

The Role of Empathy in Legal Evaluations of Sex Trafficking Survivors

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Introduction

- *Trafficked individuals* engage in commercial sex because they were induced through force, fraud, or coercion, while *sex workers* choose to engage in commercial sex of their own volition.
- Legally, trafficked individuals are victims of a crime while sex workers are guilty of violating prostitution laws.
- Survivors of sex trafficking are frequently misidentified as prostitution offenders.
- Research has shown that disgust and contempt, influence decisions of arrest in evaluations of alleged prostitution offenses.
- Other emotions are also likely related to judgements of blame and guilt, which have been shown to be positively correlated.

Current Research

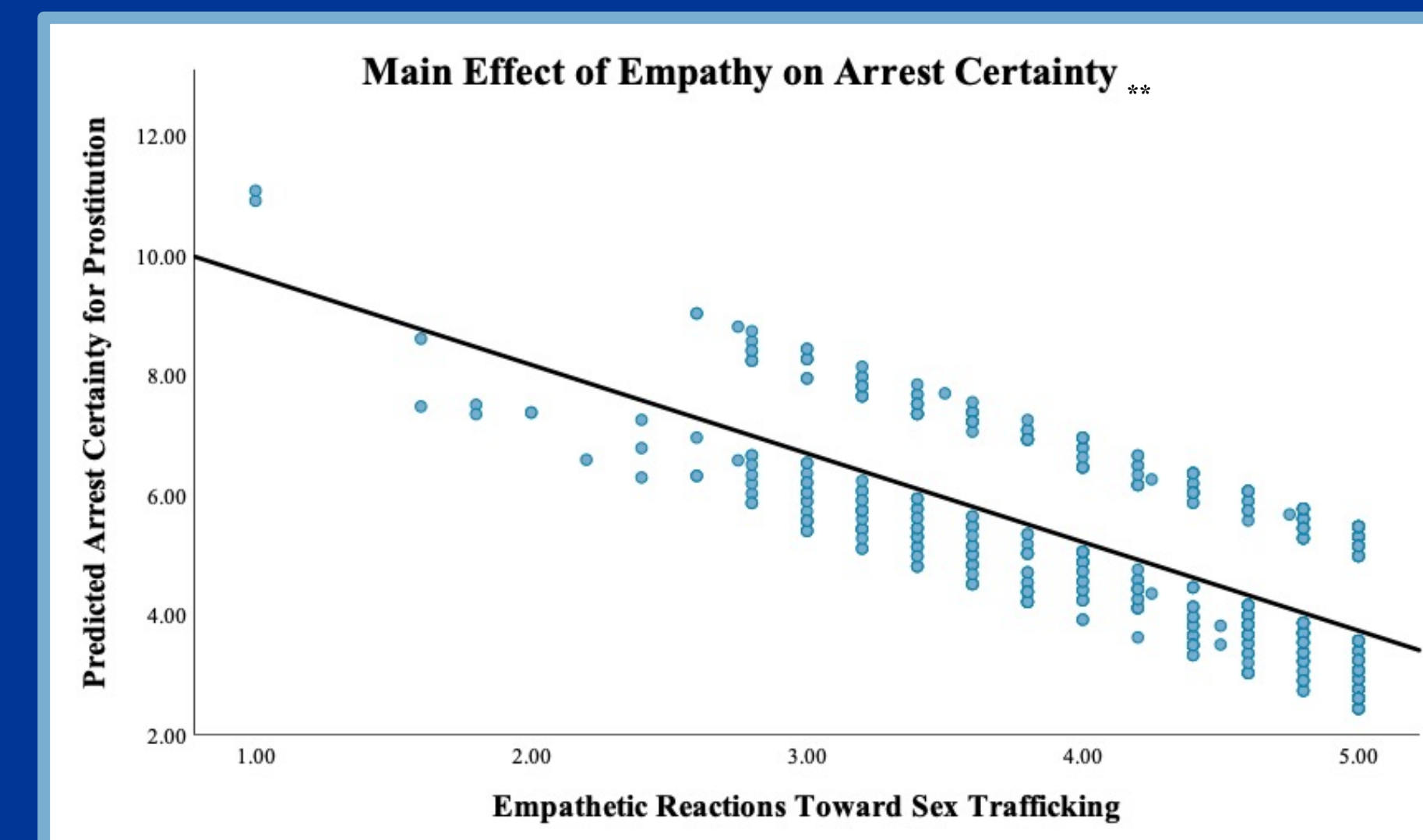
- This study assessed how empathy for sex trafficking and victim blame affect legal judgements of culpability when evaluating victims of trafficking for prostitution offenses.
- This experiment used a 3 (Inducement: No inducement/sex work vs. force vs. coercion) x 2 (Vulnerable background: vulnerable vs. non-vulnerable) x 2 (Manipulated victim blame: blame primed vs. blame not primed) between-subjects design.
- Here, we report on exploratory regression analyses to evaluate the impact of empathetic reactions toward sex trafficking, allocations of victim blame, and their moderating effects on certainty of guilt and arrest for the crime of prostitution

Methods

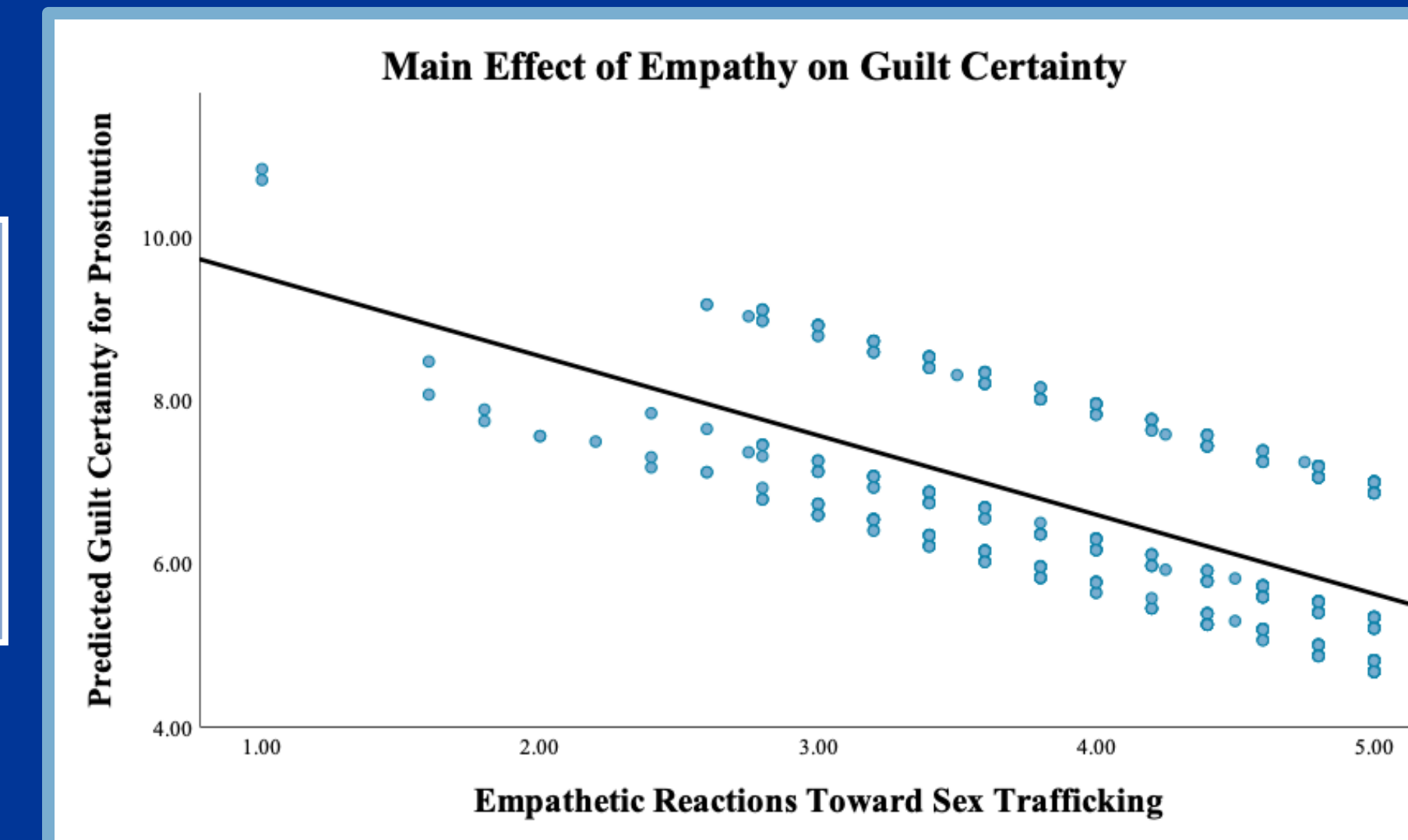
- Participants (Amazon MTurk workers), N = 486, completed an online Qualtrics survey *
 - Female: 54.9%; White: 76.1%
 - M(age) = 43.4, SD(age) = 12.72
- Participants read one of six scenarios depicting a woman, Sarah, engaging in commercial sex, either by her own choice (no inducement/prostitution condition) or as a result of inducement through physical force or psychological coercion.
- She came from a vulnerable or non-vulnerable background.
- Participants then answered questions assessing their perceived level of victim blame. The items were framed to either elicit blame or not elicit blame.

Results

Major outcomes: the effect of empathetic reactions on judgements of guilt and arrest certainty for prostitution



** Controlling for inducement, vulnerability, and manipulated victim blame



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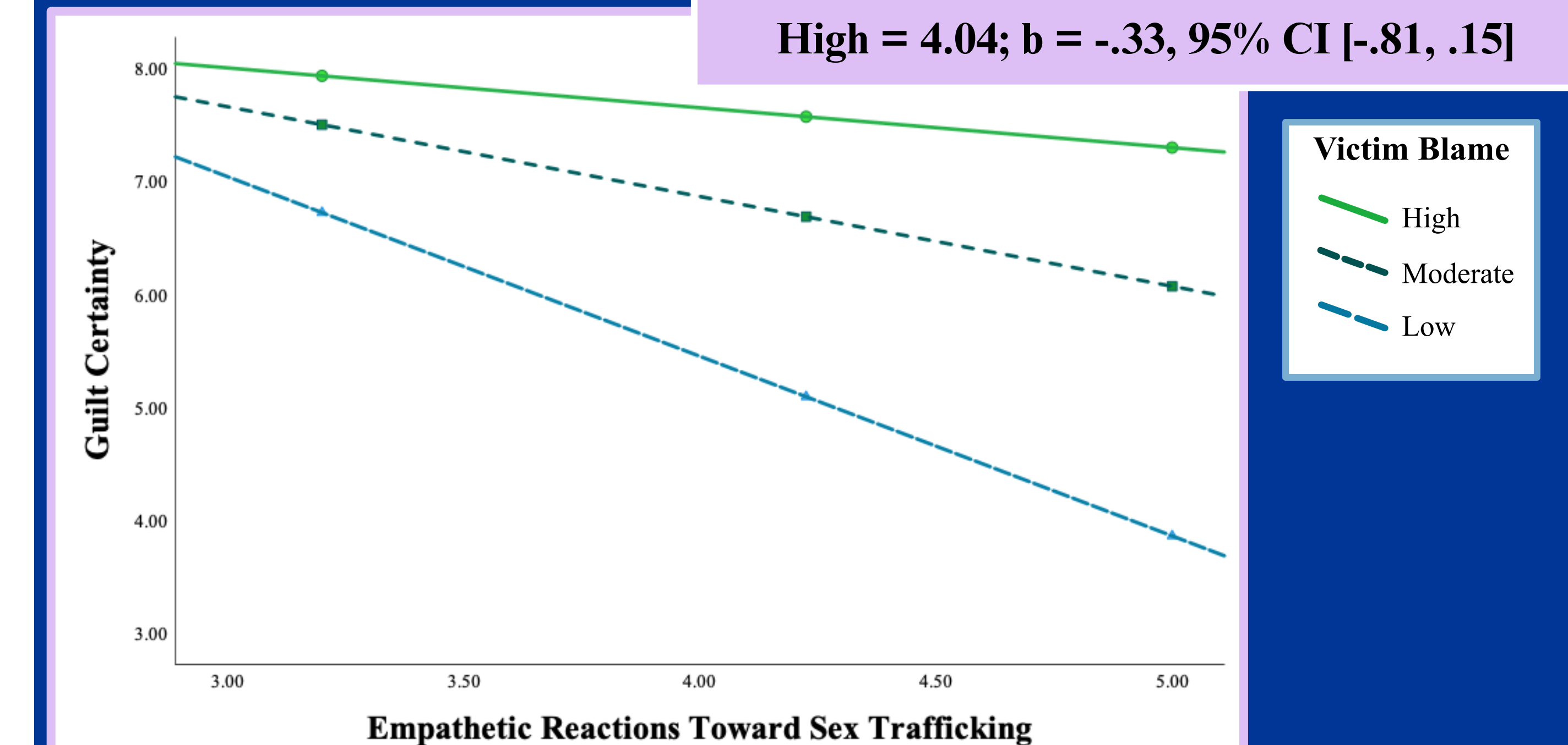
Prostitution Guilt Certainty: Moderation Effects of Empathy and Victim Blame

Moderator (Blame) on Empathetic Reactions

Low = 2.35; b = -1.52, 95% CI [-2.05, -.99]

Mod = 3.20; b = -.92, 95% CI [-1.29, -.56]

High = 4.04; b = -.33, 95% CI [-.81, .15]



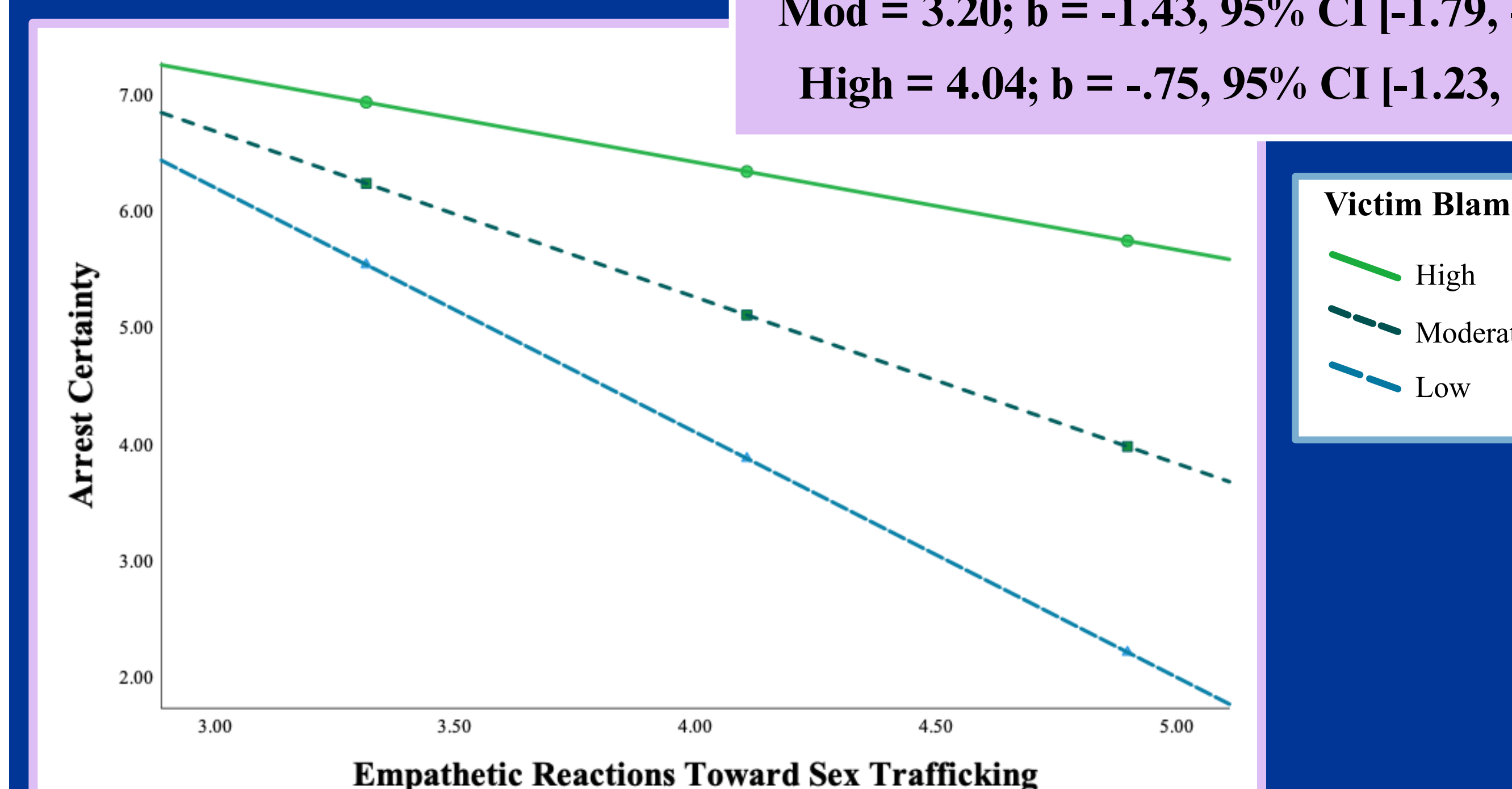
Prostitution Arrest Certainty: Moderation Effects of Empathy and Victim Blame

Moderator (Blame) on Empathetic Reactions

Low = 2.35; b = -2.10, 95% CI [-2.62, -1.58]

Mod = 3.20; b = -1.43, 95% CI [-1.79, -1.07]

High = 4.04; b = -.75, 95% CI [-1.23, -.28]



Summary and Discussion

- Empathetic reactions toward sex trafficking predict a decrease in prostitution arrest and guilt certainty.
- This relationship is augmented by lower assignments of victim blame. However, when assessing guilt for prostitution, high victim blame moderates the empathetic response.
- The moderation effect suggests a difference in the way people assess culpability when evaluating certainty of arrest versus guilt.
 - Assessments of whether a trafficking victim has committed prostitution are related to both empathetic reactions and degree of blame. Yet, when evaluating whether the survivor is guilty of prostitution, even high empathetic responses are irrelevant if people view the victim as culpable for the circumstances.
- Thus, while emotional reactions effect legal judgements, their influence may be less impactful than attributions of blame.
- If blame is to be considered more of a sentiment or mental state than emotion, future work should attempt to isolate the emotional components that underly it, such as disgust and anger, to further understand the role of emotion in legal decision-making.

References

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