Choosing between abolition, prohibition and regulation: A European perspective on healthcare risks in prostitution legislation

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Abstract

The growing preponderance of criminal justice systems across the EU with a neo-abolitionist approach to prostitution, and the criminalization of those purchasing such services, has garnered increasing attention in the research. Granted, a section of these studies have engaged with the respective merits of creating a strict binary between victim and criminal in the issues of sex for sale, but still largely overlooked in these discussions are the incidental healthcare risks generated by such alternative statutory measures. In particular, the ‘Nordic Model’ is now in its second decade and statistics collated from Sweden specifically indicate a host of consequences, some anticipated and others unforeseen, for those working in the sector. Thus although often hailed as success when viewed in terms of its impact upon the reduction of human trafficking into the country, the efficacy of the legislation demands espousal of a greater range of risks in regard to the health and social needs of those women now driven ‘underground’. Such insights have global ramifications for the management of street prostitution as countries across the EU grapple with the choice between abolition, prohibition and regulation in their domestic statutory scheme. The paper therefore explores the concept of harm and the ability of varying systems of governance to meet these requirements. The study demonstrates that the diffusion of neo-abolitionism is gaining traction in the issue of prostitution regulation, with Northern Ireland recently adopting the approach, but questions if the correct lessons are actually being drawn from a study of the ‘Nordic model’. Driven by varying domestic rationales, the ‘fit’ of criminalizing the purchase of sex does not appear appropriate in all countries, and the opposing drivers of gender equality measures and questions of morality both appear ill equipped to deal with the reality of removing prostitution from the streets but not society, and the healthcare needs of women that are now facing problematic barriers.

Introduction

Prostitution policy, as is the case with a myriad of issues with a disproportionate gender influence, occupies a messy policy space, straddling a host of criminal, healthcare and employment demands. The consequent response to these matters across the regions of the EU also displays an equally convoluted range of diverging interventions, and systems oscillate between abolitionist, prohibitionist and regulatory measures. Central to all these approaches, however, and unifying the recourses of these distinct governments, is the spectrum of risks that shroud the management of prostitution. Although reduced and exasperated in varying degrees by nation states, the threat of harm, the demand of providing appropriate levels of healthcare, and the necessity of tackling the growing problem of modern day slavery are all notable factors born in the mind of decision makers in the field. It is within this paper, however, that it is suggested that the definition of primary risk is crucial to understanding elite activity at the national and supranational level.

Uncovering the decision-making process in this topical issue is essential for appreciating the status afforded to the activity in the region. The ‘world’s
oldest profession’ has continually fallen under the spotlight of review and has posed a collective problem for society’s across antiquity; from biblical accounts of Mary Magdalene, through Roman courtesans, and contemporary favour for brothels (Cooper 2016 71), the issue of ‘sex for sale’ has demanded elite attention. In the current legislative setting in which increased globalization has spurred on developments in international and supranational law, however, it is a point of great interest that national schemes have adopted a specific domestic style of governance. Engaging Graham and Weiner’s classic typology, therefore, and analyzing the target risks of harm, healthcare and human rights, across two populations; sex workers and civil society, it becomes possible to unpick the rationale behind these decisions. Certainly, by asking if trade-offs have been made across risks, a window is opened to as why this has occurred and, according to the aforementioned typology, this rests heavily with the ordering and prioritizing of a range of threats posed by a policy field. In reality, therefore, the diverging schemes of governance across nation states can be viewed as the cumulative result of decision to offset, substitute, transfer or transform a list of potential pitfalls associated with that field.

The paper progresses as follows. The literature comprising risk analysis and trade-offs is first presented, with particular attention focused on the work of Graham and Weiner (1995) and the utility of this conceptual approach for a study of this nature. Building upon this theoretical framework, the subsequent section sets about the task of collating a list of risks associated with sex industry, regardless of region or cultural constraints, and identifies the potential affected populations. Three comparative case studies of Sweden, Germany and England and Wales – comprising critical instances of abolitionist, regulatory and prohibitionist schemes respectively – are then outlined, and the target and countervailing risks presented and discussed. Finally, a moment of reflection is proffered in which the lessons from differing policy fields are contemplated. Having grouped primary risks into harm, healthcare and human rights, with the affected populations comprising sex workers and civil society, the analysis suggest an asymmetrical affect on countervailing risks, with inappropriately defined target populations creating larger shock waves and ripple effects for other domains. Even on the surface, therefore, these separate strategies of positron management across the three countries hint at a contrasting rationale at the heart of policymakers’ decision, and this subjective approach hinders the progression of a unified and effective approach to the matter.

Risk Trade-Offs

Graham and Weiner’s (1995) seminal typology addressing risk trade-offs in the public sector provides a useful and plausible suggestion for the formulation of national prostitution policy. As so eloquently submitted by the authors ‘some of the most well-intentioned efforts to reduce identified risks can turn out to increase other risks’ (1995, 1). Although before this time such analysis had received only limited attention (Keeney and von Winterfeldt 1986), this framework, largely building on the ‘risk-risk analysis’ developed by Lave (1981), has arguably catalyzed the contemporary formulation of a ‘new
risk management’ in a risk-obsessed society (Hood 2002) and has increased the academic popularity of adjudicating public policy decisions in this light. Thus drawing correlation with side effects in the medical sciences and collateral damage in the military, Graham and Weiner’s work emphasizes the consideration of countervailing risks for all decision makers and stipulates that in order to reduce a target – or primary - risk, the intervention adopted inevitably threatens to introduce one, or a pattern of, countervailing consequences. Elaborating on this foundational concept, their work expands to proffer three key streams of academic curiosity; first, they extol the virtue of decision makers simply recognizing the series of tradeoffs that potentially ensue from an intervention. Second, the scholarship attempts to scope out a checklist for such actors when contrasting the respective gravitates of target and countervailing risks. Finally, Graham and Weiner present a thesis for risk reduction based on ‘risk-superior’ moves.

Compiling a list of trade-offs intrinsic to a public policy decision demands that such consequences encompass not only the target risk, but also any countervailing risk that can be formed in neighboring domains as part of a ‘ripple effect’ (20). In that sense, when the target risk is being defined, it should be the case that such countervailing risks have been mooted as having the potential to occupy this front seat. Moving beyond this stage of information gathering, and engaging with the process of trade-offs, Graham and Weiner reduce these complex phenomena to two broad dimensions. The first addresses the outcome of the countervailing risk is the same as the outcome from the target risk. The second asks whether the population bearing the countervailing risk is the same or different to the population originally perceived as benefiting from a reduction in the target risk (hereinafter referred to as the target population). As a result, he matrix delineates four separate outcomes in the course of such activity; if the target and countervailing risk remain the same type, and effect the same population, the risk is offset. If the same type of risk moves population, however, the risk is transferred. Conversely, if the target risk and countervailing risk are of a different type, but the population the same, the risk is substituted. Finally, if both type and population of the target and countervailing risk are different, the risk is transformed (1995 22). It is often the case that changes to the population may incite ethical considerations (35), as opposed to changes in type of risk that may demand a more pragmatic, resource focused response.

Ethically infused topics so closely synonymous with women’s issues are not immune from these risk trade-offs and the weighing up of consequences requires not only scientific considerations, but also ethical contributions (Graham and Weiner 1995). Underpinning all of these factors, however, must be the consideration in risk trade-off analysis (RTA) that temporal variables will always affect the perception of countervailing risks. Indeed, the importance of such ancillary factors may flare up and wane over time, dependent on a variety of contextual behaviour. Nevertheless, the identification of all these types of risk and appreciation that the increase in protection for the target risk may necessitate a decrease in protection against the countervailing risk provides a useful ‘risk protection frontier’ (Graham and Weiner 1995 27). When defined in such target and countervailing terms, it
slows for the possible innovation of interventions that can simultaneously combat both risks. This, however, is a theoretical point easily raised but far more difficult to introduce in practice and it is often the case at this juncture that the weighing or risk versus risk must begin, and factors such as severity or likelihood of success become crucial to the behaviour of decision makers. It is here that Graham and Weiner submit the absence of a normative approach to their work; their carefully constructed matrix and its strong ability to provide a casual account of risk trade-offs, is not automatically accompanied by what should or ought be done in the course of these decisions. This is not to say, however, that their conceptual approach abruptly ends here and they continue that in the course of adjudicating trade-offs, factors such as degree of population exposure and type of adverse outcome become crucial variables for policymakers and this is certainly a key theme observed below in the study of national prostitution policy formulation. In addition, however, the scholarship also posits that this collection of insights should additionally be viewed through the prism that overall risk reduction is possible. The clearest and most efficient way this can obviously be achieved is through the increase in dedicated resources to the matter, but the authors equally contend that developments in technology and science can equally aid in this strategy (1995: 40).

The regulation of the issue of sex for sale, as in other domains, is assumed to be the culmination of multiple and interdependent risk trade-offs, but the process of problem definition in this arena, and subsequent policy action, can have unintended consequences and may even result in a shift or risks from one domain to another. For the purposes of this study, therefore, it is first necessary to identify the series of risks associated with prostitution, and the populations affected by such factors, and this is task that will be undertaken below. Taking much solace in Graham and Weiner’s (1995) submission that the suggestion of such a framework for analysis ensures efforts to reduce dangers are well-thought through, this allows for a series of lesson drawing recommendations for better governance across the EU later in the paper.

**Identifying Risks in Prostitution**

The definition of risk is a political act (Fischoff et al. 1984). This much we have already come to accept across a variety of literature and empirical studies, but it is a point nevertheless worthy of recognition once again at this juncture. Certainly, threat is often a subjective process and will vary across individuals, not only in terms of its identification, but equally with regard to the perception of its relative importance in one’s everyday life. This is never more true that in complex, ethically charged fields such as prostitution in which the morality of the matter itself is continually debated and reinterpreted. Even if the ethical judgment of ‘sex for sale’ is sidestepped, however, and threat defined purely in terms of tangible healthcare risk, for example, this would not necessarily ward off the threat of perception (Lilford and Braunholtz 1996), and indeed Graham and Weiner (1995) similarly assert the strong position of personal judgment in the weighing up of risks. It is thus the charge of this section to outline the list of potential dangers and hazards associated with prostitution, and the populations adversely affected by these outcomes, in order to provide
a stepping-stone for the analysis of national government decisions presented below.

If the notion of harm is a key driver in the classification of street-prostitution as crime, therefore, it appears to provide a somewhat narrow view in terms of the harm, which can be caused by the continual criminal dominance over the matter. Many different feminist perspectives are held around prostitution; civil libertarians characterize it as ‘victimless crime’ that ought to be legalized, whereas feminists challenge that there are indeed victims in the sense that it harms the people who do it. (O'Neill, 2013) In a seminal study, Peter de Marneffe claims that some paternalistic prostitution laws are morally justifiable and are consistent with contemporary liberalism (Marneffe, 2010). All of these notions find varying homes in the legislative traditions of the countries under the spotlight. At this point, therefore, is becomes necessary to outline this array of target risks.

*Risks*

From this contextual information, therefore, it becomes useful to identify three specific categories of risk faced by decision makers in the formulation of prostitution policy:

1. **Harm**

   Although a term posing a plethora of definitional ambiguities, it is taken here to delineate three important trends in sex worker activity and beyond. These are namely client violence, non-client violence and the specific act of rape, but also harm to collective society from the sex industry.

2. **Healthcare**

   In contrast to the broad heading of harm, healthcare provides a far more specified grouping of risk and refers both to the sexual and mental health needs of sex workers.

3. **Human Rights**

   The risk to human rights of an intervention in prostitution policy reflects two dominant streams of thought. The first engages an array of employment considerations; as the world’s oldest profession, the viability of sex work as a legitimate industry necessarily entails the attribution of labour rights. In Spain, for example, the regulation of the issue demands that sex workers are liable for national insurance contributions. The second encompasses the threat of modern day slavery, and specifically the link between prostitution and trafficking. According to Article 4 of the European Convention on Human Rights and Fundamental Freedoms (ECHR):

   1. No one shall be held in slavery or servitude.
   2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term “forced or compulsory labour” shall not include:
(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
(b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
(d) any work or service which forms part of normal civic obligations.

Populations:

1. Sex Workers
2. Civil Society

Underpinning the classification of these risks, however, and born in mind throughout the ensuing analysis, is the sentiment that not all unintended risks are of equal gravity, and indeed some countervailing risks must be viewed in the context of the potential ancillary benefits that can also be extrapolated.

**Case Study 1: Sweden and the Substitution of Risks**

Submitting an innovative approach to prostitution back in 1999, Sweden was the first country to reform prostitution legislation with the effect of criminalizing the purchase of sexual services but not their sale. In simple terms, it altered the disproportionate gender bias previously held in sex work legislation that significantly penalized female prostitutes and shifted onus to the predominately male client. This *Kvinnofrid* law was largely underpinned by the motivation to prevent violence against women, stipulating:

‘*Prostitution is considered to cause serious harm both to individuals and to society as a whole. Large-scale crime, including human trafficking for sexual purposes, assault, procuring and drug-dealing, is also commonly associated with prostitution. (...) The vast majority of those in prostitution also have very difficult social circumstances.*’ (Government Offices of Sweden 2011).
Compared to the Target Risk (Violence), the Countervailing Risk is:

<table>
<thead>
<tr>
<th>Target Population: Sex Workers</th>
<th>SAME TYPE: Violence</th>
<th>DIFFERENT TYPE: Healthcare</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAME POPULATION: Sex Workers</td>
<td>Risk Offset</td>
<td>Risk Substitution: Poor levels of access to sexual health services</td>
</tr>
<tr>
<td>DIFFERENT POPULATION: Civil Society</td>
<td>Risk Transfer</td>
<td>Risk Transformation</td>
</tr>
</tbody>
</table>

Figure 1 Risk Tradeoff Analysis: Prostitution Policy in Sweden

The light at the end of the tunnel...

Recent reports by the UN would indeed suggest that these measures have, in part, been successful, specifically in regard to a reduction in sex trafficking. Across countries that have adapted a neo-abolitionist approach – namely Iceland, Norway and Sweden – the incidents of this form of modern day slavery are, from a global perspective, comparatively low. Although numbers of suspected cases of trafficking have increased overall, Sweden reported 40 such cases in 2013, compared to 21 in 2012, in contrast to Austria, in which prostitution is legal and fully regulated, where 192 cases were investigated in 2013 (TIC 2014 as cited in Cooper 2016).

...is the headlight of an oncoming train

In Sweden, therefore, it could be suggested that a successful paradigm shift has been evidenced, and a concern for women placed at the heart of policy creation. Although appearing to submit a beneficial approach to women as a target risk, however, it can similarly be argued that due attention has not been paid to the countervailing effects and a widening of the harm agenda is necessary (Cusick 2006). Indeed, although seemingly benevolent in their tone increased abolitionist measures are not welcomed by all and for reasons other than those proffered by feminism. In addition, the reality of sex worker responses to the measures illustrates many ‘running from the rescuers’ (Soderlund 2005) and it is claimed that the interjection fails in its intention to reduce rates of prostitution to the levels postulated by the government, and instead drives the activity further underground. Amongst other factors, this one specific and discernible effect in regards to the heightened stigma around sex worker now evidenced in the region. This has a ripple effect into the treatment of those women continuing to sell sex ‘underground’ in regard to their rights to appropriate standards of health and welfare. Indeed, dealing first with access to sexual health services; ‘it becomes more difficult for public
health and social workers to reach prostitutes and to provide them with health care, protection against violence, and alternate employment opportunities (Corrigan and Donohue undated). Second, those Swedish sex workers forced ‘underground’ often face the threat of eviction as landlords are fear prosecution for pimping if the money they receive in the form of rent is revenue from such activity (Goldberg 2014).

Case Study 2: Germany and the Offset of Risks

In contrast to this Swedish approach, the rationale for creating a system of regulation that acknowledges the lawfulness of prostitution activities reflects a far different underpinning. Germany evidences just such an approach when, in 2002, a law passed in the Bundestag removed the prohibition on sex work and allowed prostitutes to seek employment contracts, increasing their access to host of a labour rights. Contemporary policy not permits even the advertising of jobs in brothels and massage parlours, and has arguably become absorbed into the legitimate business world in the country.

With great power…

A key driver for those statutory change was to remove the question of ethics form this policy domain and recognise it status as a key profession; indeed in the legal climate pre-2002, the assumed immorality of prostitution dictated that all contracts with sex workers were null and void, irrespective of the fact that prostitution itself, and the running of brothels or associated businesses, was not strictly illegal. As a result, those ‘working’ in the sector had no legal right remuneration, social insurance, health insurance or access to a pension. As a result, access to these rights was available only by way of fraud (Kavemann 2007). Dictating this to be the central risk of prostitution regulation, the German model is thus derived from attempts to limit this threat by removing this ‘immorality’ and solidifying the credibility of the profession.

…comes great responsibility

The decriminalization of any longstanding piece of social policy, such as the prohibition of prostitution, requires a highly nuanced strategy for implementation. Certainly, drawing insights from neighboring examples, the smooth running of the UK’s 1967 Abortion Act – providing another such example of radical overhaul of the law – is continually questioned in regards to the encroachment this regulation has into the operation of the healthcare system. The same logic can be applied to the German experience of sex for sale, and although targeting the risk of human rights for sex workers in an arguably effective manner, the black letter of the law overlooks the exasperation of alternative dangers for this population. By focusing on banishing the ‘immorality’ of the activity, it has succeeded in providing the possibility for an equitable recourse in employment litigation, but the vulnerability of the profession in many senses remains. Certainly it would be foolhardy to consider that all risky heavier that inevitably surrounds the offering and purchasing of sale is mitigation but its full legalization; rather many of the same problems exist for the individual prostitute. Specifically in
the case of Germany this has been highlighted in terms of the increased instances of sex trafficking. Compared to the Nordic States referenced above, 2012 evidenced 491 such suspected cases in the country. The impact of legalized prostitution on human trafficking generally has been the focused of limited research and is largely clustered around two dominant thoughts; on the one hand, legalized prostitution leads to an expansion of the prostitution market, increasing human trafficking. On the other hand, decriminalization reduces demand for trafficked women as legal prostitutes are often favored over trafficked ones. A cross-country analysis conducted in 2013, however, demonstrated that, on average, countries hosting a system of regulation fall foul of a larger number of reported human trafficking cases (Cho et al 2013).

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<thead>
<tr>
<th>Target Population: Sex Workers</th>
<th>Compared to the Target Risk (Human Rights), the Countervailing Risk is:</th>
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<tr>
<td>SAME POPULATION: Sex Workers</td>
<td>SAME TYPE: Violence</td>
</tr>
<tr>
<td>DIFFERENT POPULATION: Civil Society</td>
<td>Risk Offset: Increased levels of sex trafficking</td>
</tr>
<tr>
<td></td>
<td>DIFFERENT TYPE: Healthcare</td>
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<td></td>
<td>Risk Substitution</td>
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<td>Risk Transfer</td>
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<td>Risk Transformation</td>
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*Figure 2 Risk Tradeoff Analysis: Prostitution Policy in Germany*

**Case Study 3: England and Wales, and the Transformation of Risk**

‘Sex for sale’ in the UK, including the distinct legal control retained over the matter in both Northern Ireland and Scotland, is a fractious issue that houses a myriad of contrasting policy positions and regulation. Nothing in the relevant legislation states that the exchange of sexual services for money, as a baseline principle, is an illegal act; rather it only becomes so if it is performed in certain stipulated circumstances. This is a point that comes as a surprise to many and, as a result, several irregularities and definitional conundrums have emerged around what constitutes lawful and unlawful activity across seemingly similar behaviour. The legislative line that can be drawn, however, is between indoor and outdoor activities, and this provides the first indication or risk formulation by the UK’s government.

According to a series of Sexual Offences and Street Offences Acts, the selling of sex on a street, or the fiduciary gain form prostitution by one over another I the form of, for example, a brothel, are all prohibited I England and Wales. Tracing this principle back to Victorian times, and series of interventions attempting to prevent the spread of contagious diseases, the ‘street hooker’ has long occupied a marginalized status in British culture and has often been viewed as a social evil, towards which efforts are made to remove such evils
from the eyes of the public. Thus extolling this principle is the Policing and Crime Act 2009 and the continued legislative stance that street solicitation is an illegal activity. Rationale for this decision largely coalesces around a public order and decency frame; the Wolfenden report of 1954 demonstrates this clearly with the following submission:

‘The law's function is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others... (Wolfenden 1954)’

The elephant in the room…

Though granted the prevalence of street prostitution in England and Wales is seemingly low in comparison to nation states, with an approximation made in 2004 of 80,000 women working in ‘on-street’ prostitution in the UK Home Office 2004), and thus a reduction in harm to public order and decency for civil society is attempted, this significantly overlooks the incidental harm to sex workers. By adopting a contrasting target population to Sweden and Germany, England and Wales arguably fails to effectively engage the law in a level of prostitution for sex workers in regard to the threat of client and non-client violence, and rape. According to the same Home Office report, 70% of those involved in street prostitution have a history of Local Authority care, and almost half presented a history of childhood sexual abuse. (Home Office 2004). Neighboring data suggests that more than half of these street workers have been raped, and or seriously assaulted, with a further 75% having been physically assaulted (Home office (2004). Finally, those soliciting on the street are worryingly 12 times more likely to be murdered than any other woman (Salfati, 2009). Playing this in concrete, empirical terms, the instance of the ‘Bradford Murders’ exemplifies this countervailing risk of violence posed to those soliciting on the street, involving as it did the serial killings of three prostitutes at the hands of Stephen Shaun Griffiths (Cooper 2016).

<table>
<thead>
<tr>
<th>Target Population: Civil Society</th>
<th>Compared to the Target Risk (Harm), the Countervailing Risk is:</th>
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<tbody>
<tr>
<td></td>
<td>SAME TYPE: Violence</td>
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<tr>
<td>SAME POPULATION: Civil Society</td>
<td>Risk Offset</td>
</tr>
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<td>DIFFERENT POPULATION: Sex workers</td>
<td>Risk Transfer: Threat of client and non-client violence, and rape of prostitutes</td>
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Figure 3 Risk Tradeoff Analysis: Prostitution Policy in England and Wales
Discussion

The neo-abolitionist approach of prostitution policy in Sweden demonstrates an intervention based on the defined risk of harm to sex workers in the country. Thus the countervailing outcome of prostitutes driven underground and facing limited access to appropriate healthcare scheme demonstrates a risk substitution; although the outcome of the countervailing risk is different to that of the target, it is still contained within the same population of those selling sex. The regulation of prostitution in the form of legislation as evidenced in Germany similarly displays a countervailing risk that is contained within the same population of sex workers. Unlike Sweden, however, this outcome is of the same type as that which the primary intervention is addressing; human rights. As a complex and developed system of supranational laws and national statutes, human rights encompass not only gender equality legislation and labour rights, arguably supplying the legislative push for reform for German prostitution regulation, but equally addresses the growing crises of modern day slavery. Sex trafficking, as one facet of this mounting crises, creates a countervailing risk in a region in which sex for sale is permitted, as dangers occur in regard to the ease of movement of persons for this purpose. As the target population and type of risk have remained the same, however, the risks are offset in this matrix. As a caveat to this remark, this is not to assume that the severity of sex trafficking as an unintended outcome is low and can therefore be dismissed, but can arguably be viewed as one inevitable consequence of a scheme based around rights, but equally a ripple effect that can be addressed by neighboring policy fields and interventions.

Indeed, the paper extends this reasoning to additionally highlight that the efficiency of dealing with such unintended consequences is significantly heightened when the affected population remains the same across target and countervailing risks. Employing the logic of joined up governance (Pollitt 2003), the shock waves felt in neighboring policy domains can feasibly be addressed by agencies working closely together to the topic. Thus assuming the target population to be sex workers, and appreciating that by altering the management of one risk amongst the three identified above – harm, healthcare and human rights - will be of consequence to the remaining two, relevant actors can mobilize in anticipation. In both schemes, therefore, although the polarized approach allows for a sharp divide to be drawn between Sweden and Germany, they are nevertheless unified in their focus upon sex workers and efforts for improvements for this group.

The fox in the chicken coop in the management of sex for sale in this comparative study, therefore, is actually England and Wales. Displaying a diverging target population to both Germany and Sweden, the regions approach to the matter is wildly different in rationale. Indeed, unlike the two aforementioned countries, the domestic conceptualization of risk in prostitution policy is defined in terms of harm to society. Thus the countervailing outcome of a prohibitionist approach is actually harm, through
client and non-client violence, and rape, to sex workers. In this case, therefore, and departing from the offset and substitution of risks, the unintended risk in England and Wales is transferred to a different population.

Conclusion

Although there is a sharp distinction unintended and unforeseen consequences, the countervailing risks detailed above are not particularly novel or shocking. Rather Graham and Weiner (1995 4) submit that much can be done once countervailing risks are discerned and this lesson should be headed for prostitution policy. Indeed the authors continue that the exasperation of these countervailing effects is often demonstrative of incomplete decision-making, and the alternative development of risk-superior materials is of merit. In this sense a broadened definition of harm if sex work may be of use in this regard, and the plethora of transnational collaborative arrangements (Stone 1999) hosting a burgeoning field of European policy networks around sex trafficking in particular, suggests the potential for supranational risk assessment analysis.

References


