la regulación de la prostitución porque es otra actividad económica más</i>

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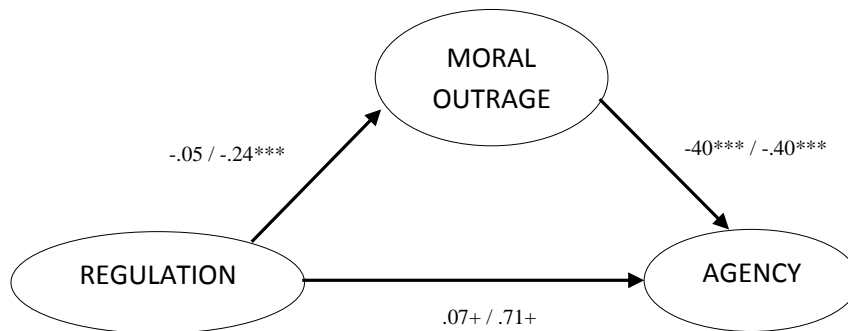
*Note:* Spanish items are printed in italics.

Items for each factor: Abolition: 1-5; Prohibition: 6-9; Regulation: 10-13.



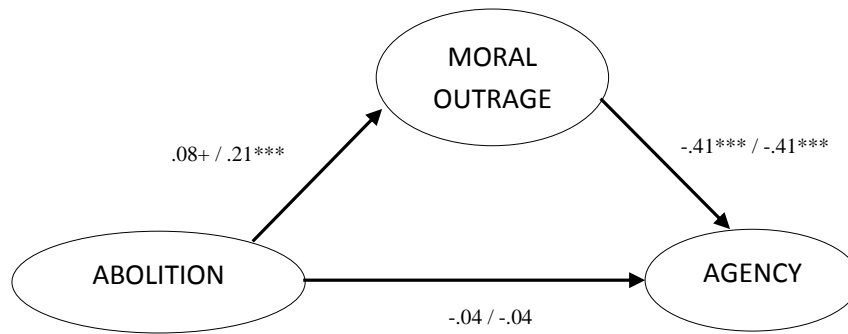


**Figure 1.** Structural model of the three factors of Legal Attitudes toward Prostitution Scale. Scores correspond to standardized factor loadings and intercorrelations among the factors.



**Figure 2.** Structural model of the relationship between Regulation, Moral Outrage, and Agency. First coefficients refer to Scenario 1, second coefficients refer to Scenario 2.

\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ; +  $p = .58$



**Figure 3.** Structural model of the relationship between Abolition, Moral Outrage, and Agency. First coefficients refer to Scenario 1, second coefficients refer to Scenario 2.  
\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$ ; +  $p = .58$

**Table 1.** Post-hoc analyses comparing legal attitudes toward prostitution and political orientation

	Left-wing Vs Center	Left-wing Vs Right-wing	Right-wing Vs Center	<i>F</i>	$\eta_p^2$
Abolition <i>F</i> (2,379)	.87*** (4.86)	1.56*** (5.08)	.69* (2.25)	18.90***	.09
Prohibition <i>F</i> (2,379)	.28 (1.83)	.63 (2.38)	.35 (1.32)	3.50*	.02
Regulation <i>F</i> (2,379)	-.68*** (-4.33)	-1.20*** (-4.47)	-.52 (-1.95)	14.81***	.07

Coefficients refer to the difference between the conditions of comparison. Coefficients in brackets refer to *t* values. \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$ .

**Table 2.** Post-hoc analyses comparing legal attitudes and legislation preferences toward prostitution in Spain

	Abolition Vs Prohibition	Abolition Vs Regulation	Prohibition Vs Regulation	<i>N</i> (%)
Abolition	1.29*** (6.61)	2.92*** (25.56)	1.63*** (8.50)	159 (41%)
Prohibition	.33 (1.66)	2.01*** (17.55)	1.69*** (8.77)	37 (9%)
Regulation	-.71*** (-4.01)	-2.93*** (-23.03)	-1.68*** (-9.64)	195 (50%)

Coefficients refer to the difference between the conditions of comparison. Coefficients in brackets refer to *t* values. \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$ .

**Table 3.** Zero-order correlations for the variables of the study across both scenarios

Variable	1	2	3	4	5
1. Abo	-	.88***	-.88***	-.32***	.44***
2. Proh	.86***	-	-.71***	-.44***	.53***
3. Reg	-.88***	-.73***	-	.32***	-.40***
4. Agency	-.01	-.12	.04	-	-.54***
5. MoralOut	.20**	.30***	-.12	-.26***	-

Abo = Abolition, Proh = Prohibition, Reg = Regulation, MoralOut = Moral outrage. Coefficients above the diagonal are for Non-Victim scenario, coefficients below the diagonal are for Victim scenario.

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$ .

**Table 4.** Unstandardized and Standardized Path Coefficients for Structural and Measurements Model for Regulation.

Measurement Model					Structural Model					
	Estimate	z-value	P(> z )	Std-S1	Std-S2		Estimate	z-value	P(> z )	Std
<b>REG</b>					<b>Scenario 1</b>					
Reg1	1.000			.772	.759	REG → AGENC	.068	1.892	+	.086
Reg2	1.041	17.242	***	.828	.821	REG → MOROUT	-.051	-.996		-.081
Reg3	1.258	18.398	***	.856	.887	MOROUT → AGENC	-.397	-6.128	***	-.311
Reg4	1.214	19.265	***	.928	.896	Indirect Effect	.020	.95		.025
<b>AGENC</b>					<b>Scenario 2</b>					
Agenc1	1.000			.842	.807	REG → AGENC	.068	1.892	+	.114
Agenc2	.766	18.968	***	.801	.823	REG → MOROUT	-.239	-5.103	***	-.393
Agenc3	.893	18.315	***	.723	.842	MOROUT → AGENC	-.397	-6.128	***	-.403
Agenc4	.920	20.617	***	.868	.849	Indirect Effect	.095	3.707	***	.122
Agenc5	.835	18.626	***	.741	.844					
Agenc6	.926	19.424	***	.829	.822					
Agenc7	.878	17.356	***	.728	.795					
<b>MOROUT</b>					<b>Covariances</b>					
Morout1	1.000			.615	.708	Agenc3- Agenc7	.366	4.181	***	.359
Morout2	1.306	14.635	***	.839	.920	Morout1- Morout5	.268	2.398	*	.225
Morout3	1.326	14.429	***	.781	.902					
Morout4	1.114	15.935	***	.758	.856	Agenc3- Agenc7	.056	1.963	*	.171
						Morout1- Morout5	.140	2.857	**	.256

Note. Std-SReg = Regulation; Agenc = Agency; Morout = Moral outrage

++ = .058; \*p < .05; \*\*p < .01; \*\*\*p < .001

**Table 5.** Unstandardized and Standardized Path Coefficients for Structural and Measurements Model for Abolition.

Measurement Model					Structural Model					
	Estimate	z-value	P(> z )	Std-S1	Std-S2		Estimate	z-value	P(> z )	Std
<b>ABO</b>					<b>Scenario 1</b>					
Abo1	1.000			.876	.824	ABO → AGENC	-.035	-1.138		-.051
Abo2	.891	18.538	***	.810	.756	ABO → MOROUT	.081	1.892	++	.155
Abo3	1.022	22.230	***	.863	.913	MOROUT → AGENC	-.406	-6.149	***	-.318
Abo4	1.041	21.286	***	.869	.847	Indirect Effect	-.033	-1.826		-.049
<b>AGENC</b>					<b>Scenario 2</b>					
Agenc1	1.000			.842	.806	ABO → AGENC	-.035	-1.138	***	-.070
Agenc2	.767	18.974	***	.802	.824	ABO → MOROUT	.206	5.394	***	.411
Agenc3	.894	18.320	***	.723	.842	MOROUT → AGENC	-.406	-6.149	***	-.413
Agenc4	.921	20.603	***	.868	.849	Indirect Effect	-.084	-4.315	***	-1.131
Agenc5	.835	18.601	***	.741	.843					
Agenc6	.926	19.408	***	.829	.822					
Agenc7	.879	17.364	***	.728	.795					
<b>MOROUT</b>					<b>Covariances</b>					
Morout1	1.000			.614	.707	Agenc3- Agenc7	.366	4.181	***	.359
Morout2	1.311	14.639	***	.840	.922	Morout1- Morout5	.268	2.398	*	.225
Morout3	1.327	14.403	***	.782	.901	Agenc3- Agenc7	.055	1.928	+	.168
Morout4	1.114	15.920	***	.756	.854	Morout1- Morout5	.142	2.899	**	.259

Note. Abo = Abolition; Agenc = Agency; Morout = Moral outrage

++ = .058; + = .054; \*p < .05; \*\*p < .01; \*\*\*p < .001