

Alternative Facts

Critical commentary on Melissa Farley's
"Men who pay for sex in Germany"

by

BesD (Professional association for erotic and sexual services) &
Doña Carmen e. V., association for the social and political rights of prostitutes

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BesD e.V. – Berufsverband erotische und sexuelle Dienstleistungen e.V.

Odenwaldstraße 72

51105 Köln

Contact person: Johanna Weber

johanna@besd-ev.de

<https://www.berufsverband-sexarbeit.de/>

Doña Carmen e.V. – Verein für die sozialen und politischen Rechte von Prostituierten

Elbestraße 41, 60329 Frankfurt/Main

Contact person: Juanita Henning

Tel. 069 - 7675 2880, donacarmen@t-online.de, www.donacarmen.de

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Preliminary remark

For some time now, the term 'alternative facts' has stood for the distortion of obvious facts against better knowledge. The spread of this practice in the political debate is increasingly being noted with concern.

But 'alternative facts' are by no means limited to the political arena. What proves to be a nuisance in this field marks a departure from rationality and thus from the foundations of scientific work in the field of science.

For more than two decades, the publications of the US-American psychologist and internationally active opponent of prostitution Dr. Melissa Farley have demonstrated the fabrication of 'alternative facts' about sex work in prostitution. Farley uses highly idiosyncratic 'alternative methods' that have one thing in common: Applicable scientific standards are persistently and systematically disregarded.

This is evidenced by her most recent publication on sex buyers in Germany, which she presented to the public at a federal press conference in Berlin in November 2022:

“Men who pay for sex in Germany and what they teach us about the failure of legal prostitution: A 6-country study of the sex trade from the perspective of the socially invisible ‘freiers’”¹

Melissa Farley's unscientific approach is neither new nor unknown. Her international work has left behind numerous traces of substantial criticism of her approach (see point of criticism 27), which are, however, hardly noticed in Germany. With this statement, we would like to contribute to changing this. In contrast to Farley, we will present comprehensible evidence for the points of criticism we raise.

Melissa Farley acts not only as a scientist, but also as an internationally networked opponent of prostitution. She is in favour of the 'Nordic model' of the so-called criminalization of punters. In this respect, the criticism of her most recent publication "Men who pay for sex in Germany" is also a criticism of abolitionism, which has set itself the goal of abolishing prostitution via the detour of criminalizing sex-buyers.

Farley's position on prostitution is often described as an expression of "radical feminism". Such an assessment seems completely out of place to us. A look at her most recent study on sex buyers shows that she relies exclusively on statements by sex buyers and their male fantasies when it comes to correcting alleged "misconceptions of the public about prostitution"².

At the same time, Farley complains about the *"ineffective practice of interviewing prostituted women"*.³ According to her, women cannot be expected to provide any information about the realities of prostitution as they are *"often under the control of a pimp"*⁴:

*"The women were given drugs, which then made them dependent on their pimps. Sometimes the women were forcibly addicted to the pimps because addicted people are easier to control."*⁵

To perceive women in prostitution only as helpless objects in the hands of 'pimps' and 'human traffickers', but not as self-confident individuals who actively pursue their own interests seems to us like a rather strange idea of "radical feminism", that we do not agree with.⁶

With the present joint statement, BesD and Doña Carmen e. V. oppose the scientifically disguised attempt to stigmatize and criminalize clients, which is intended to give the so-called 'Nordic model' of the sex purchase ban the appearance of scientific legitimacy.

Any serious public debate about prostitution in this country should be based on arguments, facts and actual problems. The rejection of Melissa Farley's untenable allegations is a prerequisite for this.

It should be noted for readers that the following text is divided into 28 separate points of criticism, which follow a uniform structure to make it easier to read. Each of the 28 points of criticism is self-explanatory, so it is up to the reader to decide which point to start with. Further explanations of the individual points of criticism can be found following the concluding remarks in the "References & Notes" section.

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A. False information, dubious terminology

1. Four instead of six country reports, 656 instead of 763 sex buyers surveyed

Farley:

"This research is based on a study of six countries" and interviews with "763 sex buyers".¹

Counterstatement

Between 2008 and 2022, Melissa Farley, together with other authors, wrote seven texts about sex buyers in different countries.² Contrary to what she claims, however, the texts do not refer to six countries, but only to five: the USA, the United Kingdom, India, Cambodia and Germany. Nevertheless, Farley speaks of six countries, as she counts England and Scotland as different countries.

England and Scotland have been parts of Great Britain since 1707 and of the United Kingdom since 1801. If one were to proceed as Farley did, one could also count the 26 partially sovereign cantons of Switzerland as 26 different "countries" or the 50 federal states of the USA as 50 different "countries". Such a counting method is not comprehensible.

In her German study on sex buyers, Farley also admitted that her Indian study, unlike the other studies on the same topic, has not been published. A source reference for this text is therefore nowhere to be found.

For scientific texts, however, publication is something like the certified birth certificate of their existence. Without publication, they neither exist for the general public nor are their results verifiable. It is unusual in science to subsequently incorporate the results of earlier, unpublished texts into later published studies, as Farley did in her German study on sex buyers.⁴ The inclusion of unpublished results on Indian sex buyers in the German study is therefore out of the question.

Doubts are also justified with regard to the inclusion of the US sub-study on sex buyers in Chicago, to which Farley contributed but did not publish herself. This is because it states:

"The results in this study are preliminary. The statistical analysis of the data and the qualitative analysis of the interviews are in progress. Analysis and interpretation of these results will be published at a later date."⁵

However, this announcement has not been implemented since, but this did not prevent Farley from including the data from Chicago in her German study on sex buyers.

Conclusion

Melissa Farley's research on sex buyers is based on only four "country reports" and 656 interviewed punters⁶, if one assumes the number of punters actually interviewed in the individual studies. The exaggeration of the scope of her research in the German study on sex buyers does not do justice to a scientific claim.

2. Reports from eight cities, but not from six countries

Farley:

The 'Men who pay for sex in Germany' study is the result of a "research project spanning six countries" and is a "report on the sex trade in 6 countries".¹

Counterstatement

Farley did not write "country reports" on sex buyers, but reports on sex buyers in selected cities. This is a significant difference. The sex buyers surveyed in the individual cities cannot be considered representative of the country as a whole.²

Farley's first text on sex buyers in Chicago (2008) was explicitly a study limited to this city only, without claiming to be a sub-study on "*US clients*", as she subsequently presents it in her German client study. At the time, it was still stated: "*As a result, Dr. Farley initiated an international research project examining the demand for prostitution in cities around the world.*"³

The same applied to her second US study on Boston. Her subject, as she herself wrote there, was only the "*Boston sex buyers*".⁴ Her English study was also exclusively about "*London men*"⁵, but not about them as representatives of all "*British punters*"⁶, as Farley claims in her German study on sex purchase.

Only the text on 110 sex buyers in Edinburgh and Glasgow (2011) became a study on "*men who buy sex in Scotland*"⁷ and her interviews with 133 sex buyers from Phnom Penh were immediately categorized and marketed by Farley as a study on "*Cambodian men who buy sex*"⁸ (2012).

This reinterpretation of city and country studies culminates in the "country comparison" between 'German' and 'US sex buyers', as can be found in her latest study on "Men who pay for sex in Germany".

Conclusion

Melissa Farley conducted research on sex buyers in the eight cities of Chicago, Boston, London, Edinburgh, Glasgow, Phnom Penh, Karlsruhe and Munich. City studies are not country studies in miniature and cannot automatically be considered representative of the country as a whole.

3. Lack of differentiation between sex purchase and sex exchange

Farley:

"This research project, spanning six countries, provides new information about men who buy sex." It is based on "interviews with 763 sex buyers".¹

Counterstatement

Farley claims to have conducted interviews with 763 'sex buyers'. Nevertheless, in the first four studies - Chicago (2008), London (2009), Edinburgh and Glasgow (2009) - she refrains from any definition of 'sex purchase' or 'sex buyer', although this was her actual topic.

A definition is only found in the Boston study (2011) and in the studies on Cambodia and Germany. It reads:

"In this study sex buyers were defined as men who, in response to a question by an initial interviewer, reported that they had purchased sex from a woman or man in prostitution, an escort, a sex worker, or a massage parlor employee, or had exchanged something of value (such as food, drugs, or lodging) for a sex act."²

Farley's 'sex buyer' thus pays with money as well as with food, drugs, the provision of accommodation, clothing, etc. Farley thus undermines the recognized distinction between 'purchase' and 'exchange' and subsumes both under the term 'sex buyer'.³ Holding on to the difference between 'purchase' and 'exchange' is no mere quibble or trifle.⁴ By leveling out the difference between 'purchase' and 'exchange', Farley opens up the possibility of leaving the area of sex work in a professional context and also including informal sex exchange in her investigation. However, this has nothing to do with sex work in a professional context. As a result, the findings of her study are distorted.

The extent to which this happens often remains unclear in Farley's work. Her Chicago study, for example, states: *"Myth: Prostitution is exclusively the exchange of money for sex. Reality: The majority of men exchange something other than money for sex, such as drugs, accommodation, food, clothing or rides."⁵*

In her Boston study, as many as 40 % of the sex buyers interviewed "pay" with drugs *"in addition to money"*.⁶ In the reference study on the topic of *"lack of empathy"* of sex buyers, 85 % of the women interviewed by Farley prostituted themselves in exchange for accommodation, drugs or food.⁷ In the Phnom Pen study, 23 % of the sex buyers also received payment in the form of food.⁸ In the studies on London, Edinburgh and Glasgow as well as on Karlsruhe and Munich, however, Farley does not provide any specific information.

Conclusion

Farley's "sex buyer" studies are therefore not exclusively concerned with prostitution in a commercial context. Rather, they also include informal structures (exchange of sexual acts for goods and services) to an unknown extent. This makes it possible, for example, to play off problematic conditions in prostitution for the procurement of drugs against sex work in a professional context.

4. Tendentious terminology instead of factual argumentation

Farley:

"prostituted women", "survivors", "pimp state", "blood tax" and "sexual incontinence" as synonymous with male promiscuity.

Counterstatement

From the presentation of more than 10 years of international research on sex buyers, one might have expected a factual and scientific approach to this topic. Instead, "Men who pay for sex in Germany" is a text that repeatedly uses ideologically charged terminology. However, the unmistakable polemical quality of Farley's terminology is in no way able to replace what the argumentation lacks in persuasiveness.

Farley's terminology is decidedly aimed at combating legalized prostitution. She is concerned with shaming and condemning those who think differently. In this way, discrediting takes the place of argumentative criticism of opposing positions.

Significantly, Farley's terminology is always abusive when it misses the content of the issue described. For example, Farley's description of Germany as a *"pimp-friendly country"*¹ or *"pimp state"*² undoubtedly provides a distorted picture of how the state currently deals with the role of 'third persons' in the context of prostitution in Germany.

Moreover, Farley does not oppose the abundant repressive elements of current prostitution regulation, but rather the regulation and recognition of sex work per se. This distinguishes her reactionary polemic from the labeling of the state as a "pimp", which emerged in the course of criticism of state-regulated prostitution in the 19th and 20th centuries. This criticism was always also directed against the repressive special treatment of prostitutes by the moral police.³

Completely exaggerated statements such as: *"The criminal cooperation between businessmen, media stars, social influencers and politicians, organized down to the last detail, forms the basis for legal prostitution in Germany."*⁴ are presented as fact without any sources or scientifically tenable evidence.

A term such as *"sexual incontinence"*⁵ for male promiscuity, on the other hand, illustrates the author's intention to characterize sex beyond monogamous relationships as an indication of loss of control and lack of restraint and place it in the vicinity of pathological disorders. Farley unabashedly acknowledges the right to stigmatization when she states: *"Men who buy sex are stigmatized, and rightly so."*⁶ In doing so, however, she leaves the ground of a science that strives for education and emancipation.

Conclusion

Farley's ideologically charged terminology reveals a bias that makes an open-ended, objective and scientific examination of her research topic appear doubtful. Gaining knowledge is subordinated here to the demands of an abolitionist opposition to prostitution.

B. Problematic methodological approach

5. International comparisons ignoring different cultural and legal frameworks

Farley:

"This research is based on a study of six countries (Germany, Cambodia, the US, the UK and India)..."

¹ "In all six countries in our research, a large majority of sex buyers (77 %) expressed a preference for impersonal sex..."²

Counterstatement

While Farley's previous studies on punters were limited to surveying sex buyers in individual cities or "countries", she presents her German study for the first time as part of a "six-country research project".³ For Farley, this at least has the advantage that the meagre number of 96 punters surveyed in Germany - less than 13% of the 763 sex buyers she surveyed - does not immediately catch the eye.

Farley's German study on sex buyers carries out international comparisons of variables and their respective characteristics in 19 cases.⁴ However, only seven of the 19 comparisons actually refer to the six "countries" mentioned by Farley. The remaining twelve international comparisons only refer to 3 to 5 of the six "countries" compared.

However, such comparisons always prove to be questionable if the data of the countries compared are simply added up and subjected to statistical procedures, disregarding the respective country-specific differences and the different cultural contexts. For example, what is the value of comparisons with regard to different levels of "sexually assaultive behavior"⁵ if the central concept of "sexually assaultive behavior" is neither defined by Farley nor reflected with regard to its meaning in the respective cultural context? For instance, a "preference for impersonal sex" in countries such as the USA, the United Kingdom and Germany is likely to have a completely different meaning and manifestation than is the case in largely traditionally structured countries such as India and Cambodia. Nevertheless, Farley calculates an overall figure for the "preference for impersonal sex" derived from the figures for all six countries, to which she then ascribes a central significance for the "sexual aggressiveness" supposedly associated with buying sex.

In her international comparisons, Farley also abstracts from the fact that prostitution is officially banned in the USA and Cambodia, but is legal in the UK, Germany and India. These differences do not prevent her from lumping her data from the various countries together and subjecting them to mathematical operations. Farley is only interested in "the extent to which prostitution, regardless of its legality, is linked to violence against women."⁶ The comparisons between sex buyers and non-sex buyers and between sex buyers under legal and illegal conditions of prostitution, which are actually of interest, do not appear in Farley's work.

Conclusion

Farley summarizes data from countries with considerable cultural and legal differences. Where a comparison of different countries would promise actual knowledge gain (e.g. the comparison of countries in which prostitution is illegal with those in which prostitution is legal), it fails to materialize or is methodologically inadequate (see also point 25).

6. Too small sample sizes

Farley:

In her study, Farley speaks of "German sex buyers" who are compared "with men in the USA and other countries". "German clients were arrested more frequently than British clients." ¹

Counterstatement

By her own admission, Farley compares "German sex buyers" with "US-American" and "British punters". However, in order to be able to make statements about sex buyers on a national scale, one must either have interviewed everyone (which is impossible) or have drawn a sample that must meet certain qualitative requirements.

A sample is a selection of elements or individuals from a larger group, e.g. a population. This method is always used in research when it is necessary to draw conclusions about a larger group of people without examining the entire population. A sufficiently large sample is crucial for the representativeness and accuracy of the results. A sample that is too small can lead to an increased probability of sampling bias. The representativeness of the sample is determined by its size on the one hand and its random nature on the other. In a random sample, each unit in a population is given the same chance of being selected.

To get an idea of the size of such a random sample and how it is created, we are referring to the study recently published for Germany by Nicola Döring and others.² As part of a two-stage stratified sample of residents' registration offices, an average of 86 people aged between 18 and 75 were drawn from the population register at each of 200 selection points (residents' registration offices). Of the approximately 17,200 people selected, 2,336 men between the ages of 18 and 75 who stated that they had paid money for sex were finally identified through interviews.³

This random sample, which is representative of the population, was examined and analyzed with regard to the questions relevant to the researchers. 2,336 randomly sampled sex buyers are certainly a more reliable basis than the 96 sex buyers interviewed by Farley from two southern German cities, who were not randomly selected, but rather accrued following a "snowball system"⁴ and constitute a non-representative, randomly selected sample.

From 96 non-randomly selected sex buyers from Karlsruhe and Munich, it is not possible to draw conclusions about all sex buyers in a population of 83 million in Germany, as Farley does. It is even less possible to draw conclusions from 214 non-randomly selected sex buyers in two major US cities about the situation among the 333 million US-Americans or from 102 punters about all sex buyers in the 1.6 billion-strong Indian population.

Conclusion

The sample size in Farley's studies on sex buyers is far too small to allow any serious conclusions to be drawn about the entirety of "German" or "US-American" sex buyers.

7. Overrepresentation of outdoor prostitution

Farley:

"In Germany, 30% of sex buyers said they had paid for sex indoors... A third (33%) of German men also paid for sex outdoors..."¹

Counterstatement

The question of how much the inclusion of street prostitution contributes to the results of a survey is an important one. This is because street prostitution is, among other things, also often used for the procurement of drugs, which differs from sex work in a professional context in key respects.

In the Chicago study on sex buyers (2008), 84% of the sex buyers surveyed by Farley et al. had indoor contacts, but at the same time 57% also had outdoor contacts when using sexual services.² The different types of prostittutive contacts therefore overlap. In the London study (2008), 96% of sex buyers had indoor contacts, 36% of whom also used sexual services on the street or in cars at the same time.³ There was no information on outdoor contacts. The Scottish study (2008) contains the imprecise statement that the majority of the men surveyed had bought sex both indoors and outdoors.⁴ In the Boston study, 88% of sex buyers had indoor contacts, but 63% also had outdoor contacts.⁵ In Phnom Penh, all the sex buyers surveyed had indoor experiences, but 44% of them also had outdoor sex contacts.⁶

In comparison, the data on the behavior of sex buyers in Germany differs significantly. According to her data, only 30% of the clients surveyed use sexual services indoors. This means that Germany has the lowest figure of all the countries compared. The average value for indoor contacts among all sex buyers surveyed by Farley is 53% according to her data.⁷

In Germany, only a very small proportion of prostitution takes place on the street. The supply there is probably in the lower single-digit percentage range (see also 'Excursus on street prostitution' in the appendix, p. 33). Against this background, the finding that 33% of the men interviewed by Farley had their prostitution contacts outdoors, but only 30% of the interviewees had experience of indoor prostitution, is an indication of the lack of representativeness of the sample. In addition, there is a lack of transparency regarding the missing 37% of sex buyers, as the number of indoor and outdoor clients does not add up to 100%.

In contrast to Farley, the survey of 2,336 sex buyers conducted by Döring et al. on the basis of a random sample representative of the population came to the conclusion that the majority of the men surveyed (78.6%) had paid sex in brothels, i.e. it was predominantly indoors.⁸

Conclusion

Farley's statement that the ratio of indoor to outdoor prostitution among German sex buyers is approximately 1:1 deviates considerably from other sources, according to which the vast majority of prostitution takes place indoors. This casts doubt on the representativeness of her sample and thus the transferability of her results to the conditions of prostitution in Germany.

8. Omission of random sample: no representative statements possible

Farley:

*"It is practically impossible to obtain a random sample of participants for studies on prostitution. "*¹

Counterstatement

Farley's assertion that it is practically impossible to achieve a random sample in the field of prostitution is based on three publications more than twenty years old, which do not contain Farley's statement in this absolute. In fact, Farley cites "the logistical difficulties and costs of obtaining a random sample that is representative of sex buyers".²

This shows that a representative sample in the area of prostitution is by no means "impossible", but fails due to the effort and costs involved. Of course, this is a completely different statement. This information is not included in her German study.

In her study on sex buyers in Edinburgh and Glasgow, Farley acknowledges the "limitation to the generalizability" of her findings. According to Farley, the statements of the sex buyers she surveyed could deviate "in unknown ways" from the statements of other sex buyers.³ She thus acknowledges that the findings she presents about sex buyers who are allegedly attracted to violence could also turn out quite differently in other surveys.

The problem regarding 'representativeness' is not explicitly mentioned once in her German study on sex buyers. Nevertheless, she generalizes non-representative data on sex buyers from individual cities and presents them as valid results for entire countries.

In her studies on Chicago (2008) and Boston (2011), Farley still made an effort to base the selection of survey participants on the structure of the respective urban population. In Chicago, she focused on the ethnic structure of the population.⁴ In Boston, two similar groups of 101 sex buyers and 101 non-sex buyers were selected from an initial sample of 1,247 men and compared on the basis of age, ethnicity and educational attainment.⁵ In the German study on sex buyers, there is no longer any mention of such efforts with regard to the selection of survey participants.

Conclusion

By not using a representative sample of the sex buyers surveyed, Farley is in breach of scientific standards. Against this background, it is not possible to draw reliable conclusions about the actual situation.

9. Lack of inclusion of 'non-sex buyers' as a comparison group

Farley:

Farley described her 2011 Boston john study as a "step forward" from previous studies, as these have so far included "no comparison groups".¹ "A study comparing sex buyers with men who don't do this, would provide a better understanding of the nature of these relationships."² "Future research comparing men who buy sex with those who do not could provide useful data on this topic, particularly in countries with legal prostitution."³

Counterstatement

In Farley's view, the decisive factors for sexual aggression are "toxic masculinity" and "impersonal sex". These are known to exist not only in prostitution, but also beyond it. In order to prove that sex buyers differ from non-sex buyers in terms of sexual aggression (according to Farley, sex buyers are generally more aggressive than non-sex buyers; cf. criticism 21), it would be necessary to include a comparison group of 'non-sex buyers'. Both groups under comparison would have to be a random sample with the same composition in terms of other variables (e.g. age, ethnicity, level of education, etc.), so that the respective values for 'sexual aggression' could only be attributed to "impersonal sex" in prostitution and not to other factors.

Farley's statements quoted above show that she was aware of the necessity of a comparison with a control group of 'non-sex buyers'. The omission of such a comparison group constitutes a serious methodological deficiency that calls into question the validity of her findings.⁴

According to Farley, however, she only made the necessary comparison with a control group of 'non-sex buyers' for the 101 sex buyers interviewed in Boston.⁵ In all other studies on clients of sex workers - including the German study - Farley refrained from comparing sex buyers and non-sex buyers without giving any reasons.

However, Farley's alleged comparison of 'sex buyers' with 'non-sex buyers' in her Boston study also proves to be inaccurate on closer inspection. This is because she also considered 'non-sex buyers' to be men who had used the services of a sex worker "no more than once" in the year prior to the time of the survey.⁶ As a result, Farley only compares two groups of sex buyers: those with less and those with more paid sex.

Farley proceeded in the same way in her German study, where she only compared two groups of sex buyers with different numbers of sexual contacts. However, the results of this study are already invalidated by the lack of a random sample and the fact that the composition of both groups of sex buyers remains completely obscure in terms of comparability.

Conclusion

By refraining from comparing 'sex buyers' and 'non-sex buyers' in terms of 'sexual aggression', Farley falls short of self-imposed standards in earlier studies. The abandonment of scientific standards practiced here also shows that Farley's conclusions are based on a flawed research design.

10. Apparent authenticity: Supposed 'original sounds' from sex buyers

Farley:

*"In these anonymous interviews, the sex buyers candidly revealed information about prostitution and human trafficking, reflecting eyewitness accounts collected over decades from survivors who have left prostitution."*¹

Counterstatement

In Farley's presentation, the sex buyers' "candidly" shared views play an important role insofar as they illustrate the quantitative correlations presented in the study with (qualitative) individual statements and thus make them appear plausible. On 57 pages of Farley's German study, there are a total of 132 statements attributed to the sex buyers surveyed. They are marked with quotation marks in the context of the text, thus signaling the reproduction of verbatim speech. The readers of the study are thus given the impression that these are authentic original statements.

This impression turns out to be false. Farley and her co-authors neither audio-recorded their interviews nor did they transcribe the audio recordings afterwards, as is common practice in the social sciences. "No interview was recorded"², Farley states in the small print. Against this background, it remains unclear how the quality of the subsequently transcribed statements, which were conducted "in public spaces such as coffee houses, libraries, NGO offices and conference rooms"³, could be ensured.⁴ Farley does not explain why she proceeded in this way.⁵

What readers of the study believe to be original statements by the clients, marked with quotation marks, turn out to be constructs written by Farley and her colleagues themselves.⁶ The scope for misrepresentation is correspondingly large.

It should also be critically noted that statements by sex buyers from Farley's 2011 Boston study are taken verbatim and presented in the 2022 German study as alleged original statements by German sex buyers.

- For example, sex buyers in Farley's 2011 Boston study are quoted as follows:
"She is just a biological object that charges for services." And: *"Being with a prostitute is like having a cup of coffee, when you're done, you throw it out".*⁷
- In Farley's 2022 German study, the same statements are found again when sex buyers say: *„Sie ist nur ein biologisches Objekt...das für seine Dienste Geld nimmt."* And: *„Es ist wie eine Tasse Kaffee, die man wegwirft, wenn man sie ausgetrunken hat."*⁸
[Translator's note: The sentences are translated 1:1]

Confusion is also caused by the fact that the 132 statements made by sex buyers cannot be clearly assigned to the clients of sex workers in the German study. For example, 10 of the 132 "quotes" from clients do not come from Farley's research, but from publications by other authors. A further 20 statements are declared to come from British, US-American and Cambodian sex buyers from Farley's predecessor studies. Sixty "quoted" statements are attributed to "sex buyers in this research"⁹ without it being clear whether these are British, American, etc. sex buyers from the previous studies or statements by German clients from the current study. And for the remaining 42 statements that Farley definitely attributes to German sex buyers, it is not clear how many different people made them. Theoretically, all of these statements, given as original quotes, could come from two or three clients.¹⁰

Conclusion

The lack of documentation of the interviews, the misleading use of quotes from Farley's earlier studies and from other authors, as well as the unclear distribution of the remaining statements among the German study participants interviewed cast considerable doubt on the authenticity of the quotes.

C. Biased portrayal of legalized prostitution in Germany

11. The "normalization" narrative

Farley:

Farley speaks of a "normalization of prostitution in Germany" ¹, which includes a 'social normalization of pimping' ². "Sex in prostitution (is) normalized" ³ because it is not seen as rape. In Germany, prostitution is now considered "normal work" ⁴.

Counterstatement

Contrary to Farley's assertion, the German Prostitution Act of 2002 only liberalized the treatment of prostitution to a very limited extent and in many respects undertook questionable special legal treatment compared to other commercial activities.⁵ The assertion that prostitution is *"not a profession like any other"* served as justification for what was ultimately discriminatory unequal treatment. The Prostitutes Protection Act of 2017 tied in with this when it ruled that *"the autonomous personal practice of prostitution is not a 'profession like any other' and not a trade as defined by the Trade Regulation Act, but a highly personal service"*⁶.

Instead of recognizing the autonomous practice of prostitution as a freelance activity, it was subjected to an individual registration obligation 'sui generis'⁷, including compulsory consultations and the obligation to carry a so-called "whore passport". The discrepancy to the usual handling of other professions becomes quite clear here.

Farley also fails to mention that Germany has had a special criminal law on prostitution for around 170 years, which can be described as discriminatory. Among the approximately 320 criminal offences in the German Criminal Code, there are currently seven sections that deal exclusively with prostitution.⁸ In addition, there is Art. 297 EGStGB (Introductory Act to the Criminal Code) ("restricted areas")⁹, which still allows the exercise of a legally recognized profession to be classified as an offence punishable under criminal law.

As a result, in the six federal states with state-wide restricted areas - Bavaria, Baden-Württemberg, Saxony, Mecklenburg-Western Pomerania, Thuringia and Saarland - the practice of prostitution is still prohibited in 98% of all municipalities and in 93% of the area of these states, where 65% of the population live. The situation is not much different in the other federal states.

In all sixteen federal states, the police have special powers over prostitution on the basis of state police laws. In 12 federal states alone, they have the right to enter and search homes and business premises used for prostitution at night without the requirement of *"imminent danger"*. All of this is made possible by Section 104 of the Code of Criminal Procedure, which still equates prostitution with criminal acts.¹⁰

Conclusion

The Prostitutes Protection Act of 2017 explicitly states that prostitution is *"not a profession like any other"*. In practice, this is reflected, among other things, in the obligation to register, including mandatory counseling, the continued existence of special criminal law and the need to carry a so-called "whore passport". So, in comparison to other professions, we can't really speak of a "normalized" approach to prostitution.

12. Decline in rape convictions since 2002: An argument against legalized prostitution?

Farley:

*Since the legalization of prostitution in 2002, there has been a decline in convictions for rape...”¹.
“The decline in convictions for rape in Germany reflects this lack of legal clarity regarding procuring, coercion and violence. The catastrophic legal failure to protect women from violence is a consequence of the definition of prostitution as normal work.”²*

Counterstatement

The assertion that Germany has “normalized” the legal treatment of sex work with the Prostitution Act of 2002 leads Farley to the statement that the “normalization” of prostitution is generally responsible for a “legal failure to protect women from violence”.

The “decline in convictions for rape” since 2002 is intended to substantiate this assumption. However, the data published by the Federal Statistical Office³ paints a different picture:

Year	Convictions	Year	Convictions	Year	Convictions	Year	Convictions	Year	Convictions	Year	Convictions
1970		1980	1.177	1990	923	2000	-	2010	668	2020	615
1971		1981	1.310	1991	897	2001	786	2011	577	2021	650
1972		1982	1.303	1992	1.014	2002	824	2012	500	2022	595
1973		1983	1.333	1993	1.053	2003	853	2013	425		
1974		1984	1.316	1994	1.124	2004	862	2014	444		
1975		1985	1.180	1995	1.021	2005	837	2015	439		
1976	1.186	1986	1.156	1996	1.010	2006	835	2016	416		
1977	1.190	1987	1.161	1997	1.009	2007	908	2017	479		
1978	1.162	1988	1.110	1998	-	2008	837	2018	569		
1979	1.166	1989	1.017	1999	-	2009	702	2019	562		

According to this data, the number of convictions for rape peaked in Germany in 1983 with 1,333 convictions. Since then - i.e. 18 years before the Prostitution Act came into force in 2002 - the number of convictions has been declining. Linking the decline since 1983 to an alleged 'normalization' of sex work in 2002 is incomprehensible in both a factual and temporal context.

It is a fact that both after the Prostitution Act came into force in 2002 and the Prostitutes Protection Act in 2017, the number of convictions for rape increased in the short term. The increase in 2017 is due to the tightening of Section 177 of the German Criminal Code (“No means no”) immediately beforehand.

Conclusion

Contrary to Farley's assertion, the decline in rape convictions has no proven connection with the alleged 'normalization' of prostitution in 2002.

13. Expansion of the definitions of 'pimping' and 'trafficking'

Farley:

"The definition of legal pimping blurs with the crime of human trafficking. '1 Every prostitute in Germany is 'controlled by at least two pimps'.²

Counterstatement

In her publication, Farley describes 'pimping' and 'human trafficking' as omnipresent phenomena in Germany, but does not define either of these terms. However, this would be necessary if we wanted to understand and evaluate the conditions in prostitution in Germany.

The formulation of *"legal pimping"* used by Farley contradicts current criminal law. Farley also describes a brothel operator acting within the legal framework as a "pimp" because he generates income from prostitution by renting out rooms and pays a "blood tax" on this to the "pimp state" of Germany. Hence her claim that every sex worker in Germany is "controlled, abused and harmed by at least two pimps"³:

- firstly, by the *"state-protected legal pimps who own and control the brothels"*⁴;
- and secondly by *"pimps outside the legal prostitution system"*⁵ who recruit and control women.

In addition, Farley blurs the concept of the 'pimp' with that of the 'human trafficker', which makes a differentiated discussion even more difficult.

In this way, prostitution appears in its entirety as a relationship of violence and in every respect as externally determined. For Farley, heteronomy begins with the presence of third parties. For Farley, every sex worker who is not completely isolated and working on her own, but is embedded in social structures, is automatically a victim of control by 'pimps' and 'human traffickers'. Consequently, she considers the "endless debates about the distinction between victims of human trafficking and so-called voluntary prostitutes" to be a waste of time, as most sex workers are "under the control of pimps or traffickers anyway."⁶

Conclusion

Farley's understanding of the terms 'pimping' and 'human trafficking' goes beyond the current legal definition of these terms without making this explicitly clear. This allows her to dramatize the conditions in prostitution. A scientific discourse is not possible in this way.

14. More 'pimping' and 'human trafficking' due to more difficult prosecution?

Farley:

Farley describes the Prostitution Act of 2002 as a “gift to pimps and organized crime groups”¹. According to her, it has led to a “social normalization of pimping” in Germany. The understanding of pimping was “drastically narrowed” by this law. As a result, its prosecution has become “more difficult”, as has the prosecution of human trafficking.²

Counterstatement

The criminal prosecution and conviction of pimping peaked in Germany under the Nazi dictatorship and has generally declined to the present day. The development of convictions for pimping shows that the decline did not begin in 2002 as a result of the Prostitution Act and the allegedly resulting increase in the impediment to prosecution, but already five decades earlier.³

1930 - 1939 919 people convicted of pimping on average per year
1940 - 1949 -
1950 - 1959 234 people convicted of pimping on average per year
1960 - 1969 328 people convicted of pimping on average per year
1970 - 1979 263 people convicted of pimping on average per year
1980 - 1989 106 people convicted of pimping on average per year
1990 - 1999 104 people convicted of pimping on average per year
2000 - 2009 91 people convicted of pimping on average per year
2010 - 2019 22 people convicted of pimping on average per year

In the case of human trafficking for the purpose of sexual exploitation, the number of investigations and prosecutions had already begun to decline before the Prostitution Act came into force. After 2002, the number of investigations actually increased at first. The assertion that the Prostitution Act of 2002 made it more difficult to prosecute human trafficking also contradicts the available data in this case.⁴

1996 1,094 cases of “trafficking in human beings” into prostitution
1997 1,090 cases of “trafficking in human beings” into prostitution
1998 1,011 cases of “trafficking in human beings” into prostitution
1999 678 cases of “trafficking in human beings” into prostitution
2000 1,016 cases of “trafficking in human beings” into prostitution
2001 746 cases of “trafficking in human beings” into prostitution

Coming into effect of the Prostitution Act

2002 827 cases of “trafficking in human beings” into prostitution
2003 850 cases of “trafficking in human beings” into prostitution
2004 820 cases of “trafficking in human beings” into prostitution
2005 621 cases of “trafficking in human beings” into prostitution

Conclusion

Farley's claim of more difficult prosecution and conviction of pimping and human trafficking as a result of the 2002 Prostitution Act cannot be substantiated on the basis of official crime statistics. On the contrary, they contradict Farley's assertion.

15. 'Human trafficking' and 'pimping': estimates versus empiricism

Farley:

Referring to a study by Cho/Dreher/Neumayer (2013), Farley claims that it proves “that pimping and human trafficking have increased in legal prostitution”.¹ “According to estimates from 18 sources in another study, on average 84% of all adult women in prostitution are victims of pimping and human trafficking.”² According to Farley, “more than 90% of women in prostitution in Germany are under the coercion of pimps, traffickers and organized crime.”³

Counterstatement

The claim that an economic study covering 150 countries showed “that pimping and human trafficking are on the rise in legal prostitution” is inaccurate. This is because, as the title itself indicates, the study in question⁴ referred exclusively to 'human trafficking', not 'pimping'. It did not determine an increase in human trafficking as such, but merely an increase in human trafficking “reported in the media”⁵. And finally, its statements did not refer to specific regions or individual countries, but merely presented globally formulated probabilities on a global scale.

In claiming that “on average, 84% of all adult women in prostitution are victims of pimping and trafficking,” Farley refers to another study she penned and published in a student-edited journal.⁶ In it, she recalculated various estimates from “18 sources” into a single figure, 84%, using another estimate of her own.⁷

In addition to this questionable procedure, the sources used by Farley also deserve critical consideration. The majority of these were NGOs working against prostitution, which provided their own estimates of the number of victims of 'human trafficking' for their respective countries, which differed upwards from the official statistics.

For Germany, Farley relied on three sources:

- a US study on prostitution in West Germany from 1979 (!),
- an estimate by the Catholic anti-prostitution NGO Solwodi,
- as well as an article by Manfred Paulus, former crime commissioner and opponent of prostitution.

In his article, Paulus used his estimate of 90% of migrants in prostitution in Germany as an opportunity to claim that a large proportion of them must be “victims” of human trafficking.⁸ Farley interpreted this statement to mean that, according to Paulus, “more than 90%” of these women are “victims of pimps, human traffickers and organized crime”⁹.

Conclusion

In order to substantiate the thesis of an increase in pimping and human trafficking in legal prostitution, Farley relies on estimates rather than empirical evidence. These estimates are not supported by official statistics. Furthermore, sources are misquoted. Farley's approach is dubious in every respect.

16. Ubiquitous 'organized crime': a prostitution myth

Farley:

In connection with legal prostitution in Germany, Farley speaks of "its control by organized crime" ¹. She claims that sex buyers confirm that "the legal business of sex is largely determined by gangs and organized crime." ² "The criminal cooperation between businessmen, media stars, social influencers and politicians, organized down to the last detail, forms the basis for legal prostitution in Germany." ³ The "vague definition" of "organized crime" and its "lack of clarity" result in "only 20-25 cases of human trafficking being prosecuted in Germany each year." ⁴

Counterstatement

Farley cannot substantiate these claims. From a scientific point of view, it would therefore be superfluous to deal with such statements. Nevertheless, we don't want to leave her claims completely uncommented.

In Germany, the recording and documentation of 'organized crime' (OC) is carried out by the Bundeskriminalamt (BKA), (Federal Criminal Police Office), and since 1990, i.e. for 33 years now, has been based on a definition of 'OC' that can hardly be accused of being "vague" or characterized by "vagueness".⁵

However, even if one were to share Farley's view, it does not explain the demonstrably massive decline in OC in the area of prostitution. A look at the development of OC⁶ over the last two makes this clear:

5-year period	Cases of OC in Germany (on average per year)	of which: cases of OC in the prostitution industry (on average per year)
2000 – 2004	718	71
2005 – 2009	606	30
2010 – 2014	583	22
2015 – 2019	567	14
2020 – 2022	643	10

In the period from 2000 to 2022, there was a 10% decline in OC nationwide. In the prostitution industry, however, this decline amounts to 86%. Whether this is due to the "legalization" of prostitution remains to be seen. However, attributing the two very different developments to one and the same underlying, unsuitable definition of 'OC', as Farley does, is inadmissible in terms of method and content.

The claim that in Germany only "20 - 25 cases of human trafficking are prosecuted per year" is also false. The number of cases of 'human trafficking' registered in Germany each year has been at least in the three-digit range for more than a quarter of a century. In 2021, there were 106 cases of 'human trafficking' under Section 232 (1a) StGB.

Together with the cases of 'forced prostitution' (Section 232a StGB) and 'deprivation of liberty' in prostitution (Section 233a StGB), the total number of all these cases in 2021 was 343.⁷

Conclusion

Farley does not provide any reliable sources for her statements. The BKA's statistics on organized crime show that it has fallen by around 10% nationwide over the last 20 years. In the prostitution trade, the decline over the same period was significantly higher at around 86%. Farley does not take note of these developments.

17. Horror stories as evidence of extreme violence in prostitution

Farley:

Farley speaks of a “cruel reality of prostitution”¹. “Many women in prostitution claim to have suffered physical and/or sexual assault at the hands of sex buyers, but even this is rarely reported or prosecuted (Zumbeck, 2001).”² Her interviews report “common methods of torture” used by pimps.³ According to Farley, the violence regularly used by sex buyers also meets “international definitions of torture”.⁴ The result for many women is “psychological trauma”⁵.

Counterstatement

Farley refers to a study published 20 years ago by Zumbeck⁶ according to which physical or sexual assaults in prostitution are allegedly the order of the day. What Farley fails to mention is the fact that Zumbeck's study was in no way representative.⁷ She only interviewed 54 women in Hamburg, 92% of whom were referred by counseling centers.⁸

22 % of the women she interviewed had already left prostitution⁹, 72 % were drug addicted prostitutes (heroin/cocaine) and “do not see themselves as prostitutes”.¹⁰ In her sample, which in contrast to the real situation included 80 % women of German nationality, only 20 % were “professional prostitutes”.¹¹ The findings of the Zumbeck study were therefore in no way transferable or generalizable to the professional group of prostitutes.

The discussion of “common torture methods” in German prostitution - Farley cites 'pulling off fingernails' as an example! - raises the question of why such acts of violence have not been noticed during the mandatory health consultations for sex workers and during consultations with the regulatory authorities. According to the Federal Statistical Office¹², 402 rejections (1.7 %) were issued for 23,017 applications for a whore passport in 2018. In 2019, there were 78 rejections (0.5 %) for 14,426 applications; in 2020, there were 149 rejections (1.2%) for 12,187 applications and in 2021, there were 44 rejections (0.3%) for 13,015 whore passport applications.

If such torture methods were the norm, as Farley claims, and if the high numbers of violent pimps and sex buyers were true, one should assume a much higher rejection rate.

The “psychological trauma” (PTSD) among prostitutes cited by Farley is also not documented in relevant empirical studies to the extent that Farley claims. A recently published, extensive study by the Criminological Research Institute of Lower Saxony (KFN)¹³, based on the evaluation of 253 files on “human trafficking” proceedings with 339 victims, including 295 people from the area of “sexual exploitation”, found that For 204 victims, there were no notes in the files on any kind of consequences of the crime. This was only the case for 103 people. In 77 cases, there was a “financial loss”, but only two cases of post-traumatic stress disorder (PTSD).¹⁴

Conclusion

Farley's claims regarding the “cruel reality” of prostitution cannot be scientifically substantiated. Rather, the author seems to be concerned with supporting her own tendentious assumptions with the help of extreme individual cases.

18. Murder & manslaughter in prostitution?

Farley:

"Because they are not considered full human beings, women in prostitution are murdered more often than any other group of women ever studied..."¹

Counterstatement

The statement that women in prostitution are murdered more frequently than other groups of women studied is based on statements from a single US study from 2004.² Nevertheless, Farley's formulation gives the impression that this statement applies to prostitution in general, and therefore also to Germany. Farley has not provided this evidence, nor did the study to which she refers claim to provide this evidence.

The study by Potterat et al.³ to which Farley refers analyzed data from 1,969 women who were registered as 'prostitutes' by the local authorities in Colorado Springs (1970: 236,000 inhabitants) between 1967 and 1999. 'Prostitutes' were defined as women who exchanged sex for money or drugs.⁴

The statements in the study therefore only referred to sex workers in a professional context to a limited extent. The *"overwhelming majority"* of the women (1,843 or 93.6 %) were street prostitutes, while the remaining 126 women worked both on the street and in massage parlors.⁵ Over a study period of 33 years, 117 of them died (on average 34 years old.) The causes of death were known for 110 women:

- Homicide (19 % / 21 women);
- Accidents (12 % / 13 women);
- HIV infection (8 % / 9 women).⁶
- Drug use (18 % / 20 women);
- Death due to alcohol consumption (9 % / 10 women);

A total of 18 of the 1,969 women definitely died while practicing prostitution during the study period.⁷ Based on this data and additional calculations, Potterat et al. concluded that the mortality rate among prostitutes in the USA was 18 times higher than for women in the average US population.⁸ This result was also reached because the number of deaths was based on an estimated 23 prostitutes per 100,000 US citizens, which meant only 84,000 sex workers for the entire USA.⁹

However, the authors of the study emphasized that their results reflect the illegality of prostitution in the USA¹⁰ and the fact that street prostitutes experience more violence than those who do not work on the street.¹¹ They were reluctant to make generalizations about the USA. Nor did they make generalizations about prostitutes, as Farley does.¹²

Quinet, referring to high death rates among prostitutes in the US, emphasized elsewhere that it was quite possible, although not definitively proven, that the high numbers of homicides at the time reflected the risky behavior of drug-addicted prostitutes during the crack cocaine epidemic of the 1980s and 1990s. These homicides finally began to decline across the US in the 1990s.¹³

Conclusion

Farley's assertion that women in prostitution are murdered more frequently than other groups of women studied is based on a single US study without taking into account the limitations identified by its authors (disproportionate share of drug-addicted street prostitutes, illegality of prostitution in the USA). Instead, Farley spreads generalized statements that are not found in the studies she cites.

D. The demonization of the sex buyer

19. Another prostitution myth: sex buyers as proven prostitution experts

Farley:

"Most sex buyers are keen observers of human trafficking and pimping"¹ and have "extensive knowledge ... of pimps, coercive situations, human trafficking, organized crime and other violent crimes against women in prostitution"². They have "closely and correctly observed the women's dissociative symptoms"³. They therefore have "often much more than most people"⁴ a "nuanced understanding" of the harmful consequences of prostitution.⁵

Counterstatement

Farley assumes that sex buyers have *"extensive knowledge"* about prostitution, pimping and human trafficking. She sees herself in the role of making this knowledge accessible to the public by evaluating her interviews. But this is not without contradictions.

The abilities attributed to sex buyers by Farley are astonishing in two respects. According to her studies, 19% of sex buyers in Chicago are always intoxicated when receiving sexual services and 40% are *"intoxicated"*⁶ most of the time. According to her Boston study, 38%⁷ of sex buyers there, and 52% in Cambodia, were constantly in this state when they were with prostitutes.⁸ Such a mental state generally makes it difficult to pay attention and observe. On the other hand, Farley attests that sex buyers consistently have a *"lack of empathy"*⁹ with regard to the emotional world of sex workers. Against this backdrop, it remains incomprehensible how sex buyers can nevertheless gain a *"differentiated understanding"* of the harmful consequences of prostitution.

However, Farley only attributes the supposed expert status to the sex buyers if their statements coincide with her own views. This is the case with violence in or harm caused by prostitution. However, if, in her opinion, sex buyers underestimate the *"negative effects"* of prostitution on society, she speaks of *"social confusion"*¹⁰ or *"denial and trivialization"*. She then assumes a *"sloppy and self-serving logic"*¹¹ on the part of those buying sex. In striking contrast to the German Farley study, her study on Edinburgh and Glasgow reads: *"In the interviews with these men, we consistently found contradictions, inconsistencies and ambivalences in their thinking about prostitution."*¹² Such findings do not correspond to the image of a fully informed client.

Conclusion

Farley obviously hopes that attributing expert status to sex buyers will enhance the findings of her own study. However, she is unable to maintain this stance. The *"inconsistencies"* that she attributes to sex buyers are therefore definitely on her side.

20. Constant dealings with 'pimps' and 'human traffickers'?

Farley:

"55% of German sex buyers admitted to having watched or paid a pimp or trafficker." ¹

Counterstatement

Farley considers this statement to be a key finding in her German study of clients of sex workers. Sex buyers in Germany acted as key witnesses for the high estimates of pimping and human trafficking that Farley had already assumed in advance.

However, the sex buyers immediately forfeited the mitigation of punishment or immunity from prosecution commonly associated with the status of key witness, as only 1% of them stated that they had also reported the observed acts or perpetrators.² The disproportion of 55% observation and 1% reporting is intended to illustrate that sex buyers are carelessly coming to terms with the violent structures in prostitution assumed by Farley. However, Farley's supposedly solidly researched findings are by no means conclusive:

- Her understanding of the terms 'pimping' and 'human trafficking' is by no means synonymous with the common understanding of these terms in public debates in Germany.³
- In addition, the terms 'pimp' and 'trafficker' are neither defined nor differentiated by Farley, but are used synonymously in her study. The 53 sex buyers (= 55 %) have observed "human trafficking or pimping" (Farley's original wording). Farley does not differentiate between 'pimps' and 'traffickers' in her interview question. It is therefore quite possible that of the 53 sex buyers interviewed, 52 observed a 'pimp' (or what they thought was a pimp) and only one observed a 'trafficker' (or what they thought was a trafficker) - or vice versa. Farley's study does not provide any information on the relevant ratios.
- If one takes into account that Farley also refers to brothel operators as 'pimps', the 53 sex buyers could also have meant a brothel operator or a manager in the brothel. However, this would be nothing out of the ordinary and by no means an observation of criminal activity, as Farley describes it.

These points cannot be resolved because Farley - contrary to scientific practice - did not disclose and transparently document her questionnaires. It remains unclear:

How were the sex buyers asked about 'pimping' and 'human trafficking'? What methods were used to make these categories observable and measurable? Did the sex buyers interviewed provide descriptions that were subsequently qualified and assigned by the Farley team? And if so, according to which criteria was this done?

Conclusion

Farley's Freier study is characterized by a general lack of methodological transparency, which leaves the definition of key terms and the methods used to measure them in the dark. The findings of the study can therefore not be considered scientifically meaningful.

21. "Impersonal sex" as a reason for sexual aggression

Farley:

*"In all six countries in our research, a large majority of sex buyers (77%) expressed a preference for impersonal sex, which is one of several interacting factors that predict sexually violent behavior. "*¹
*"Prostitution itself can be understood as an example of impersonal sex..."*²

Counterstatement

In the mid-1980s, Malamuth et al. developed the *"confluence model"* to predict male sexual aggression. This model pursues a multifactorial approach that assumes the interaction of a large number of different factors in the development of sexual aggression.³ Farley builds on this theory, but largely ignores the originally required interaction of different factors of sexual violence and instead focuses on the isolated factor of *"impersonal sex"*.⁴ Farley recognized that the perception of prostitution as *"impersonal sex"* can pave the way for its perception as violence against women.⁵

The resulting flattening of the originally multifactorial approach makes the role of morally judgmental and thus questionable non-scientific aspects, already recognizable in Malamuth's work, even more apparent.⁶ Farley measures the quality of *"impersonal sex"* on the basis of the quantity of previous sexual partners reported by the sex buyers or the frequency of their sexual contacts in prostitution and then relates these values statistically (*"correlation"*) to their statements regarding *"sexual aggression"*.⁷

Farley believes that she can draw conclusions from the quantity of sexual partners about the quality of *"personal"* or *"impersonal sex"* and thus about the risk of aggressive male sexual behavior. This conclusion from quantity to quality implies that *"personal sex"*, which was previously classified as positive, only exists if a person remains with a few, preferably only one, sexual partners throughout their life and thus submits to the ideal of monogamy.

Against this theoretical background, the meaning of Farley's central assertion that *"men who bought sex more frequently"* had also *"committed significantly more sexual assaults, including rape"*⁸ and also represented *"a higher risk of committing sexual violence"* becomes clear.⁹

Of course, Farley does not want these statements to be understood as an expression of ideological bias, but as empirically proven facts. She presents a large number of statistically significant correlations that are supposed to show an empirical *"connection"* between frequent sex purchases or a high number of sexual partners and sexual aggression.¹⁰

Farley cannot resist the temptation to reinterpret correlations as causal relationships, although the two are not identical.¹¹ Thus she speaks of *"psychological damage caused by prostitution"* and *"harmful consequences of prostitution"*. *"Prostitution causes serious harm, which is often caused by the sex buyers."*¹²

Conclusion

The category of *'impersonal sex'* proves to be a morally charged ideological construct. Its emphasis over other factors of sexual aggression makes it appear to be the main reason for violence in prostitution. This makes it possible to attribute a perpetrator role to sex buyers as a group and as a whole.

22. Inconsistencies in the measurement of sexually aggressive behavior

Farley:

"Sex buyers who paid for sex more often were also more likely to report having committed more sexual assaults, including rape."¹ "Men with high scores on measures of impersonal sex are also at higher risk for sexual violence".²

Counterstatement

Based on the number of sexual partners (both inside and outside prostitution), Farley determines the quantitative characteristics of *"impersonal sex"* among sex buyers and correlates these with values on sexual aggression among them. However, there is no evidence of a *"correlation between buying sex and sexual assault, including rape"*³ as Farley claims.

- As a first indicator of sexual aggression among sex buyers, Farley takes their statements on previous sexual assault (including rape). However, with regard to the claim that the men she surveyed had stated that they had *"committed sexual assault significantly more often"*⁴, there is only the note: *"see table 10"*⁵. In this table, however, there is only information on the *"frequency of sex purchases"*⁶, but not - as announced by Farley - information on the frequency of previously committed sexual assault. This is very strange.

As the thesis of the fundamental sexual aggressiveness of sex buyers is the actual core of her argument, one might have expected greater transparency and care in the presentation. While Farley spends two and a half pages of her publication listing in detail all the crimes committed by sex buyers in Germany (and the USA) (among which, strangely enough, there are no cases of sexual assault or rape)⁷, there is no description of the extent of the sexually aggressive behavior reported by the sex buyers interviewed.

This does not only apply to Farley's German study on sex buyers. Her central statement: *"In all six countries, men who bought sex more frequently also reported that they had committed significantly more sexual assaults, including rape."*⁸, is not covered by the German study, nor by any of her earlier publications on sex buyers. She either did not deal with this issue at all or only in passing.⁹ Farley thus fails to provide any evidence for the thesis she puts forward.

- But Farley presents a second indicator for her thesis on the connection between buying sex and the propensity for sexual assault, including rape. This is not about sexual assault/rape that has already been committed, but about the future willingness of sex buyers to engage in sexually aggressive behavior. For Farley, this willingness results from answering the question of whether they *"would commit rape if they could be sure that they would not be caught"*⁹.

This is clearly a methodologically inadmissible suggestive question, which influences the interviewee to give an answer that the questioner expects. Farley assumes a hypothetical, non-existent situation. The answers of the sex buyers surveyed are nevertheless interpreted as indicators of their potential willingness to use violence in a real situation, in which the restriction (*"if they could be sure that they would not be caught"*) is of course not given.

Conclusion

Non-existent data and leading questions are used to create the impression that statistically relevant correlations between buying sex and sexual aggression have been proven, thus confirming their own assumptions.

23. Return to monogamous sexuality as a social norm

Farley:

*"Men who score high on impersonal sex prefer frequent, casual sexual relationships to long-term, monogamous relationships..."*¹

Counterstatement

For Farley, *"impersonal sex"* is a synonym for *"non-relational sex"*, for *"sex outside of a relationship"* and *"sex without reciprocity"*.² Thus, *"impersonal sex"* stands for promiscuous behavior beyond prostitution. Furthermore, for Farley, *"impersonal sex"* is the epitome of *"objectified sex"* in prostitution, in which, in her opinion, women are reduced to mere objects.³

The strict distinction between "personal" and "impersonal" sex and the assignment of corresponding attributes to both variants clearly expresses an assessment by the author. She maintains that monogamy - equated with "personal sex" - should be seen as positive.

The statistics published by the BKA on the more than 140,000 cases of violence in partnerships every year, two thirds of which take place between (former) spouses, make it clear that this is a misrepresentation of the actual circumstances and a trivialization of violence.

Here, monogamy and the claims of ownership that go hand in hand with it prove to be the basis of violence in relationships, which is mostly perpetrated by men.

The attractiveness of 'personal sex' in monogamous marriages was illustrated by the Federal Court of Justice in a ruling in 1966, when it declared 'coitus' to be a marital duty and denied women the right to allow sexual intercourse in marriage to take place *"without participation"*.⁵ Even if the marital duty to have sexual intercourse has been de facto abolished today, marital fidelity is still considered a marital duty and can result in a reduction of maintenance claims under Section 1579 BGB in the event of persistent disregard.⁶

A glance across national borders does not make things any better: in France, where the 'Nordic model' of criminalizing clients was introduced in 2016, a court declared sex to be a marital duty for women again in 2021.⁷ And in the USA, "infidelity" is still prosecuted and punished in 18 out of 50 states to this day.⁸

The declining number of marriages in Germany each year, the downward trend in the average duration of marriages, the annual divorce rates, etc. - all this makes it clear that monogamy as a social norm has long since passed its historical zenith. Last but not least, the reporting on the short duration of sexual contact in couples' relationships⁹ should finally call into question the glorification of monogamous relationships as a haven of 'personal sex', only to discredit prostitution and promiscuity as the epitome of supposedly 'impersonal sex'.

Conclusion

Farley propagates so-called 'personal sex' to an exaggerated degree in order to denounce 'impersonal sex' as tending towards violence. The demonization of the sex buyer with the obvious intention of discrediting prostitution is not an end in itself for Farley. Her critique of prostitution is generally aimed at discrediting promiscuous behavior in order to uphold the conservative ideology of monogamous relationships as the social norm.

24. The construction of the "empathyless sex buyer"

Farley:

"In order to objectify women and commodify them, the sex buyer must first turn off his feelings and turn off his empathy for the woman in prostitution." ¹ "Lack of empathy is a precursor to dehumanizing a woman, which then facilitates sexual violence by men. Men who buy sex tend to have little empathy." ²

Counterstatement

The thesis that sex buyers have a "lack of empathy" and are therefore prone to sexual violence is central to Farley's argument. But how does she substantiate this claim? On this, Farley wrote:

"Empathy was operationally defined in this research as the degree of agreement between the positive and negative words sex buyers used to assess women's experiences in prostitution and the words prostituted women used to describe their own experiences." ³

The comparison showed that of the women:

- 7% used words for positive feelings (comparative value for German sex buyers: 49%),
- 90% used words for negative feelings (comparative value for German sex buyers: 42%)
- 3% of words for neutral feelings (comparative value for German sex buyers: 9%)⁴

Farley concludes: *"The sex buyers' assessments of how the women in prostitution felt differed considerably from the women's descriptions of their feelings. The inability to accurately assess the women's feelings is an indication of a lack of empathy on the part of the sex buyers." ⁵*

But the question is: Who were *"the prostituted women"* that Farley contrasted as a reference group with the German sex buyers she interviewed?

They were 105 women of Native American descent from the Anishinaabe tribe in Minnesota/USA.⁶ They and their families have been victims of British settler colonialism for more than 150 years, in the wake of which they were killed or torn from their culture and family as children and forcibly assimilated into the "boarding schools" of the USA and Canada, which are notorious for abuse and killings.⁷

As a result of these extermination and assimilation policies, many remain extremely poor, homeless, addicted to alcohol and drugs and are considered historically traumatized.⁸ 85 % of the indigenous women interviewed by Farley prostituted themselves in exchange for accommodation, drugs or food.⁹ 85 % of them also worked on the streets.¹⁰ 77 % had been using drugs and alcohol for an average of 18 years.¹¹ 35 % of them preferred to use crack or cocaine.¹²

Most of them were children of drug and alcohol addicts, grew up in problematic foster homes and were receiving medication for mental health problems at the time of the survey (65%).¹³ 80% were already in drug facilities.¹⁴ 98% were homeless during or before the survey.¹⁵ Farley contacted all of the women she interviewed through help organisations.¹⁶

Conclusion

The comparison group of *"prostituted women"* used by Farley is ideally suited to portraying clients from Karlsruhe and Munich, who are unlikely to have met these Native American women in their lifetime, as well as all clients of sex workers in Germany as fundamentally lacking in empathy and willing to use violence. A representative sample of German sex workers could have been surveyed to make a meaningful comparison. But Farley did not do this.

25. Sex buyers as common criminals

Farley:

"Do sex buyers participate in criminal acts outside of prostitution? Yes. Sex buyers tend to engage in criminal activities unrelated to prostitution." ¹ "Sex buyers tend to engage in non-prostitution related criminal activities." ²

Counterstatement

According to Farley, sex buyers are not only sexually aggressive towards sex workers and women outside of prostitution, but are also a danger to society as a whole due to their notorious tendency to commit criminal acts. What is proclaimed with such boldness is immediately put into perspective: *"Only a small number of men in each sample reported having committed or been convicted of crimes."*³

However, Farley does not specify the exact number of men in each sample who committed crimes. Instead, she only lists the number and type of "crimes" they committed. So whether the 114 "crimes" attributed to the German sex buyers (among which Farley also counts misdemeanors)⁴ are attributable to ten, fifteen or twenty sex buyers, the reader is not told, just as in the case of the 76 "crimes" attributed to an unknown number of Boston sex buyers.⁵

Both with regard to the thesis that sex buyers generally tend to commit non-prostitution-related crimes and with regard to the statement that German sex buyers commit more crimes than US sex buyers, Farley refrains from using significance tests. She only compares absolute frequencies, which makes her statements and comparisons appear scientifically worthless.

A look at the type of crimes that Farley attributes to the sex buyers she interviewed is also revealing: of the 114 "crimes" attributed to German sex buyers, 31 alone (27%) were drug offenses.⁶ Among the 74 crimes committed by the Boston sex buyers interviewed by Farley, 24 alone were drug offenses (32%).⁷ This shows once again the extent of the interviewees specifically recruited from the field of prostitution in the context of drug procurement.

In her Boston study on sex buyers, 76 crimes were attributed to a small but unknown number of the 101 sex buyers, while only 20 crimes were attributed to the 101 non-sex buyers. This snapshot, which is not representative of the USA, was enough for Farley to propose mandatory DNA testing for incarcerated sex buyers across the US⁸, even though the "crimes" in question have no factually verifiable connection to either 'buying sex' or being a 'sex buyer'.⁹

In contrast to the 2011 version of the Boston study, the topic of 'sex buyers as criminals outside of prostitution' was not mentioned at all in the version of this study published four years later (2015) in the 'Journal of Interpersonal Violence'.¹⁰

It can be assumed that either the author or the editors of the journal became concerned about the dubious quality of the "findings" in this regard and decided not to present them again. However, this did not prevent Farley from presenting these correlations again in the German Freier study.

Conclusion

Farley stigmatizes sex buyers as a group prone to criminal acts on the basis of methodologically questionable procedures and without scientifically reliable evidence. In doing so, she prepares the ground for a general criminalization of sex buyers.

26. Sex buyers as racists

Farley:

*"Half of the sex buyers in this research selected women according to racial/ethnic stereotypes. A list of ethnic or racial preferences of German sex buyers shows that German sex buyers select women based on the lightness or darkness of their skin, creating a racial hierarchy by skin color."*¹

Counterstatement

According to the Federal Statistical Office, only 18.4% (5,200) of all sex workers officially registered in Germany in 2022 were of German nationality. With 81.6% of women of non-German nationality², prostitution establishments in this country are therefore places of multicultural diversity. If 57% of sex buyers surveyed in Germany answer the question *"Do you choose a woman because of her ethnic origin?"* in the affirmative, this is by no means necessarily an indication of racism, as Farley suggests. After all, the selection of women of a certain origin/ethnicity can be an expression of personal preference or appreciation, without having to go hand in hand with the devaluation of women of other origins. Farley did not ask about motives for the selection of sex workers.

Farley also comes to the conclusion that the majority of the sex buyers she interviewed are *"racist"*³ because she asked them about the ranking of the ethnicities / nationalities they selected and found that sex workers of European nationality tended to occupy the top places compared to those who were described as "Slavic", "Asian" or "African". For Farley, this was a clear case of women being selected *"according to the lightness/darkness of their skin", with sex buyers "applying a racist hierarchy of skin color"*.⁴

Apparently, sex buyers in her German sample preferred women of the same skin color. However, if this is an expression of *"racist hierarchization"*, the statistics on marriages would provide evidence that the majority of German husbands are also racists, as in 2022, 81% of all marriages in this country (302,736) were German-German marriages.⁴ But what would such a finding mean?

81% of all marriages in this country (302,736) were German-German marriages.⁵ But what would be gained from such a finding? Should husbands be criminalized because they prefer to marry light-skinned German women, as Farley suggests in the case of sex buyers?

Remarkably, in her US study of Boston johns, Farley described the exact opposite selection behavior of sex buyers as an expression of racism: *"While some men sought out women who were 'racially similar,' most sought out someone who was ethnically 'different or exotic,' the racially Other."*⁶ It seems that sex buyers can't please Farley - no matter what they do, they are racists.

Since the "selection" made by sex buyers also always depends on the nationality of the women currently working in prostitution, it is always a reflection of the mostly restrictive immigration policy. More freedom of movement under residence law would lead to a greater selection and possibly to other, less *"racist"* findings - an aspect that Farley completely ignores.

As an example of the racist *"ethnosexualization"* that Farley accuses the majority of sex buyers of, she cites the statement of a sex buyer in her German john study who explained regarding the selection of sex workers: *"I had a mental checklist in terms of race; I've tried them all in the last five years, but they all turned out to be the same."*⁷ The realization that *"they were all the same"* can certainly be seen as a demystification of the racist premise that "races" are fundamentally different. What would be wrong with that?

Conclusion

Racism occurs when people are not only stereotyped because of external characteristics, but are also considered inferior and marginalized. Although Farley has not proven this, she describes the majority of clients in Germany as 'racist'.

E. Review & outlook

27. International criticism of Farley's methodological approach

Farley:

"In 2003, Prostitution Research & Education and many partners published a research study on violence against women in prostitution in nine countries and their resulting symptoms of Post Traumatic Stress Disorder (PTSD)... Our conclusion: "Our findings refute... common myths about prostitution... Soon after the publication of our international study on the experiences of prostitution survivors, we turned the focus of our research to men's demand for prostitution..."¹

Counterstatement

Farley ignores the fact that her international work resulted in serious criticism of her methodological approach. This criticism was sparked not only by questionable methodological procedures, but also by the dubious results that emerged. In Germany, the international criticism of Farley has hardly been acknowledged to date. For this reason, only a few examples of these criticisms of Farley's methodology and results will be mentioned here:

- In **2001**, Sybille Zumbeck criticized the fact that in the Farley study "Prostitution, Violence and Posttraumatic Stress Disorder" (1998) the trauma criterion *"was not evaluated with sufficient precision, since it was assumed that all women in prostitution are traumatized per se. In my opinion, this is incorrect..."*²
- In June **2003**, a former employee of Farley's was criticized in the New Zealand House of Representatives for publicly making an untrue statement about the age of entry into prostitution.³
- In **2005**, the renowned US sociologist Ronald Weitzer subjected common methodological errors in studies on prostitution to fundamental criticism. He explicitly referred to publications by Melissa Farley.⁴
- In **2008**, Teela Sanders and 15 other academics criticized Farley's report on "sex buyers in Scotland" in a public statement⁵ and stated that such a study would never have been published in a peer-reviewed academic journal.
- In **2010**, Calum Bennachie published a critical commentary on an article by Farley that dealt with a government report on the consequences of the decriminalization of prostitution in New Zealand, calling it "a mix of deliberate misinformation and fiction".⁶
- Also in **2010**, presiding judge Susan Himel in the Bedford v. Canada trial criticized the testimony of Farley, who had been called as an expert witness at the trial, as "problematic" because her statements at trial were permeated by her lobbying against prostitution. *"For these reasons, I give less weight to Dr. Farley's evidence,"* the judge said.⁷
- In **2019**, Gerhard Walentowitz published a comprehensive critique of Farley's theories⁸ on the link between prostitution and post-traumatic stress disorder, criticizing the way Farley diagnoses sex workers with PTSD.

Conclusion

Farley sees herself in the role of the enlightener. International critics, on the other hand, question the legitimacy of this self-perception in view of the unscientific approach and presentation in her publications.

28. sex buyers as a unified group with an affinity for violence: a fiction

Farley:

For Farley, sex buyers are a group of men "who commit sexual violence against women".¹ The use of sexual services is always a "paid rape".²

Counterstatement

Melissa Farley persistently clings to the fiction of sex buyers as a uniform, generally violent and violence-prone group, although numerous scientific studies have come to more differentiated conclusions. The following studies are just a few examples:

- In **2000** Monto et. al. concluded in a US survey of 2,300 johns imprisoned for buying sex, that only "*a relatively small proportion of clients may be responsible for much of the violence towards prostitutes.*"³
- Based on a scientific literature analysis, Monto came to the conclusion in **2004** that the acceptance of rape myths among clients imprisoned in the USA was no higher (30%) than among people who had not committed a crime. There is therefore "no reason to believe that most sex buyers are violent".⁴
- The American sociologist Ronald Weitzer advised Farley in **2005** to be cautious about "sweeping characterizations".⁵
- In qualitative interviews with 50 sex buyers in the UK in **2008**, Sanders concluded that commercial sexual relationships were not necessarily abusive or an expression of male hostility.⁶
- In a qualitative data analysis of statements on the British website punternet.com (n = 255), Earle & Sharp concluded in **2008** that Internet-based commercial sex does not have to be a one-sided pleasure and opens up the possibility for men to no longer perceive their behavior as isolated and deviant.⁷
- In **2012**, Joseph & Black, analyzing data from 1,180 men incarcerated in the US for contact with street prostitutes, concluded that different types and perceptions of masculinity existed among the male sex buyers surveyed. As a result, there were considerable differences among them with regard to the acceptance of rape myths, although this was generally low.⁸
- In an empirical study conducted in the USA in **2014**, Monto & Milrod came to the conclusion that there was no evidence of specific characteristics that distinguished sex buyers from men who do not pay for sex.⁹
- In **2020**, Brents' analysis of an online survey of 519 customers in the USA concluded that sex buyers hold more egalitarian attitudes towards the role of women than the average male population in the USA according to the General Social Survey (GSS).¹⁰
- In a survey of 925 sex workers in Greater Vancouver in **2022**, Canada, McBride et. al. came to the conclusion that only a 20% proportion of women, namely 193 of the 925 women surveyed, had experienced 282 incidents of workplace violence over a 9-year period. The reason for this was the (im)possibility of adequate pre-screening of clients by sex workers under the conditions of client criminalization introduced in Canada in 2014. From this, the researchers deduced the need to end Canada's 'end-demand' policy.¹¹

Conclusion

A large number of empirical research findings on the attitudes and behavior of sex buyers cannot confirm the thesis of prostitution as a form of 'sexual violence'.

APPENDIX:

Excursus on the inclusion of street prostitution in prostitution samples

In empirical studies on prostitution, a disproportionately high proportion of street prostitution and, in this context, a no less high proportion of sex workers who engage in prostitution for the purpose of procuring drugs are often included in samples. The following frequently cited studies are examples of this:

No.	Year	Author	Title	Sampling rate of street prostitution	Sampling rate of drug addicts
1	2001	Sibylle. Zumbeck	The prevalence of traumatic experiences, post-traumatic stress disorder and dissociation among prostitutes	72 %	72 %
2	2003	Melissa. Farley et.al.	Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder	20 % - 100 %	45 %
3	2004	Schrötte et.al.	"Living situation, safety and health of women in Germany"; Subpopulation survey of prostitutes ¹	35 %	41 %

This high proportion of street prostitution in prostitution samples - at least as far as Germany is concerned - bears no justifiable relation to the actual extent of street prostitution and its share of the prostitution industry. Nevertheless, the data obtained is used as meaningful information about sex work in general without highlighting the specific problems associated with street prostitution.

According to the German Farley study, 33 % of the men it surveyed *"also paid for sex in outdoor spaces"*, which primarily meant the "street" and sex in "vehicles".² In our opinion, such a figure exceeds by far the de facto share of street prostitution in the German prostitution industry. We make this statement on the basis of a large number of indications, without failing to mention that there are still no reliable empirical studies or statistics on the figures and development of street prostitution in Germany.

However, a number of considerations and indications give reason to conclude that the share of street prostitution in the German prostitution industry is in the lower single-digit percentage range. We would like to present these considerations and indications below.

- In the context of regulation or legalization of prostitution, but also in connection with bans (e.g. in the GDR from 1968 to 1989), street prostitution in Germany is much less important than in Anglo-Saxon countries, for example. Particularly against the background of almost nationwide restricted areas in Germany (at least two thirds of the German population currently live in places where sex work is prohibited by law), prostitution on the streets and in squares is historically limited primarily to the west of the country and here again almost exclusively to the metropolitan area. This peculiarity was already confirmed in broad outline in a document published by the Federal Ministry for Family Affairs in 1997. It also made it clear that local characteristics play an important role in the scale of street prostitution in individual cities.³
- In the explanatory memorandum to the Prostitutes Protection Act, the federal government assumed a 10 % share of street prostitution throughout Germany.⁴ However, the federal government's estimates at the time should be viewed with caution. For example, in the explanatory memorandum to the Prostitutes Protection Act, the government assumed 11,700 prostitution establishments, but only 2,314 have been approved to date. The federal government also assumed that there were 200,000 sex workers working in Germany, but only 28,280 were registered (as of 12/31/2022). Such differences result not least from inflated estimates.

According to federal government estimates, the 11,700 prostitution businesses should include *"around 1,700 prostitution vehicles"*.⁵ In reality, however, according to the Federal Statistical Office, only 60 prostitution vehicles were registered in the course of the licensing of prostitution businesses

in 2019, 49 in 2020, 37 in 2021 and only 34 in 2022.⁶

In these circumstances, the most reliable data on the scale of street prostitution are likely to be those currently provided for individual cities.

- Let us first take a look at the two cities in which Farley recruited sex buyers for her study. For **Karlsruhe** in **2013**, the figures were as follows:

*"Around **900 different prostitutes** were active in Karlsruhe in 2013, according to the police's working group 'Rotlicht' (red-light) - although not at the same time and only a small number of them were on the street, with 88 in total last year. The officers estimate that, depending on the weather, around **20 to 25 women go out on the streets**. Seven different locations are known, according to the city administration."*⁷

This corresponds to a share of street prostitution of around **3%**. With regard to the extent of street prostitution in **Munich**, it was stated in **2016** with reference to information from the local police:

*"There are nine so-called 'initiation zones', i.e. 'street prostitution' in the state capital. The business there only accounts **for around one percent** of prostitution in Munich"*⁸

- A look at other major West German cities provides the following information on the scale of street prostitution:

Cologne: *"**67 women** regularly work on the premises on Geestemünder Straße (as of 2022)."*⁹ Based on **1,651 sex workers** registered there (2023)¹⁰, this would be just **4%** of all sex workers registered in Cologne.

Hamburg: According to the final report of the Round Table on Prostitution, around 400 women were working on the streets in St. Pauli and St. Georg in Hamburg in 2010. At the time, the Hamburg Department of the Interior estimated the total number of sex workers in Hamburg at 2,500, while the Ratschlag Prostitution Hamburg (Counsel Prostitution Hamburg), on the other hand, put the figure at more than 4,000. For St. Georg, police officers and social workers put the number of sex workers procuring on the streets in 2019 at **around 300 people**.¹¹ Depending on which reference figure you choose, the proportion of street prostitution in Hamburg is between 7% and 16%, which is closest to the assumption made by the federal government in 2016. The situation is different in Berlin, however.

Berlin: The fact that the scale of prostitution in Hamburg is rather an exception on a national scale is proven not least by the data on street prostitution in Berlin: "Approximately **180 - 220 women** prostitute themselves in Kurfürstenstraße and the adjacent streets of Berlin," explained the counseling center OLGA.¹² The Berlin Senate answered a written inquiry on this topic in 2019 as follows:

*"In the Kurfürstentempelhof area, the numbers of prostitutes working there fluctuate **from single digits to the upper double digits**, depending on the time of day and time of year... To the Senate's knowledge, street prostitution has decreased significantly in recent years. No street prostitution is known outside the areas of Schöneberger Norden and Tiergarten Süd."*¹³

As of August 2023, 2,055 sex workers were officially registered in Berlin¹⁴, while the actual number is estimated at around 6,000.¹⁵ The proportion of street prostitution in Berlin would therefore be between 3 % and 8 %, depending on the reference figure.

- **Bremerhaven** (115,000 inhabitants) is cited as an example of a smaller city, also because the recent development of street prostitution there has been well documented scientifically. There, street prostitution was *"in the single-digit range"* with an estimated total number of **150 to 170 sex workers**.¹⁶ The proportion of street prostitution in this city was therefore around **5%**. After the introduction of a restricted area ordinance, however, it was said: "Street prostitution no longer exists."¹⁷
- The following **model calculation** could provide an approximation of the actual order of magnitude on a national scale: Of the total of 10,994 municipalities in Germany, there are 82 large cities with more than 100,000 inhabitants, including 9 large cities in eastern Germany. These municipalities cover just 3.8% of Germany's surface area, but are home to 27.1 million inhabitants, i.e. just under a third (32%) of Germany's 84 million inhabitants. It is realistic to assume that there are on average 1.5 sex workers per 1,000 inhabitants, i.e. a total of around 40,650 sex workers. If an average of **6%**

of them were working on the streets, this would result in a total of around 2,440 street sex workers, i.e. an average of 30 for every large city. For the 42 cities with fewer than 200,000 inhabitants among Germany's major cities, this figure is likely to be even higher than the actual situation.

- Another trend that should not be underestimated in terms of the quantitative development of street prostitution over the past decade is a trend that Ursula Probst rightly referred to when she wrote

*"The emergence of online advertising platforms on which sex workers could place individual ads and process customer inquiries ultimately rendered obsolete one of the few advantages that **street sex work** had long had over other forms of work, namely the ability to work at any time when needed and without prior arrangements, obligations to operators or loss of pay for rent, etc.". Those who wanted to work spontaneously and/or irregularly could also remain anonymous on the internet, which in turn represented a major advantage over the exposure of street sex work."* ¹⁸

Conclusion

Based on the considerations and facts presented here, it can be reasonably concluded that the actual share of street prostitution in Germany is likely to be in the low single-digit range. Against this background, the inclusion of 33% of sex buyers who used sexual services in the street prostitution segment is a factor that inevitably distorts Farley's sample. The assumption that the data and results of this sample can be interpreted as 'representative' or 'typical' of sex work conditions in Germany as a whole is therefore untenable.

Concluding remarks

As the present statement shows, Melissa Farley's publication "Men who pay for sex in Germany" provides no evidence that clients have an affinity for violence and that prostitution is violent in nature.

The points of criticism presented here, both individually and as a whole, show that Melissa Farley's discussion of legal prostitution in Germany does not do justice to a scientific claim, but directly contradicts it. With her argumentation, she leaves the ground of a rational debate on questions of prostitution. What she delivers in the end are "alternative facts".

Skepticism towards her publication is therefore appropriate. There is no reason to misinterpret it as "scientific".¹ It is certainly not suitable as a basis and point of reference for a general questioning of legalized prostitution in Germany.²

Farley paints a threatening scenario of violence emanating from sex buyers and practiced by them. She believes that she can derive from this an undeniable pressure to act in the direction of a 'criminalization of sex purchase'. However, in light of the counter-arguments presented here, we see neither this threat scenario nor a corresponding pressure to act as given.

On the other hand, our view is in line with scientific opinions such as the position recently taken by Nicola Döring and others, who summarized the approximately 150 studies on "men who pay for sex" (= MPS) published over the last 30 years:

*"It is sometimes assumed that MPS have particularly misogynistic attitudes and/or violent tendencies and therefore want to "buy women" in order to abuse them. However, this negative image of MPS cannot be confirmed empirically."*³

Both BesD and Doña Carmen e. V. have been involved in and familiar with the specific circumstances of the prostitution industry for many years. They are based on the conviction that sex workers make a necessary and useful contribution to the well-being of society.

As representatives of the professional interests of sex workers, both organizations are far from painting a rosy picture of conditions in the prostitution industry. Like everywhere else, there is light and shade in this industry. However, we do not agree with the complacent assumption that prostitution's problems are solely due to its own nature. Anyone who ignores the role of existing state regulations in the problems of prostitution is making things too easy for themselves and is not doing justice to the existing challenges.

The idea spread by Melissa Farley of a group of sex buyers with an affinity for violence, which would consequently have to be subject to a so-called 'sex purchase ban', is definitely not one of the problems of this industry. The interested reference to this supposedly significant problem is only likely to obscure the view of problems that exist everywhere and can be solved within the framework of legality.

Making this clear and thus countering inadmissible, politically motivated simplifications is a fundamental concern of the joint statement by BesD and Doña Carmen e.V. presented here.

References & Notes

Preliminary remark

1 Farley et.al., 2022

2 ibid., p. 36

3 ibid., p. 55

4 ibid., p. 55

5 ibid., p. 28

6 It should be noted at this point that in Farley's study, sex workers are always 'women' and only men appear as 'sex buyers'. We would like to point out that in the reality of the prostitution industry, men and trans people also offer sexual services and that, in addition to men, trans people and women also demand these services. If we nevertheless refer to women as providers and men as purchasers of sex in this text, this is due to the fact that we are referring exclusively to Farley's study and its argumentation, to which we critically refer.

A. False information, dubious terminology

01 Four instead of six country reports, 656 instead of 763 sex buyers surveyed

1 Farley et.al., 2022, p. 4

2 Farley's "international research work" on sex buyers includes the following investigations

No.	Time of investigation	Country	City	Interviewed sex buyers	Publication
01	2006 / 07	USA	Chicago	113	2008
02	?	India	Murschidibab	102	-
03	2008	United Kingdom	London	103	2008
04	2008	United Kingdom	Edinburgh, Glasgow	110	2008
05	2011	USA	Boston	101	2011
06	2012	Kambodia	Phnom Penh	133	2012
07	?	Germany	Karlsruhe, Munich	96	2022
				758	

With the exception of the unpublished India study, the information on the number of clients surveyed is taken from Farley's publications.

3 ibid., p. 17

4 Although she could have easily published the study on Indian sex buyers on her institute's website, she did not do so. Farley did not give any reasons for this approach.

5 quoted from Durchslag, 2008, p. 7: *"The findings in this report are preliminary. Statistical analysis of this data and qualitative analysis of the interviews are in progress. Analysis and interpretation of these findings will be published at a later date."*

6 If we add up the number of clients interviewed in Farley's previous studies - minus the 102 clients interviewed in India - the result is 656 sex buyers interviewed, but not 7.

02 Reports from eight cities, but not from six countries

1 Farley, 2022, p. 53

2 Studies to which Farley refers when it comes to the connection between buying sex and rape at least point out that her data only refers to individual urban regions and is therefore not representative for the whole country. For example, the authors of a "five-country study" on sexual violence published by the International Center for research on women stated: *"It is important to note that only the Rwanda dataset is nationally representative; the remaining four datasets are representative only of the specific study sites referenced in the table. The selected sites were chosen to match major urban areas with a secondary city or cities in each country. Country names are sometimes used to label data in this report for the sake of convenience, not to suggest that the data are representative of the country as a whole."*(Heilman et. al., 2014, p. 4) Farley referred to this "five-country study" by

Heilman, without, of course, mentioning the limitations of their study, which the authors themselves acknowledged. (Farley, 2022, p. 24)

3 „Consequently, Dr. Farley launched a cross-cultural research project examining the demand for prostitution in cities throughout the world.” quoted from Durchslag, 2008, p. 6.

4 Farley, 2011a, p. 1

5 Farley, 2009, p. 3

6 Farley, 2022, p. 48

7 Farley, 2011b

8 Farley, 2012

03 Lack of differentiation between sex purchase and sex exchange

1 Farley, 2022, p. 53

2 Farley, 2022, p. 17

3 When purchasing an item or service, a purchasing price must be paid in the form of money. The purchasing price is the consideration paid in money for purchased goods or services. Only someone who pays money for a thing or service is considered a buyer (see Section 433 of the German Civil Code). In contrast to a 'purchase', a mere 'exchange' is not paid for with money, but instead an object or a right of use is transferred or granted as consideration. It follows that 'sex buyers' can only be persons who pay with money for the service they use. See also Döring et al., p. 201: *"Paid sex is defined as the payment of money for sexual services (e.g. vaginal intercourse) in a specific market environment, such as street prostitution, brothels or escort services. The direct purchase of sex in a professional sex work or prostitution environment can be distinguished from an indirect purchase (e.g. with gifts or other resources) in informal contexts."*

4 When recruiting her interview participants, Farley undermined the distinction between buying and exchanging sexual services by asking them in newspaper advertisements: *"Have you ever been a customer of a prostitute?"* (Farley, 2022, p. 20)

5 *"Myth: Prostitution is exclusively the exchange of money for sex. Reality: The majority of men exchanged something other than money for sex, for example drugs, accommodation, food, clothing or transportation."* quoted from Durchslag, 2008, p. 304

6 Farley, 2011a, p. 18

7 Farley, 2016, p. 73

8 Farley, 2013, p. 13

04 Tendentious terminology instead of factual argumentation

1 Farley, 2022, p. 30

2 *ibid.*, p. 11, 54

3 König, 2016, p. 7 ff.

4 Farley, 2022, p. 31

5 *ibid.*, p. 42

6 *ibid.*, p. 51

B. Problematic methodological approach

05 International comparisons ignoring different cultural and legal frameworks

1 Farley, 2022, p. 4

2 Farley, 2022, p. 5

3 Farley, 2022, p. 53

4 Below is a list of the statistical comparisons made or reported by Farley in her German study on sex buyers with international reference:

No.	Countries	International comparisons / correlations	Reported on:
01	5	Comparison: positive / negative effects of prostitution on society	p. 35
02	4	Comparison: Selection of sex workers according to ethnic origin	p. 38
03	6	Preference for impersonal sex	p. 39 / 40
04	5	Deficits in the area of empathy	p. 42
05	5	Passing on the "use of prostitution"	p. 42
06	3 / 6	Acceptance of prostitution and rape myths	p. 45
07	6	More frequent sex purchases → higher probability of rape	p. 45
08	?	more frequent sex purchases → more sexual assaults committed	p. 45
09	?	more frequent sex purchases → more use of alcohol / drugs	p. 45
10	?	More frequent sex purchases → more threats/use of physical violence	p. 45
11	6	more toxic masculinity → more sexual aggressiveness	p. 45
12	6	Total number of sex partners + toxic masculinity → higher probability of rape	p. 47
13	6	more frequent porn consumption → more frequent sex purchases	p. 47
14	6	more frequent porn consumption → more sexual assaults committed	p. 47
15	3	more frequent porn consumption → more reported physical violence	p. 48
16	3	Comparison of sexual contacts viewed during porn consumption	p. 48
17	3	Comparison: criminal acts of sex buyers outside of prostitution	p.49 - 51
18	5	Comparison: What would stop people from buying sex?	p. 52
19	3	Comparison: What length of imprisonment would deter people from buying sex?	p. 52

5 Farley, 2022, p. 47

6 Farley, 2022, p. 9. Farley denies that the illegality of prostitution is associated with more risks and more violence towards sex workers than is the case under conditions of legality. In international literature, however, this fact is recognized and emphasized, e.g. by Potterat (2004), McBride (2022).

06 Too small sample sizes

1 Farley, 2022, p. 48

2 Döring, 2022

3 *ibid.*, p. 203

4 With regard to both the German study and the study on clients in Glasgow, Edinburgh and Phnom Penh, Farley referred to the recruitment of clients as a "snowball method" (Farley (2022), p. 19/20). The principle was that cab drivers, employees of health facilities or clients who knew about the research project approached other clients with reference to the fee - in Germany it was €80 per interview - for possible participation in the survey. Farley wrote: *"In Munich and Karlsruhe, 12 interviewers interviewed 96 men. As in other countries, we advertised in free local newspapers, in larger national newspapers, and in online forums for sex buyers. We tracked responses to our advertising in online forums. At first the sex buyers were suspicious of our intentions. But one respondent reported to the forum that he was treated respectfully by his interviewer and that we had honored our agreement to pay a fee for the 90-minute interview."* (Farley, 2022, p. 20)

07 Overrepresentation of outdoor prostitution

1 Farley, 2022, p. 25

2 Durchslag, 2008, p. 10

3 Farley, 2009, p. 10

4 Farley, 2011b, p. 9

5 Farley, 2011a, p. 15

6 Farley, 2012, p. 17

7 Farley, 2022, p. 25

8 Döring u.a., 2022, p. 204

08 Omission of random sample: no representative statements possible

1 Farley, 2022, p. 53

2 According to Farley, The decisive factors are „the logistic difficulties and cost of obtaining a random sample of men who are representative of sex buyers“, (Farley, 2015, p. 17)

3 Farley, 2011b, p. 11

4 Durchslag, 2008, p. 8

5 Farley, 2011a, p. 12

09 Lack of inclusion of 'non-sex buyers' as a comparison group

1 Farley, 2011a, p. 41: "...the present study's sampling procedure represents an advance over previous studies... that did not include comparison groups of demographically similar men who did not buy sex."

2 Farley, 2011b, p. 12: „A study comparing men who buy sex with those who do not would permit a greater understanding of the nature of these associations."

3 Farley, 2015, p. 17: „In future research, a comparison of men who buy sex and those who do not in countries where prostitution is legal would provide useful data relevant to this issue."

4 Farley, 2011a, p. 9: "While a number of studies offer some insight into demographics and motivations among clients, these research designs, **lacking control groups**, do not allow for comparisons with men who have not been involved in buying sex, and, in their reliance on men who have been arrested, in all likelihood do not represent the full range of buyers. To date, research into buyers' awareness of prostitution has been limited to studies of men who buy sex in the commercial sex industry **without comparing them**, on the same dimensions, with men who do not. This research with samples of both sex buyers and non-sex buyers begins to fill in the **gaps in knowledge**..."

5 Farley, 2011a, p. 4

6 Farley, 2011a, p. 10: "We defined **non-sex buyers** as men who have not purchased phone sex or the services of a sex worker, escort, massage sex worker, or prostitute, have **not** been to a strip club **more than one time in the past year**, have not purchased a lap dance, and have not used pornography more than one time in the past week."

10 Apparent authenticity: Supposed 'original sounds' from sex buyers

1 Farley, 2022, p. 4

2 Farley, 2022, p. 18

3 *ibid.*, p. 18

4 The German study on sex buyers contains extremely extensive, text-heavy "quotations" (see p. 28, p. 29, p. 32, p. 33, p. 34), which raise considerable doubts as to whether they represent a verbatim reproduction of the statements of the sex buyers interviewed.

5 Farley justified the omission of audio recordings in interviews with sex workers in the USA with reference to the illegality of prostitution there and the less "frank" answers of the interviewees to be expected as a result. However, this argument can hardly be made in the case of interviews on legal prostitution in Germany. Cf. Farley, 2016, p. 68: „The following questionnaires were read aloud to the women, and notes were taken on paper or on a computer because audio recording of illegal activity (prostitution) would likely have jeopardized rapport with the interviewees and resulted in less candid responses."

6 Farley explains that the interviewers made "a significant contribution" to the study: "They took their own notes and wrote down their own observations about each sex buyer."

(Farley, 2022, p. 7)

7 Farley, 2011, p. 3

8 Farley, 2022, p. 41

9 Farley, 2022, p. 5

10 Schmitt, 2023, p. 4

C. Biased portrayal of legalized prostitution in Germany

11 The "normalization" narrative

1 Farley, 2022, p. 35

2 Farley, 2022, p. 11

3 Farley, 2022, p. 53

4 Farley, 2022, p. 12

5 Doña Carmen, 2019, p. 406 ff

6 German Bundestag, 2016, p. 62

7 *ibid.*, p. 63

8 These include: Section 184 f StGB ("Practice of prohibited prostitution"), Section 184 g StGB ("Prostitution harmful to minors"), Section 180 a StGB ("Exploitation of prostitutes"), Section 181 a StGB ("Pimping"), Section 232 para. 1 a StGB ("Trafficking in human beings" into prostitution), § 232 a StGB ("Forced prostitution") and § 233 a para. 1 StGB ("Exploitation by taking advantage of a deprivation of liberty").

9 cf. https://www.gesetze-im-internet.de/stgbeg/art_297.html

10 Section 104 of the German Code of Criminal Procedure (StPO) allows searches to be carried out for an unlimited period of time in places that are *"known to be a haven for gambling, illicit trafficking in narcotics and weapons or prostitution".* are known."

Cf. https://www.gesetze-im-internet.de/stpo/_104.html

11 It can be considered an irony of history that the first, from today's perspective completely inadequate "normalization" in dealing with prostitution in Germany took place with the active participation of abolitionist opponents of prostitution. Today's neo-abolitionists strive to turn back the clock: *"The discussions about the abolition of regulation and the decriminalization of prostitution in the 1920s and the 1927 law to combat venereal diseases, which were also the result of the abolitionists' commitment, led to a development that was undesirable from their point of view: an initial normalization as a profession and a changed self-image of prostitutes as necessary members of society who were entitled to appropriate recognition and rights."* Becker, 2023, p. 501/02

12 Decline in rape convictions since 2002: An argument against legalized prostitution?

1 Farley, 2022, p. 13

2 Farley, 2022, p. 12

3 cf. data from the Federal Statistical Office on convictions for rape (1976 - 2022), 2023, see: <https://www-genesis.destatis.de/datenbank/beta/statistic/24311/table/24311-0001>

13 Expansion of the definitions of 'pimping' and 'human trafficking'

1 Farley, 2022, p.11

2 Farley, 2022, p. 27

3 *ibid.*

4 *ibid.*

5 *ibid.*

6 *"The endless debates about the distinction between victims of trafficking and so-called voluntary prostitutes in trafficker-friendly countries like Germany are a waste of time and resources. The focus on identifying victims of trafficking in legal prostitution leads to abolitionist initiatives going nowhere, as most adults in legal or illegal prostitution are under the control of pimps or traffickers."*

Farley, 2022, p.30

14 More 'pimping' and 'human trafficking' due to more difficult prosecution?

1 Farley, 2022, p. 11

2 *ibid.*

3 For the following data, see Bargon, 1982, p. 326 - 328 and Federal Statistical Office, 2022, https://www.statistischebibliothek.de/mir/receive/DESerie_mods_00000107

4 For data see Federal Statistical Office, 2022, https://www.statistischebibliothek.de/mir/receive/DESerie_mods_00000107 see also Henning et al., 2021, p. 359 ff

15 'Human trafficking' and 'pimping': estimates versus empiricism

1 Farley, 2022, p. 13

2 Farley, 2022, p. 30

3 Farley, 2022, p. 31

4 Cho u.a., 2013

5 for criticism see Henning et al., 2012, p. 460 ff

6 Farley, 2013, p. 1039 ff

- 7 ebenda, p. 1042
 8 vgl. Paulus, 2013, p. 8
 9 vgl. Farley, 2022, p. 31

16 Ubiquitous 'organized crime': a prostitution myth

- 1 Farley, 2022, p. 4
 2 Farley, 2022, Sp 53
 3 Farley, 2022, p. 31
 4 Farley, 2022, p. 30
 5 The working definition of "organized crime" is as follows: *"Organized crime is the planned commission of criminal offences, determined by the pursuit of profit or power, which are individually or collectively of considerable significance, where more than two participants work together for a longer or indefinite period of time*
a) using commercial or business-like structures,
b) using violence or other means suitable for intimidation, or
c) by exerting influence on politics, the media, public administration, the judiciary or the economy."
 "The working definition of "organized crime", which was adopted in May 1990 by the GAG Justice/Police, is the basis for the survey." (quoted from Federal Criminal Police Office, Federal Situation Report on OC, 2022, p. 12)
 6 cf. Federal Criminal Police Office, 2023b
 7 see Henning et al, 2021, p. 368

17 Horror stories as evidence of extreme violence in prostitution

- 1 Farley, 2022, p. 37
 2 Farley, 2022, p. 12
 3 Farley, 2022, p. 28
 4 Farley, 2022, p. 4
 5 Farley, 2022, p. 32
 6 c.f. Zumbeck, 2001
 7 Zumbeck, 2001, p. 60, 115
 8 Zumbeck, 2001, p. 59
 9 Zumbeck, 2001, p. 65
 10 Zumbeck, 2001, p. 66, 72, 83
 11 Zumbeck, 2001, p. 65
 12 The information provided by the Federal Statistical Office is part of the unpublished 'progress statistics' on registered prostitution and was kindly made available to us by the Federal Office.
 13 c.f. Bartsch u.a., 2022
 14 Bartsch u.a., 2022, p. 79 (table 08)

18 Murder & manslaughter in prostitution?

- 1 Farley, 2022, p. 40
 2 In her German study on sex buyers, Farley refers to a total of three US studies that allegedly support the thesis that *"women in prostitution are murdered more frequently than any other group of women ever studied"*. However, a closer examination reveals that there is only one study, namely that of Potterat et. al. (2004), to which Farley can refer in this regard. As early as 2004, Farley relied exclusively on the Potterat study with regard to the question of mortality among prostitutes (cf. Farley, 2004, p. 1097).
 A study by Rochelle Dalla et. al. (2003), also mentioned by Farley, is based solely on qualitative interviews with 43 (mostly former) drug-addicted street prostitutes and does not make any generalizing statements in the sense of Farley, although her German client study suggests this. Some of the results of Dalla et. al. clearly contradict Farley's views: "Unexpectedly, however, participants reported experiencing greater and more severe violence from intimate partners than from clients or strangers." (Dalla, 2003, p. 20) Farley fails to mention this.
 A further study by Kenna Quinet (2011), to which Farley refers in connection with her views on mortality among prostitutes, deals with the topic of serial murders and murders of prostitutes, but does not undertake its own empirical investigation, but merely mentions the Potterat study in this context. only mentions the Potterat study in this context.

3 see Potterat et. al., 2004

4 *ibid.*, p. 4

5 *ibid.*, p. 7

6 *ibid.*, p. 9

7 *ibid.*, p. 10

8 *ibid.*, p. 10

9 Quinet, 2011, p. 79

10 *"The high homicide and overall mortality rates observed in our cohort probably reflect circumstances for nearly all prostitutes in the United States (where prostitution is illegal, except for a few rural Nevada counties where brothels are permitted (34)) and many other countries... Women engaged in prostitution face the most dangerous occupational environment in the United States."*

Potterat et. al., 2004, p. 13

11 *"Surveys also indicate that prostitute women encounter **more violence** from clients when working on the streets than in off-street contexts (32, 45–47), and 84 percent of known prostitutes murdered in the United Kingdom in the 1990s worked on the streets (39)."* Potterat et. al., 2004, p. 13

12 *"Although these Colorado Springs prostitutes **appeared to be representative of all US prostitutes** in terms of prevalence and number of sexual partners (9, 12) and although they worked as prostitutes (and died) in many parts of the country, **prostitutes elsewhere might have different mortality rates and profiles.**"* Potterat et. al., 2004, p. 13

13 *"It is possible, but not definitively known, that the observed increase in overall prostitute homicides reflects burgeoning high risk behaviors among drug-addicted prostitutes during the crack cocaine epidemic of the 1980s and 1990s (Brewer et al., 2006)."* Quinet, 2011, p. 93

Similar to Quinet, Dalla (2003), following Faugier & Sargeant (1997), had already pointed out that it was not prostitution as such, but the crack cocaine epidemic and the associated *"direct exchange of sex for crack"* that resulted in high rates of violence against prostitutes on the street: *"Of importance, the crack cocaine epidemic of the previous decade significantly heightened the danger associated with street-level prostitution (Faugier & Sargeant, 1997)."* (Dalla et. al. 2003, p. 4)

D. The demonization of the sex buyer

19 Another prostitution myth: sex buyers as proven prostitution experts

1 Farley, 2022, p. 26

2 Farley, 2022, p. 55

3 Farley, 2022, p. 33

4 Farley, 2022, p. 51

5 Farley, 2022, p. 32

6 Durchslag, 2008, p. 19

7 Farley, 2011a, p. 19

8 Farley, 2012, p. 18

9 Farley, 2022, p. 40/41

10 Farley, 2022, p. 35

11 Farley, S. 22, p. 37

12 *"Throughout our interviews with these men, we noted contradictions, inconsistencies, and ambivalence in their thinking about prostitution."* Farley, 2011b, p. 11

20 Constant dealings with 'pimps' and 'human traffickers'?

1 Farley, 2022, p. 4

2 Farley, 2022, p. 27

3 c.f. Counterstatement 14 in this position paper

21 "Impersonal sex" as a reason for sexual aggression

1 Farley, 2022, p. 5

2 Farley, 2022, p. 46

3 The confluence model by Malamuth et. al. has been in constant development since the early 1990s. Malamuth (1999) and Malamuth (2021), for example, provide an insight into the constellation of risk

factors relevant to sexual violence that are considered relevant in each case

4 cf. Farley 2022, pp. 16, 23, 39. This does not mean that she completely disregarded other factors such as "toxic masculinity" or factors such as "pornography consumption", "use of alcohol and drugs" etc. Although she mentioned a large number of relevant corresponding factors (Farley, 2022, p. 15), she also only treated them as isolated variables without analyzing their complex interplay with other variables. (cf. Farley, 2022, S. 45)

5 According to Farley, the applicability of the confluence model to prostitution is linked to its understanding as "impersonal sex" or as "violence against women":

"The Confluence Model is applicable to buying sex if prostitution is understood as impersonal sex and/or violence against women..." (Farley, 2019, S. 3) *"Since the Confluence Model identifies impersonal sex as a risk factor for violence against women, to the extent that prostitution is itself impersonal sex, sex buyers are more likely to commit sexual aggression."* (Farley, 2019, S. 13)

6 For Malamuth, the potentially conflictual, sexually aggressive quality of "impersonal sex" on the part of men was due not least to the fact that impersonal sex was in conflict with a woman's reproductive interests (cf. Malamuth, 1999, p. 11) The talk of "impersonal sex" thus proved to be an extremely presuppositional, ideological construction for Malamuth, which was based on the Christian ideal of maintaining monogamous relationships as an evaluative point of reference: *"This impersonal sex construct is similar to the concept of sociosexuality, which refers to individual differences in willingness to engage in sexual relations without closeness or commitment... 'Unrestricted' individuals are more likely to report having sex earlier in their relationships, more than one concurrent sexual relationship, sex with many different partners in the past, sex with partners on only one occasion, and foreseeing many different partners in the future. 'Restricted' individuals, on the other hand, tend to insist on the development of closeness and commitment before engaging in sex... A noncommittal orientation to sexuality is likely not only to potentially contribute to sexual aggression in early and later adulthood but also to contribute to other types of conflict in relationships with women later in the life. Men with such an orientation appear relatively unlikely to be faithful in monogamous relationships. This may be a source of distress in monogamous relationships that may sometimes lead to arguments and physical aggression."* (Malamuth et.al., 1995, p. 354)

"Impersonal sex" is seen here as a cause of stress in monogamous relationships, but not necessarily as a reason for sexual aggression. A differentiation that Farley fails to mention. Malamuth complains that men have *"dysfunctional relationships with women"* with a generally low level of romantic relationships (*"poor quality of romantic relationship"*).

7 Farley bases the tendency towards "impersonal sex" among sex buyers on two indicators: (1) the number of sex partners in their lives to date (see: Farley, 2022, Table 7, p. 24) and (2) their stated "preference" for "impersonal sex". (see: Farley, 2022, Table 16, p. 40). Farley's information on the number of previous sexual partners of the sex buyers surveyed remains vague and non-transparent due to the choice of group sizes with an extremely wide range (< 10 / 11 - 50 / 51 - 100 / > 100). For example, it is not clear how many sex buyers in the "11 - 50" group had 11 or 49 sexual partners. According to table 16, the preference for "impersonal sex is the lowest among German sex buyers in an international comparison, although Farley does not comment on this in more detail. Farley's decision not to make a comparison with a comparison with a control group of non-sex buyers proves to be particularly awkward here.

8 Farley, p. 5

9 Farley, 2022, p. 24

10 vgl. Farley, 2022, p. 4, 23, 39, 45

11 'Causality' means that the change in one variable causes the change in another variable.

'Correlation', however, merely means that there is a statistical relationship between variables, without a clear cause-and-effect relationship being proven.

12 c.f. Farley, 2022, p. 4, 17, 31, 32; Farley asks the question: *"Do a preference for impersonal sex and sexual violence occur simultaneously?"* (Farley, 2022, p. 5) Her answer is 'yes'. But *'simultaneity'* says nothing about whether 'impersonal sex' is the cause of sexual violence. But that is Farley's core statement.

22 Inconsistencies in the measurement of sexually aggressive behavior

1 Farley, 2022, p. 4

2 Farley, 2022, p. 24

3 Farley, 2022, p. 4

4 Farley, 2022, p. 24

5 ibid.

6 Farley, 2022, p. 25

7 vgl. Farley, p. 49 ff.

8 Farley, 2022, p. 4

9 A look at Farley's earlier studies on sex buyers shows that the two studies on Chicago and London, written in 2008, did not even address, let alone deal with, the question of the relationship between the frequency of sex purchases and previous sexual assaults. The Scotland study (2008) was the first to report that men who bought more sex also reported more "sexually aggressive behavior" towards women outside of prostitution. A cautious conclusion there was: *"Our findings suggest that frequency of buying sex is predictive of sexual aggression and of other variables associated with sexual aggression."* (p. 12) However, there are no details on the type and extent of this "sexually aggressive behavior". In the Boston study (2011 version), there is no indication of a statistically proven connection between buying sex and previously committed sexual aggression. In the 2015 version, on the other hand, there was an indication that sex buyers reported more "sexually aggressive behavior" than non-sex buyers. However, this was neither specified nor quantified.

It was only in the Cambodia study published in 2012 that 89% of sex buyers reported "sexually coercive and aggressive behaviors" towards their relationship partners. (p. 19) The 133 sex buyers surveyed in Phnom Penh reported an average of 2.3 "sexually aggressive behaviors" towards non-prostituting women. Against this background, Farley's statement in her German study: *"In all six countries, men who bought sex more frequently also reported that they had committed significantly more sexual assaults, including rape."* is not confirmed by her earlier publications and is therefore not comprehensible. This is also true in light of the fact that Farley never defined the term "sexually aggressive behavior" that she used in any of her studies.

10 Farley, 2022, p. 46

23 Return to monogamous sexuality as a social norm

1 Farley, 2022, p. 16

2 see Farley, 2022, pp. 16, 23, 53

3 see Farley, 2022, p. 39

4 see BKA, 2023a, Partnerschaftsgewalt (Partnership violence) (2015 - 2021)

5 see judgment of the Federal Court of Justice IV ZR 239/65, 1966

6 see Juraforum, 2023, https://www.juraforum.de/news/eheliche-pflichten-von-frau-und-mann-beischlaf-pflicht_248183; The Brühl Local Court (North Rhine-Westphalia) affirmed this duty in its final judgment of 24.3.1999 - 32 F 65/98.

7 Bauer, Rudolf, Scheidungsprozess in Frankreich: Eheliche Pflicht zum Sex (Divorce trial in France: Marital duty to have sex), in taz, 18.03.2021,

<https://taz.de/Scheidungsprozess-in-Frankreich!/5755003/>

8 c.f. Für einen Seitensprung in den Knast? (Jail for a fling?),

<https://detektor.fm/gesellschaft/karte-der-woche-ehebruch-straftbar>

9 "A study in which 500 couples were asked to time the duration of intercourse is more meaningful. This resulted in an average duration of 5.4 minutes. Condoms or foreskins did not influence the values. However, there were variations with regard to the age of the participants: men between the ages of 18 and 30 ejaculated after an average of 6.5 minutes, while men over 50 ejaculated after just 4.3 minutes. There were also differences from country to country: British men lasted a comparatively long 6.5 minutes on average, while Turks finished after just 3.7 minutes." In: „Wie lange dauert guter Sex? Durchschnittswerte im Überblick“ ("How long does good sex last? An overview of average values"), Focus, 29.11.2023,; https://praxistipps.focus.de/wie-lange-dauert-sex-durchschnittswerte-im-ueberblick_129404

24 The construction of the "empathyless sex buyer"

1 Farley, 2022, p. 40

2 Farley, 2022, p. 5

3 Farley, 2022, p. 41

4 Farley, 2022, p. 42

5 Farley, 2022, p. 41

6 Farley, 2011c, p. 29

7 Farley, 2011c, p. 3 and Farley, 2016, p. 73

8 Farley, 2011c, p. 16

9 Farley, 2011c, p. 25 and Farley, 2016, p. 73

10 Farley, 2011c, p. 25

11 Farley, 2011c, p. 39

- 12 Farley, 2011c, p. 40
- 13 Farley, 2016, p. 80
- 14 Farley, 2011c, p. 3
- 15 Farley, 2011c, p. 3
- 16 Farley, 2016, p. 67

25 Sex buyers as common criminals

- 1 Farley, 2022, p. 6
- 2 Farley, 2022, p. 48
- 3 *ibid.*
- 4 Farley, 2022, p. 49 ff.
- 5 Farley, 2011a, p. 34 ff.
- 6 Farley, 2022, p. 51
- 7 Farley, 2011a, p. 36
- 8 Farley, 2011a, p. 41
- 9 In contrast to Farley, Malamuth et al., based on the confluence model, found no connection between "impersonal sex" on the one hand and criminal behavior outside the area of sexuality/prostitution on the other. the area of sexuality/prostitution on the other: *"As predicted, we found that the impersonal sex path contributed to sexual aggression. In keeping with Malamuth et. al. (1991), it did not contribute to nonsexual aggression."* Malamuth et. al. 1995, p. 367
- 10 c.f. Farley, 2015

26 Sex buyers as racists

- 1 Farley, 2022, p. 5
- 2 Federal Statistical Office, 2023: around 28,280 prostitutes registered with authorities at the end of 2022, https://www.destatis.de/DE/Presse/Pressemitteilungen/2023/09/PD23_368_228.html
- 3 Farley, 2022, p. 38
- 4 *ibid.*
- 5 Association of Binational Families and Partnerships, 2023, Facts & Figures, see: <https://www.verband-binationaler.de/verband/presse/zahlen-fakten>
- 6 *"While a few men sought women who were 'racially familiar', most sought someone who was ethnically 'different or exotic', the racial other."* (Farley, 2011, p. 18) In general, a reading of Farley's previous studies reveals numerous inconsistencies with regard to alleged ethnic-racial selection criteria for clients that cannot be clarified. The two US studies together revealed 47% of clients with ethnically motivated selection behavior towards sex workers, but not 49% as claimed in the German client study. In Farley's Cambodian study, 46% of clients were said to use ethnic stereotypes as a selection criterion (Farley, 2012, p. 16); in the German client study, the figure was 60%. (Farley, 2022, p. 38) With regard to the United Kingdom, the German study speaks of 52% of clients with ethnically based selection behavior, while the English and Scottish Farley studies do not provide any figures in this regard.
- 7 see Farley, 2022, p. 37. The German-language statement circulated by Farley is attributed to a "man" who is assumed to be one of the clients interviewed in Germany. In fact, however, the identical statement can already be found in the study on London sex buyers published 15 years ago: *"One man said, 'I had a mental check list in terms of race; I have tried them all over the last five years but they turned out to be the same.'*" (cf. Farley, 2009, p. 21) This confirms the doubts about the authenticity of the quotes in the German Freier study.

E. Review & outlook

27 International criticism of Farley's methodological approach

- 1 Farley, 2022, p. 9
- 2 Zumbeck, 2001, p. 93
- 3 cf. https://en.wikipedia.org/wiki/Melissa_Farley
- 4 cf. Weitzer, 2005, p. 937: *"Many studies of prostitution can be faulted on methodological grounds. Some authors fail to describe how and where they contacted research subjects. Others fail to include comparison groups (nonprostitutes matched on demographic characteristics; e.g., age, social class), without which it is impossible to know if the findings reported for a prostitute sample differ*

significantly from those of nonprostitutes. Those few studies that do include appropriate control groups yield mixed results”

- 5 “The research on which this report is based was not grounded in empirical research ethics or a critical, objective method of producing knowledge. There appears to have been no ethics approval or peer review in terms of the design and execution of the project. There is no evidence that participants were asked for informed consent and no information is given regarding the ethical protocols that were followed. Similarly, though the survey methodology is described, details of the questions asked are not provided. It is standard practice that questionnaire instruments are included in an appendix for scrutiny. The report was published in-house by the Women's Support Project. This is outside the normal academic peer review process and it is not entirely surprising that the report is not of an acceptable academic standard.”, quoted after Sanders, 2008a, p. 2
- 6 cf. Bennachie, 2010, p. 23: “Farley has made various errors in writing the paper, although these may not be obvious to the lay person, to one who takes a cursory glance at the material, or to one who agrees with Farley’s stance. These errors are significant when examined for fact and context. Given her apparent dishonesty in the past, and the errors highlighted above, it would therefore appear that Farley’s material is of dubious worth, being a mix of deliberate misinformation, fiction and out of the context comments.”
- 7 “I found Dr. Melissa Farley’s testimony problematic. Although Dr. Farley has conducted numerous research studies on the topic of prostitution, her statements appear to be steeped in her advocacy work. For example, Dr. Farley’s unsubstantiated claim in her affidavit that prostitution is inherently violent appears to contradict her own findings that prostitutes who work indoors generally experience less violence. Furthermore, she failed in her affidavit to substantiate her opinion on the causal link between post-traumatic stress disorder and prostitution, as it could also be caused by events unrelated to prostitution.” See https://en.wikipedia.org/wiki/Melissa_Farley
- 8 cf. Walentowitz, 2019

28 Sex buyers as a unified group with an affinity for violence: a fiction

- 1 Farley, 2022, p. 18
- 2 Farley, 2022, p. 43
- 3 Monto concluded that “a relatively small proportion of clients may be responsible for most of the violence against prostitutes”. Monto, 2000, p. 76
- 4 Monto put forward the thesis, “that there is a great deal of variability among customers”. (Monto, 2004, p.169) “Overall, the level of rape myth acceptance among arrested customers was low, with 30% of the respondents failing to score positively on any of the items, and the overall scores on the measure apparently no higher than the scores for general nonoffender samples.” (Monto, 2004, p.176) Conclusion: “there is no reason to believe that most customers are violent.” (Monto, 2004, S. 176)
- 5 “Everyone knows that some johns do indeed have violent proclivities and others are serial killers who prey on vulnerable women on the streets (Lowman, 2000), but studies of customers caution against blanket characterizations.” (Weitzer, 2005, p. 935)
- 6 “Yet the exchange of intimacy through a commercial sexual relationship is not necessarily corruptive, abusive or an expression of male hostility. Others argue that the man who uses his privileged economic and racial power to buy control over sex workers through sexual scripts of domination does nothing more than objectify and dehumanize women who sell sex as sexual ‘Others’ (O’Connell Davidson, 1998). Such accounts of male power as the only interpretation of the commercial sexual liaison are privileging one view of the commercial sexual exchange over others that demonstrate that the micro-relationship between the sex worker and client can be reflexive of everyday emotional and physical intimacy without corruptive consequences.” Sanders, 2008b, p. 412
- 7 „The internet has offered men who pay for sex an opportunity to create a social world in which paying for sex is no longer the activity of the lone, deviant male, but part of a collective, normative social and moral order.” Earle & Sharp, 2008, o. S.
- 8 „We found that there is more than one type of man seeking sex workers; some men are associated with consumer masculinities characteristics, while others are indicative of a fragile masculinities model. Second, we found differences in levels of support for rape myths and sexual assault among men who fit the fragile masculinities model and men who fit the consumer masculinities model. We should note that most men in this sample did not exhibit support for rape myths, nor did they report having committed sexual assault in the past. Support for rape myths and sexual assault is generally low across the men patronizing street prostitutes, with most male clients disagreeing, for example, that women who hitchhike deserve to be raped.” Joseph & Black, 2012, p. 499
- 9 “There is no evidence of a peculiar quality that differentiates customers in general from men who have not paid for sex.” Monto, 2014, Abstract
- 10 “This is in a context where all clients had more egalitarian attitudes toward women’s roles than the

- U.S. male population in the General Social Survey (GSS)."* Brents et. al., 2020, p. 1
- 11 "Over the 9-year study (n=925), 20.9% (193) experienced 282 events of workplace sexual violence and 40.2% (372) faced 702 events of client condom refusal." (p. 2) Conclusion: "Removal of 'end-demand' client criminalization is needed to enable sex workers to effectively screen clients, support HIV/STI prevention, and advance sex workers' human rights." Mc Bride, 2022, p. 2

APPENDIX: Excursus on the inclusion of street prostitution in prostitution samples

- 1 cf. Schröttle / Müller, 2004, p.58/59, p.65, p.87
- 2 cf. Farley, 2022, p. 25
- 3 cf. Leopold, 1997, p. 257 ff
- 4 cf. Bundestags-Drucksache 18/8556, 2016, p. 38)
- 5 ibid.
- 6 cf. Federal Statistical Office
https://www.destatis.de/DE/Presse/Pressemitteilungen/2023/09/PD23_368_228.html
- 7 Baden-TV, So viele Prostituierte arbeiten in Karlsruhe (This is how many prostitutes work in Karlsruhe), 03/18/2014,
<https://www.baden-tv.com/so-viele-prostituierte-arbeiten-in-karlsruhe-6600/>
- 8 cf. merkur.de, Prostitution in München: Was sich in der Rotlichtszene verändert hat (Prostitution in Munich: What has changed in the red light scene), 10/05/2016,
<https://www.merkur.de/lokales/muenchen/2800-prostituierte-arbeiten-in-muenchen-in-190-bordellen-chef-sitte-erzaehlt-was-sich-veraendert-hat-6810849.html>
- 9 Kölnische Rundschau, 'Rahab'-Projekt unterstützt SexarbeiterInnen ('Rahab' project supports sex workers), 12/11/2023,
<https://www.rundschau-online.de/koeln/streetworker-des-skf-rahab-projekt-unterstuetzt-sexarbeiterinnen-in-koeln-698247>
- 10 cf. Berliner Zeitung, In diesen Städten gibt es die meisten Prostituierten (These cities have the most prostitutes), 11/14/2023,
<https://www.bz-berlin.de/ratgeber/erotik/in-diesen-staedten-gibt-es-die-meisten-prostituierten>
- 11 cf. Deutsches Institut für Sozialwirtschaft (DISW) e.V., 2019, p. 38
- 12 cf. Hartmann u.a., 2019, p.123
- 13 cf. Berlin House of Representatives, Written inquiry and reply (Drucksache 18/21 503), 11/25/2019, S. 2,
<https://pardok.parlament-berlin.de/starweb/adis/citat/VT/18/SchrAnfr/s18-21503.pdf>
- 14 cf. Berlin House of Representatives, Written inquiry and reply (Drucksache 19/16 748), 25.11.2019, <https://pardok.parlament-berlin.de/starweb/adis/citat/VT/19/SchrAnfr/S19-16748.pdf>
- 15 cf. Berliner Woche, Über 2000 Sexarbeiter sind offiziell registriert / Dunkelziffer viel höher (Over 2000 sex workers are officially registered / number of unreported cases much higher), 11/01/2023,
https://www.berliner-woche.de/mitte/c-soziales/ueber-2000-sexarbeiter-sind-offiziell-registriert-dunkelziffer-viel-hoeher_a397738
- 16 cf. Hartmann, p. 77, 171
- 17 cf. Hartmann, p. 308
- 18 cf. Probst, 2023, p. 89

Concluding remarks

- 1 "A study on sex buyers in Germany presented in Berlin in November 2022 brings the extent of violence to light in a scientifically robust manner. In this international comparative study led by the American social scientist Dr. Melissa Farley, 100 clients in Germany were interviewed." cf. Constabel, 2023, p. 6
- 2 cf. CDU/CSU-Bundestag parliamentary group, 2023
- 3 cf. Döring u.a., 2022, p. 201, 203

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Translator's note:

Farley's quotations are mostly retranslated, so they are usually not the original wording.