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Victimless Crimes:

Shifting Views and Demographic Indicators

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Abstract

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In this honors thesis I examine how views towards victimless crimes have changed. In particular, I focus on marijuana use and prostitution. Drawing upon previous literature, I explain the origins of the concept of victimless crimes and philosophical ideas used to justify criminalization. I also rely on prior research to identify potential demographic indicators of views toward victimless crimes. I use two representative datasets, the General Social Survey and the American subsample of the World Values Survey to quantify and evaluate relationships between demographic variables and their effect on attitudes toward marijuana use and prostitution. I use a bivariate crosstabulation to explore the relationships between the demographic variables and the respondents' views toward marijuana use and prostitution. I focus on the differences in approval for the following demographic indicators: sex, age, marital status, household income, education, social class, religiosity, and region. Consistent with previous research, I found that respondents who are male, younger than 60, never married, highly educated, of the upper class, non-religious, and in the West were the most approving of marijuana use. Results were similar for attitudes toward prostitution with the exception of marital status, in which separated individuals, rather than those who are never married, were the most approving. These results coincide with previous research. Potential causes for these differences are discussed.

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Introduction

Have attitudes toward so-called victimless crimes liberalized over the past several decades, so that Americans are more approving? What are the predictors of a tolerant attitude toward the criminally prohibited acts that comprise victimless crimes? This thesis explores these questions and related issues. I begin by explicating the definitions and development of the term "victimless crime." As we will see, the modern study of victimless crimes developed in the second half of the twentieth century. Next, I will address why these acts have become criminalized in the first place. Most acts are criminalized because they violate the rights of others, causing them physical or material harm. For example, when someone is robbed, that person is the complainant and victim. However, not all crimes have an identifiable victim. Scholars such as Edwin Schur (1974) identified a body of acts which they termed "victimless crimes" because they lack an obvious victim. We will examine the various definitions that legal scholars have used to identify victimless crimes.

I will then address the philosophical concepts used to justify criminalization of these acts. In order to understand why victimless crimes are criminalized in the first place, we need to understand the liberty limiting principles. These are philosophical principles that offer different justifications for restricting individual freedoms. The justifiable scope of restriction ranges from the harm principle, which is the most narrow, to the offense principle, which is the most broad. The harm principle, associated with John Stuart Mill (1859), is typically agreed upon by all to be the baseline evaluation for whether or not an action should be restricted by government. It establishes that an act should only be restricted if it harms others. Other principles such as paternalism, moralism, and offense expand the scope of criminalization further. By applying

these principles in our analysis of victimless crimes, we can achieve a better understanding of how legislation applies to victimless crimes, and how in many cases criminalization is not reasonably justifiable. For example, we will see that common victimless crimes such as illicit drug use and prostitution are consensual and do not cause any harm to other parties.

I also examine previous research that identifies important sociodemographic predictors of classically liberal (libertarian) perspective toward victimless crimes, focusing specifically on the two archetypal victimless crimes: marijuana use and prostitution. The third section evaluates the critiques raised specifically against criminalizing the drug trade and prostitution. Both of these acts are commonly criminalized, despite evidence suggesting that doing so does not actually prevent the acts from occurring. We will see that enforcement of criminalization is typically ineffective and actually causes more problems than it seeks to resolve. Because these crimes are consensual acts, it is very difficult to uncover them. The extremely high costs of detection and enforcement do not result in any meaningful reduction of harms. Criminalization simply drives these acts further underground and out of plain sight. Evidence suggests that alternatives such as legalization of the acts allow for the regulation of these acts, which actually would make them safer.

Next I address the shifting views towards victimless crimes. Over time, we have seen a general shift towards decriminalization and legalization of victimless crimes. For example, the states of Colorado and Washington have legalized marijuana. We will look at how overall views of victimless crimes has changed over the last few decades, and also at which demographic traits predict opinions at the bivariate level. Here I will draw upon two nationally representative samples: the General Social Survey and the World Values Survey (the American subsample).

Both provide longitudinal and cross sectional data on American attitudes towards victimless crimes.

General Definitions

Victimless crimes have been defined in various ways since the 1950's. There are consistent themes and tendencies in how they are defined. The central idea is that there exists a body of crimes which lack an obvious victim. Early work by Edwin Shur defined it as a consensual transaction where two people exchange to obtain desired goods. (Shur, 1974). This definition highlights two important aspects: the interaction is both consensual and involves some sort of exchange. This includes acts such as prostitution, gambling, and drug purchase and use. However, as the philosopher Adam Bedau critiques, this definition does not cover a range of consensual acts without external victims which do not involve an exchange. Examples include suicide and public drunkenness, both of which are consensual and victimless but also do not require a transaction.

In *Theoretical Criminology* (1958) Vold and Bernard also cite the consensual aspect of these crimes. They delve further on this idea of consent by explicating an additional feature typical of these acts--the lack of a complainant. This is important because it emphasizes the fact that not only do the individuals involved in the act agree to it, there is no party that perceives itself as the victim. Any report of harm is made by a third party, someone *outside* of the act. For instance, when a prostitute solicits a client, either of the individuals could theoretically be identified as a victim by the third party. One could say that the prostitute is a victim of the sex trade, or that the client is a victim to the prostitute's solicitations. However, neither person

involved in the transaction, prostitute nor client, perceives himself or herself as a victim to a crime. An even more clear example of an act which lacks an identified victim is homosexuality, which historically has been subject to criminal penalties, and is still penalized in many places. Not only does this act not have an internally identified victim, even those enforcing criminalization of the act are unable to identify a victim. In this case, even the third-party complainants usually do not perceive either of the participants to be victims. For example, when a prostitute is arrest, neither the client nor prostitute or listed as the victim of the crime. The participants are *both* labeled offenders, and so there is no identifiable victim whatsoever.

Steven Vago gives an even broader definition of these acts in that they are, "*mala prohibita*, that is, behaviors made criminal by statute..." (Vago, 2003:210). He contrasts these with acts that are "*mala in se*," which are inherently dangerous in the threat to pose to society. They are prohibited because they violate consent and harm others. Murder, arson, vandalism, and rape are all acts which have an easily identifiable victim and evidence of harm. Rationale for criminalizing *mala prohibita* acts on the other hand usually relies on a moral argument. In general, *mala prohibita* acts are criminalized on the basis of posing some sort of threat to the notion of public decency or good morals in society. Public drunkenness for example can be construed to violate public decency because the behavior is considered unacceptable under certain social norms. However, this complicates classification, because morals are a much more abstract concept than say, harm to person or property. The idea of moral harm requires first establishing that morals are in fact a justification for criminalization.

The themes of the various definitions include consent, lack of an internal complainant, and a general lack of inherent harm to others. This then raises the question of why the acts are considered criminal in the first place. As mentioned, the major justification for criminalizing

these acts is usually a combination of the harm, paternalism and moralism principles. In order to better understand what this means, we need to examine the liberty-limiting principles.

Literature Review

Liberty Limiting Principles

Legal scholars have identified four liberty-limiting principles, i.e., principles that serve as justifications for the state to coercively curtail our freedom. Sociologically, perhaps the best way to think about these philosophical positions is that each represents a type of argument that people and groups use to justify their views about the appropriateness of a given law. Thus, these principles represent rhetorical weapons in the ideological and political battles. We can analyze the rhetorical strategies of competing groups by situating their arguments within one or more of these principles. The major liberty-limiting principles that will be discussed are: harm, paternalism, moralism, and offense (which can be construed as either an extension or intersection of the harm and moralism principles.) The reach of government grows with each principle: government authority to rightly limit the freedom of its citizens is at a minimum with the harm principle and a maximum with the offense principle.

Harm

The harm principle establishes that "it is always a good reason in support of penal legislation that it would be effective in preventing (eliminating, reducing) harm to persons other than the actor (the one prohibited from acting) *and* there is no other means that is equally

effective at no greater cost to other values" (Feinberg, 1984). In other words, the government is justified when it prevents one from engaging in actions that harm others. This view is associated with English Philosopher John Stuart Mill, who in his essay *On Liberty,* originally published in 1859, offered the definitive formulation to what is now termed the "Harm Principle."

"The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinions of others, to do so would be wise, or even right...The only part of the conduct of anyone, for which is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign." (1859:9)

The harm principle brings into scope two main justifications for preventing an action. First, legislation should have the power to limit one's freedoms only if it prevents or reduces harm done to others. Second, even if legislation does reduce harm done to others, the proposed legislative method of prevention should be the most efficient course of action given what is known about the situation. Most victimless crimes do not qualify for criminalization under the harm principle because they lack obvious causational harm. Moreover, most attempts to reduce harm are also not effective.

However, harm is difficult to clearly establish in many cases, because harm can occur indirectly. Tort law for example often examines whether or not harm was reasonably foreseeable. There are certain commonly cited victimless crimes which entail some sort of indirect harm,

such as drug use. It could be argued that the user is actually the victim of harm because the seller is aware that it could cause future harm. Though, it could also argue that because the exchange is consensual, any harm incurred cannot be criminalized. Feinberg (1984:115) cites the "*volenti* maxim.*"* The phrase, "*Volenti non fit injuria"* means, "to one who has consented no wrong is done." In order for the user to consent, it is assumed they are aware of the effects and potential harms that could be incurred. For example, in the U.S., the harms of cigarette smoking are labeled on the product itself. Any purchase and use is therefore considered consensual per agreement of the user.

But even assuming that some sort of direct harm is potentially caused, the practicality aspect of the harm principle needs to be considered. Is the suggested legislation actually the most efficient means of preventing harm? In many cases, such as with the drug trade and prostitution, the existing legislation is actually not only ineffective at preventing the harms, but potentially exacerbating them. In general, even if an act can be arguably categorized as "harmful," legislation preventing it should only be enacted if effective.

Paternalism

Feinberg (1986:4) defines paternalism as supporting the necessary prevention of acts that lead to physical, psychological, or economic harm to the actor himself. The paternalism principle extends the scope of legal power to not only actions that harm others, but also actions that harm the actor himself. This includes acts that the actor may or may not realize is harmful, and therefore may or may not have intentionally done. Drug use, suicide, and gambling are all acts commonly criminalized under the paternalism principle because they cause self-harm physically (in terms of drugs and suicide) and economically (in terms of gambling). The justification for the

law being able to prohibit self-harm is that the role of the government should be like that of a parent. There are certain situations in which a parent should prevent a child from harming himself. This general idea is applied to the government, making the government responsible for ensuring its citizens do not harm themselves.

A major problem with the moralism justification is its application. Allowing the government to prohibit willing acts unto one's own self violates the *volenti* maxim, that all consensual acts should not be criminalized. The extent to which an act constitutes enough self-harm for the government to intervene is highly questionable. For example, gambling *can* potentially cause an individual great economic harm, but so can taking out loans for a house. Going rock-climbing or skydiving entail potentially serious physical harm and even death to a person. Does that mean the government should outlaw these acts as well? Enacting the paternalism principle requires an evaluation of risk which cannot be objectively made. Every act has the potential for harm. The issues of causation, risk, and consent cause this to be a difficult justification for criminalizing acts.

Moralism

Moralism permits restrictive legislation for a much wider scope of justifications, most of which do not relate directly to harms incurred. As Feinberg explains in the *Moral Limits of the Criminal Law*, "legal moralism permits any of a large miscellany of reasons having no reference to harm or offense to anyone to have relevance and cogency in support of criminal legislation" (1988:3). He further outlines some common justifications under the principle: "The reasons most commonly advanced, however, are the need (1) to preserve a traditional way of life, (2) to

enforce morality, (3) to prevent wrongful gain, and (4) to elevate or perfect human character" (Feinberg, 1988:4).

Because of its extremely broad scope, the criminalization of almost all commonly listed victimless crimes could be justified under the moralist principle. Prostitution is commonly said to be a "social ill," because it spreads bad morals. Homosexuality was and is criminalized in many societies because it represents a moral threat, usually in relation to a religious moral dogma. The harm principle applied without the moralism principle would require that an act cause direct harm to one of the parties involved. However, if we do assume that morals are something essential to the well being of society, then the harm principle could then be invoked in the context of harming collective morality. If morals are intrinsically tied to the well-being of society, then anything that violates that set of principles would be harming society. Feinberg calls this interaction "moralistic legal paternalism," the support of a proposed prohibition that is necessary to prevent moral harm as opposed to physical harm.

The moralism principle is troublesome because it requires an *a priori* assumption that morals are sufficient justification for criminalizing an act. If we examine the four common themes of moralism, it becomes apparent that they are very vague and can be applied to almost any body of acts. (1) A traditional way of life does not have any inherent value. There is nothing to explain or justify *why* a particular tradition should be preserved. (2) Enforcing morality is a very vague concept. A moral is a set of beliefs establishing how things ought to be. They are not necessarily related to any empirical body of evidence. They are highly variable and not defensible in a practical way. (3) The desire to prevent wrongful gain is actually rooted in the harm principle. The moral statement of "preventing wrongful gains," is rooted in a gain being wrongful--acquired in such a way that violates another's rights. (4) The attempt to perfect human

character assumes that there exists some ideal form of character. All of these goals can quickly become circular: morality should be defended because it is moral.

Offense

The offense principle gives the law the most authority to restrict individual's actions. It establishes that certain acts can be limited because they cause others offense. Offense is the vague concept embodying one's beliefs, sensibilities, or state of mine. It could be seen as an extension of moralism that applies to individuals' beliefs, rather than society at large. Censorship is an example of the offense principle in practice. Proponents of censorship often will attempt to criminalize pornographic materials because it may offend individuals. There are no scientific studies that confirm exposure to "obscenities" such as pornography harms individuals in society. (Mappes and Zembaty, 1982:234). Therefore, the main objection to pornography is the idea that it may "offend" one's sensibilities.

This sort of rationale relies on a shaky moral framework because what society deems to be obscene is greatly dependent on that society's culture. For example, public nudity is accepted in some cultures and considered indecent in others. The offense principle is frequently applied to prostitution, because street walking necessitates the presence of prostitutes in the areas where they conduct business. This causes an offense to bystanders that live or work in the same areas, even if they are not tangibly harmed by it.

Criticisms of Criminalization

One major criticism of criminalizing victimless acts is that it 'creates' a class of criminals. Labeling theory suggests that groups of people will live up to the label they are given, causing a self-fulfilling prophecy. As Schur explains, by identifying an individual as a deviant, we come to see him only in that light (1974). These laws create a class of criminals that society perceives as negative, despite the fact their acts did not harm others. By creating an arrest and criminal record for acts that do not seem to cause any harm, these laws create a class of individuals who then face employment difficulties. They bear the mark of being a criminal, when the act they committed was not inherently criminal.

Various acts are still currently criminalized in the United States. Two crimes that both involve consensual exchange and a lack of a complainant are prostitution and the drug trade. These are acts commonly cited as victimless crimes. An examination of how these exchanges occur will reveal some major problems in enforcing prohibitory laws.

Prostitution

Prostitution is often perceived as an act that harms society because it erodes moral well-being. Assuming that morals are necessary to societal well-being, the question of criminalization would depend on the remaining tenets of the harm principle: reduction of harm and effectiveness of criminalization. Many studies show that laws prohibiting prostitution are not only ineffectual, but also increase harms. These prohibitory laws do not actually eliminate the act; they simply drive them underground. This means that women are forced to work in

unregulated, illicit, and oftentimes abusive environments. According to Vago (2003:215), laws also tend to be discriminatory toward women, because there is a tendency to regard the prostitute as the offender, but not the client.

The second issue of contention is the effectiveness of these laws, specifically their deterrent effect. Schur (1974:16) explains the "revolving door" approach to prostitution. Legal prostitution functions like a business. Private locations are available for the exchange to take place. When this is outlawed, these same businesses move underground--out of the public's eye. This manifests itself in what is known as "street walking." But as Schur explains, although street walking is illegal, it does not stop it from occurring. "Streetwalkers are routinely hauled into court, fined, bailed out and back on the job in short order--typifies the aura of hypocrisy and futility that surrounds the attempt to enforce legislation against such borderline crimes," (Schur, 1974:16). The laws do not actually reform or prevent the actors from continuing the deed. Under the harm principle, this ineffectiveness would be a reason to not criminalize prostitution. It is clearly not the most effective method of reducing harm. As we will see, it can actually exacerbate the harms suffered by the men and women who participate.

In order to understand the tangible harms of prostitution, we would have to examine the differences between the practices of legal and illegal prostitution. Street walking usually involves more than two parties, a prostitute, a pimp, and a client. The pimp is the individual who acts as the prostitute's private business manager. However, because this entire practice is hidden from the law, there are no regulations on how the women involved can be treated. A study called "Pimp-Controlled Prostitution: Still an Integral Part of Street Life," examines the interactions between pimps and prostitutes and shows how these relationships are often abusive (Williamson and Cluse Tolar , 2002). It characterizes pimps as men who use manipulative tactics to exploit

the vulnerabilities of women in order to convince them to sell sex. Additionally, if demands are not met, they often will escalate to emotional and physical abuse: "On an interpersonal level, the power and control pimps maintain over women in their stable is akin to that used in abusive relationships. Just as pimps resemble batterers in intimate relationships" (Williamson and Cluse Tolar, 2002:1089).

Street walking practices are also shown to be a major cause of venereal disease compared to regulated prostitution. Research suggests that independent prostitutes (street walkers) are responsible for the spread of venereal disease. (Symanski, 1974). Therefore, these laws not only do not effectively prevent harms, they actually worsen them for both the women and clients involved. The clandestine, unregulated nature of street walking increases the likelihood of spreading net societal harm through sexual transmitted infections. Both Reno and Las Vegas have trouble with streetwalkers and call girls. Because they are not registered, they cannot be regulated or examined for venereal disease as they would be elsewhere in the state" (Symanski, 1974). Were it not for criminalization, it's possible that these same women who are involved in the trade would be in a better-regulated environment.

Legal brothels, offer a much safer alternative to street walking. Nevada is a unique case because it is one of the only places in the U.S. where prostitution is legal. A look into the functions of a brothel show that it is run and regulated much like any other business. Certain conditions for sanitation, treatment, and behavior are all mandated. For example, workers in legal brothels who "receive a monthly blood test (serology) and a weekly examination for venereal disease" (Symanski, 1974:361) tend to be in much better condition than street walkers. In addition to medical regulations, brothels also have strict rules that help maintain organization and treatment. For example, rules of the "house" (brothel) "provide that prostitutes be at least

twenty-one (eighteen in a few counties), obtain a work permit, and be fingerprinted, photographed, and examined by a physician before commencing work" (Symanski, 1974:362).

Comparatively, legal brothels are a much safer and well-regulated alternative to street walking. Not only does criminalizing prostitution not offer an effective means of reducing harms, it actually induces further harm. By forcing prostitution underground, it causes both the workers and clients to face heightened risks. Even if the act does somehow cause moral harm, criminalization clearly does not actually resolve the harm.

Drugs

The drug trade is a similar case to prostitution in that it is a difficult act to prevent. In order to determine whether or not legislation is justified, we need to again examine whether criminal justice goals are achieved efficiently. We will see that most efforts to enforce criminalization are ineffective at preventing the transaction, and actually cause additional harms. The Harrison Narcotic act of 1914 began a long uphill battle in substance control that has yet to see any overall progress in actually reducing drug trade. The Harrison Narcotic Act aimed to curb drugs by taxing doctors who prescribed narcotics and opiates. The overall attempt to control drugs has failed mainly because the drug trade is both consensual and lacks an internal complainant.

In an economic sense, attempting to prevent drug deals is extremely costly. A report by Goldberg and Delong researching drug use and prevention showed that even in 1972 over $125 million dollars were spent on drug control. This trend continues into the nineties and the new

millenium. Federal drug enforcement expenses increased from $1 billion in 1981 to over $7.5 billion in 1994. (Miron and Zwiebel, 1995.)

The techniques used to enforce drug control are often unsavory. As Schur explains, because the transactional nature of drugs is consensual and lacks a complainant, enforcement is extremely difficult and costly to administer. Law enforcement has to rely on methods such as use of informants, decoys, and "stool pigeons." Stool pigeons are substance users that the police use to gain access to the private drug exchanges. This practice temporarily exempts certain individuals from the law while using them as informants. In general, because the transaction is made in secret, the methods required to detect it are difficult and questionable. The very act of enforcement often requires some sidestepping of the law itself.

In spite of these measures, evidence suggests that enforcement tends to be unsuccessful. Enforcement practices force the police to adopt legally and morally questionable investigative methods, and even these methods prove mostly ineffective in curbing the drug trade (Schur, 1974). Drug busts and raids usually have little effect on reducing the overall operations of the network, "it has been long apparent that police efforts in this area, while often falling heavily on the user and small-time (usually addicted) pusher, have had little impact in reducing the operations of the higher-ups in what has become a well-organized distribution network" (Schur, 1974:17). It is extremely difficult to locate the actual source of the supply. Most evidence of drug exchange exists in the form of consumer possession.

More importantly, even when a source is found and subverted, the greater drug trade network is not shut down. In fact, destruction of one drug circle simply shifts the supply and demand curve temporarily. The reduction of one source does not stop consumers from seeking out other suppliers. In addition, this change causes the price of drugs to increase, making it a

more lucrative business for the suppliers. "The profitability of the entire narcotics black market depends on untiring efforts of the law-enforcement agencies to hold the available supply down to the level of effective demand" (Brecher, *et al*., 1972, p.94).

Based on these facts, it is obvious that the current prohibition is not doing an effective job of reducing any potential harms of drug use. It does not permanently reduce the number of users or suppliers. In fact, it actually allows a criminal market to thrive because of the way prohibition affects supply and demand. These markets, often run by cartels, are also closely tied to other crimes which do cause inherent harm, such as murder or violent assault. Similar to the case of prostitution, then, legalization and regulation actually serve as a more efficient alternative to criminalization. If treated in the same manner as cigarettes or alcohol, it is possible to use taxation and other economic incentives to reduce usage. It would also remedy the problem of driving the supply down so much that a black market is able to exist. The restrictions on supply caused by taxation are unlikely to be sufficient to generate a black market, so the major harms caused by prohibition would be resolved. (Miron and Zwiebel, 1995.) This is an important consideration, seeing as how the very act of criminalization may be causing the majority of the issues associated with the transaction. Take alcohol for example, bootlegging and the crime circles relating to it were only made possible because of prohibition.

Shifting Views of Victimless Crimes

In this section I will review previous research on the sociodemographic variables that affect views on victimless crimes. Based on the overwhelming evidence that criminalizing victimless acts is ineffective, it is reasonable to expect that public opinion would shift towards decriminalization or legalization. Schur notes that many developments have contributed to the trend toward decriminalization (1974). Some of the major developments are due to people becoming wary of abstract moral reasoning. People are more likely to question laws that do not have a sound, empirical basis. As we've seen, moralism is typically not an appropriate justification for legislation because it often relies on arbitrary assumptions. It assumes that some set of moral beliefs is necessary to a society's well being, and that these morals are inherently good.

In some cases, these supposedly good morals are actually in violation of the harm principle. They cause harm to certain individual's well being, preventing them from utilizing their freedoms. A landmark historical example that addresses this issue is the Wolfenden Report of 1957. The report was made by the Wolfenden Committee, formally known as *The Report of the Committee on Homosexual Offences and Prostitution*. The report implicitly refers to the harm principle. Rather than being concerned with consensual interactions in private, the law is concerned only with public conduct as it affects *other* individuals. The law should only sanction acts if they are injurious to other members of society (Wolfenden Committee, 1957). The report specifically refutes the moralism principle by stating that the law in unconcerned with one's private ethics.

Based on this tenet, the report then goes on to suggest that private acts of homosexuality should not be considered a criminal act. The idea is that as long as it is conducted in private, the law should not reach into one's bedroom on some moral or ethical principle. The report also addresses prostitution in a similar manner. It even suggests that licensed brothels should maintain consistent disease testing in order to ensure the health of the women who work there (Wolfenden Committee, 1957:205).

Since the Wolfenden Report, we see many more steps in the direction of decriminalization. More recent legislative examples include the legalization of abortion and recreational marijuana possession in certain states. The overall trend of views on victimless crimes seems to be moving toward decriminalization or legalization, either by reducing the penalties involved, or outright legalizing the act. However, opposition still exists. As explained, most arguments in favor of criminalization do not rely on the harm principle alone. The arguments tend to incorporate moralism as a justification.

The main question that will be addressed in this thesis is what factors contribute to certain views regarding victimless crimes. Many prior studies that will be examined here have focused on variables such as religion, education, and age. In order to limit the scope of analysis, we will be focusing on aspects of studies relating to views on marijuana and prostitution. The main goal is to understand what variables may determine views on victimless crimes, and how these variables are important in regards to actual legislative outcomes. Previous literature suggests that individuals who are male, unmarried, more educated, and non religious are likely to be more tolerant than those who are female, religious, less educated, and married (Smith, 1998).

However, these demographic variables may not be fully accurate predictors alone. An important trend that shows up in prior studies is that assuming harm and misunderstanding the

extent of harm is positively related to intolerance. Rooney and Gibbons conducted a study that analyzed people's conceptions of harm and victimless crimes in 1966. It tested for two dimensions, the respondent's view on victimless crimes, and also the respondent's degree of misconception regarding these crimes. Its results suggested that those who condemn victimless crimes tend to have a high degree of misconception regarding harm and criminal enforcement strategies.

This study used questionnaire which asked the respondent about their opinions regarding current and proposed legislation for various victimless crimes. Researchers for the study were instructed to seek out respondents that represented the middle class in terms of income and education. The questionnaire included questions that were intended to reveal the extent of respondent's misconceptions. It would compare one's views to assumptions they had about the act in question.

The results suggested little tolerance for narcotics use. They showed that 85% of respondents felt that the existing narcotic laws in the U.S. should be strengthened. Only 14.2% of the sample believed that marijuana should be legalized for adult use (Rooney and Gibbons, 1966: 406). These opinions also coincided with a higher percentage of misconceptions regarding narcotic use. We see a high level of misconception that overstates the harms attributed to drug use. For example, 74.2% of respondents believed that people who use drugs are usually physical wrecks (Rooney and Gibbons, 1966:405). Data also showed that people tended to mistakenly assume that government policies on drug control were effective. It is therefore possible that much of the opposition is still based on an overstatement of both harms and the effectiveness of control.

Another study, conducted by Veneziano and Veneziano in 1993 shows that those view victimless crimes as wrongful acts tend to assume that harm is occurring. More importantly, they tend to also believe that consent does not make the harms permissible. The study sampled 178 students from Midwestern University and 766 students from local high schools. The focus was to sample the opinions of young people who would likely become future voters. The study measured opinions through a four-part questionnaire with a five point Likert scale. The questions asked how much harm the students felt would be caused to themselves, their families, and societies at large for four traditional victimless crimes: drug usage, gambling, pornography, and prostitution. The study also separated each act into mild or severe, supplier or user, and frequency of involvement. Being a user or supplier of marijuana for example, would be a mild form of drug usage, whereas being a user or supplier of heroin would be considered severe.

The data showed that students all rated the crimes as at least somewhat harmful. They consistently rated severe acts as more harmful than mild acts. Students also tended to think that suppliers were doing more harm overall than users. Finally, it also showed that the frequency of involvement did not change the student's perception of harm. This last point was unexpected, but also leads to some interesting implications. The article explains:

"It was hypothesized that excessive involvement would be rated as more harmful than occasional involvement. It appears that these respondents perceived these acts from an absolute perspective, as opposed to a relative perspective. That is, these acts were viewed as being wrong, apparently from both a legal and a moral standpoint, and frequency of involvement was irrelevant in arriving at this determination" (Veneziano and Veneziano, 1993:11).

The article thus concludes from this study that people who take a more conservative stance on victimless crimes do in fact perceive them as harmful. Although it has been argued that harm in victimless crimes is negated by consent, it seems that politically conservative voters would not agree (Veneziano and Veneziano, 1993:12). These individuals do not then see consent as negating the role of victim. There is still the baseline assumption that unnecessary harm is being done, even if it is consensual.

Aside from assuming harm, religion was another major predictor of attitudes toward victimless crimes. Studies have presented trends and theories for how religion affects views on victimless crimes. Overall, patterns show that of major religious denominations, Jews tend to be the most tolerant of drug use and conservative Protestants are the least tolerant (Hoffman and Miller, 1997). The data also show that while controlling for religion, lower classes tend to be less tolerant of victimless crimes than middle and upper classes. The study by Hoffman and Miller focuses on how different religious affiliations can affect one's views on certain political issues. It examines two theories of religious change, convergence and divergence. Convergence suggests that through increased interaction in the form of mass media, socialization, and geographical mixing, religious groups are more likely to become more similar in their views. Divergence on the other hand, is the idea that in recent years, religious groups are attempting to strengthen moral boundaries in a reaction to perceived threats from other religious groups. It used repeated cross-sectional samples taken from the General Social Survey from between 1972-1994. They controlled for religious affiliation. They distinguished the following groups:

"* Conservative Protestants (Southern Baptists, Evangelicals, Fundamentalists,

Nazarenes, Pentecostals, Church of Christ);

*Moderate Protestants (Lutherans, Methodists, Northern/Independent Baptists,

Reformed);

* Liberal Protestants (Episcopalians, Presbyterians, United Church of Christ);

* Black Protestants;

* Catholics;

* Jews;

* Unaffiliated (those who report no religious affiliation)" (Hoffman and Miller, 1997:57).

    The topics addressed include views on support for abortion rights, support for traditional female roles, support for legalization of marijuana, support for heterosexual premarital sex, and support for school prayer.

    On the subject of marijuana legalization, the results of the study showed that from 1972 to 1994, there has been a slight overall increase in the support of legalization. However, there was a spike of approval in 1978 for all religions. This was then followed be a continuous decline through the 80's, and then a slow increase up until 1994. The issue of marijuana shows the most convergence over time.

    Cao and Maguire also conducted a study analyzing the effect of religion on one's views. The focus of the article is temperance theory. Temperance theory posits that the political culture at the end of the century is characterized by the persistence of moral politics in which personal behavior is sanctioned on a moral basis. The motivation behind this trend is caused by the economic insecurity of the middle class, driving them to reassert status boundaries in order to

delineate themselves from other social classes. (Cao and Maguire, 2014). This theory is similar to the divergence theory of religion because it emphasizes the need for religious groups to reassert their boundaries. This study is separated into two parts. The first uses longitudinal data from the World Values Survey to determine whether the relationship between class and acceptance of prostitution varies over time. The second uses cross-sectional data to examine the relationships between social class, views on gender equality, and religiosity.

The findings showed that there has been trend toward greater tolerance of prostitution over the past 20 years. The data regarding class and tolerance do not support the temperance hypothesis. It shows that it is the lower classes rather than the middle and upper classes that show the most disapproval toward prostitution over time. Those who were religious also showed more disapproval toward prostitution. So regardless of one's class or views on gender equality, religiosity tended to increase disapproval (Cao and Maguire, 2014). Based on other finding regarding the association between perceived harm and disapproval, it is possible that those with strong religious convictions perceive moral harm as inherent in victimless crimes.

Education is another major predicting variable for views on victimless crimes. A study on legal education and views on victimless crimes by McCleary et al. revealed that those with more knowledge on the legal system tend to be more tolerant towards victimless crimes. This trend suggests that education in general may be positively related to one's tolerance, especially those with a legal background. The goal of this particular study was to investigate if people from different backgrounds agreed on the relative seriousness of crimes. In particular, the study wanted to see if individuals with a legal education would perceive crime differently. The sample included individuals from various legal backgrounds, such as assistant prosecutors, assistant public defenders, judges, and probation officers (McCleary et al., 1981:277). The study used a

questionnaire in which respondents were asked to score various crimes on a nine-point scale for seriousness. They then compared their results to a previous study conducted on citizens without a legal background.

The results show that respondents with a legal background tended to score victimless crimes such as drug use much less serious than citizens do. This could be attributed to the possibility that those who are more legally informed have fewer misconceptions regarding certain acts and their harms. As shown in a previous study, the assumption of harm is highly correlated with disapproval of an act. Based on these previous studies, I will be analyzing certain demographic variables that are likely to be a major indicator of one's views on victimless crimes.

Data and Methods

In this section, I describe the data sources and methods used for this thesis. The data for this project come from the General Social Survey (GSS) and the World Values Survey (WVS). The GSS is a national survey that has been conducted in the United States over the last four decades. It contains measures of core demographic variables such age, income, satisfaction with life, religious affiliation, etc. It also contains attitudinal variables on key issues such as government spending priorities, morality, and intergroup tolerance. It is conducted through in-person interviews in the United States.

The WVS is a global probability survey conducted to explore people's beliefs and values over time. The survey is carried out in face-to-face interviews. Like the GSS, the sample is representative of the population of American adults 18 years and older. The survey features a

multi-part questionnaire that has been administered since 1981. The survey seeks to gather information on trends in individuals' views on various social and political issues.

I will use the GSS to examine attitudes toward marijuana legalization from 1980 to 2010. The question in the GSS regarding marijuana is phrased, "Should marijuana be legalized?" The response categories are yes or no for every year it is asked. Because the GSS does not also allow a longitudinal analysis for prostitution, I rely on the WVS as an additional secondary data set in order to examine this additional type of victimless crime. The question for prostitution in the WVS is included in a section on justifiability. The general question asked for the entire section is: "Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between" (World Values Survey, 2009). Justifiability for prostitution is then measured on a scale of 1 through 10, with 1 being "never justifiable," and 10 being "always justifiable."

It is important to note the semantic differences in the phrasing of the questions between the GSS and the WVS. No pretense is made that these are perfectly phrased for the purposes of this analysis. The GSS focuses on legalization whereas the WVS focuses on justifiability. As with most secondary data analysis, the researcher is limited by the available data. However, despite these differences, we are still able to draw general conclusions regarding trends in peoples' approval towards these acts. In order to standardize the measures of approval between the two data sets, replies for prostitution from the WVS coded 1 through 4 will be considered "disapproving," and replies coded 5 through 10 will be considered "approving." The reason for this coding is because the yearly distribution is very disproportionate, with the majority of the respondents falling in the lower numbers. Rather than recoding it evenly with 1-5 as "disapproving," and 6-10 as "approving," the neutral response of 5 has been grouped as

approving instead of disapproving. This is done so that the data are less skewed for purposes of analysis.

Demographic variables from the WVS have been recoded to as closely match the corresponding GSS measures as possible. The sociodemographic variables that will be analyzed are age, sex, marital status, income, education, subjective social class, religiosity, and region. Age is measured in years and has been recoded into four categories: 18-33, 34-45, 46-59, and 60 or older. Sex was left unchanged because it was originally measured in the same binary "male or female" coding in both data sets. Marital status was compressed into five categories: married, widowed, divorced, separated, and never married. Education is measured as the highest degree achieved, with the categories of less than high school, high school, and college. (The category "college" includes undergraduate as well as all graduate degrees.) Subjective class identification is separated into four groups: lower, working, middle and upper. Religiosity is measured in four levels of strength: strong, rather strong, somewhat strong, and no religion. Both datasets measured strength of religion in the same manner so recoding was unnecessary. After standardizing the demographic variables from each dataset, I then conducted a series of crosstabulation to determine how these independent variables affected respondents' views toward both marijuana and prostitution. The following section presents the results of my analysis.

Analysis

I begin by showing how attitudes have changed over time towards marijuana and prostitution. Then I will examine the effects of several background variables such as sex, age, education, religion, income, etc. Figure 1 shows the trend for views on marijuana approval between 1980 and 2010. Recall the question in the General Social Survey asks respondents whether they favor or oppose the legalization of marijuana. The question does not distinguish between recreational versus medical marijuana. It may be the case that support for medical marijuana is notably higher than support for recreational use. We are unable to address that distinction here. As shown in Figure 1, general approval of marijuana decreased between 1980 and 1990, but then began to steadily rise between 1990 and 2010. The drop in approval up until 1990 is attributable at least in part to the Reagan anti-drug campaigns. Over the complete timeframe from 1980 to 2010, approval almost doubled, rising from 25.5 percent approval to 48.4 percent approval. This trend is consistent with more recent research conducted by the Gallup polling organization (citation). This Gallup poll found approval for marijuana was at an all-time high in 2013, with 58% of people in the United States approving of legalization. The few short years between 2010 (the endpoint in the GSS data) and 2013 (the time of the Gallup poll) suggest that opinions toward marijuana are rapidly changing to become more classically liberal, i.e., more tolerant if not outright approving.

Figure 1: Approval of Marijuana 1980-2010
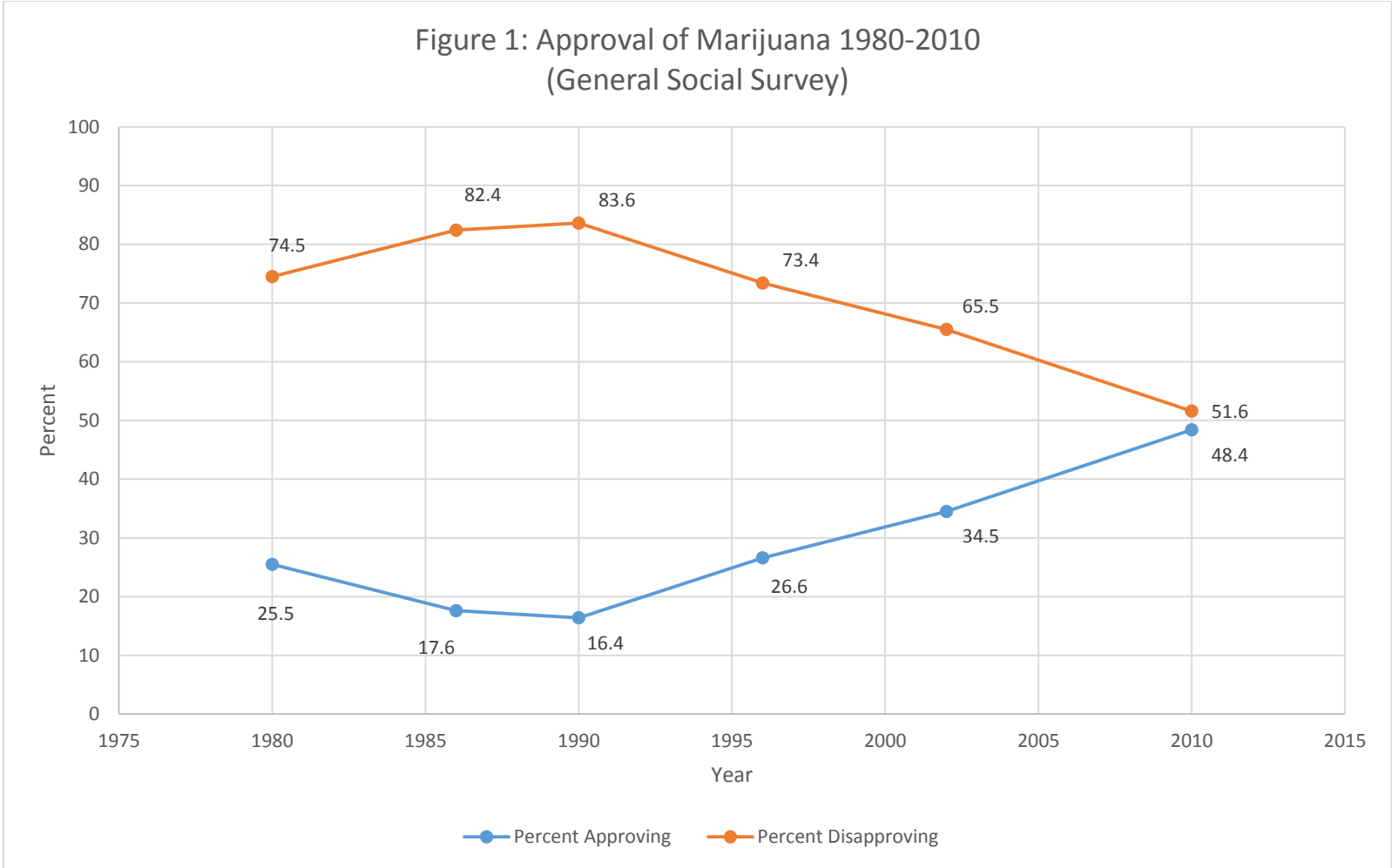(General Social Survey)

Figure 2: Approval of Prostitution 1982-2006
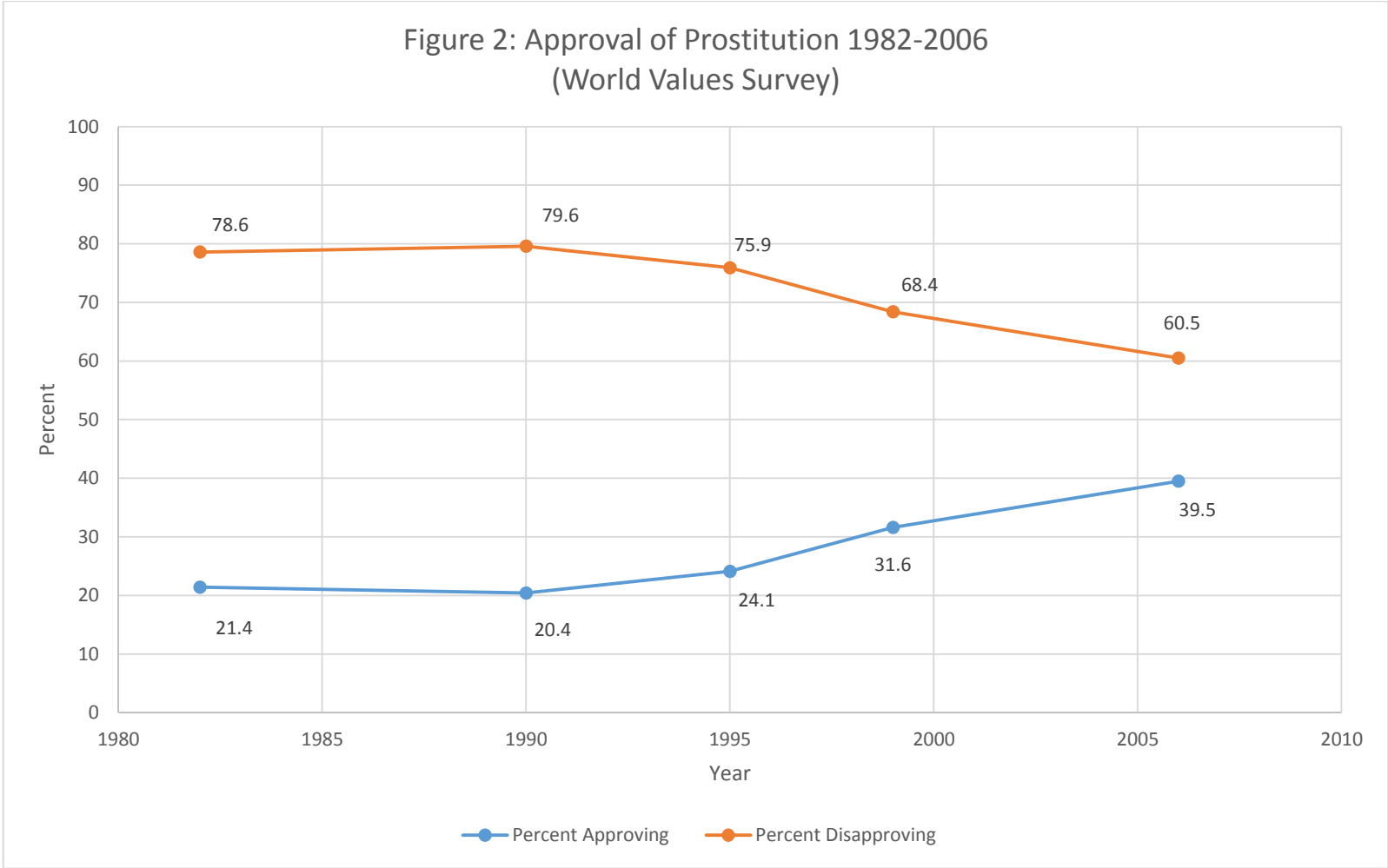(World Values Survey)

Figure 2 shows the trend for views on prostitution approval from between 1982 and 2006. It is important to note that the WVS question regarding prostitution is phrased as, " "Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between" (World Values Survey, 2009). Because the question does not specify any context, we are unable to distinguish between brothel prostitution and street walking in Figure 2.

The trend data show a slight decrease in approval between 1982 and 1990. But similar to the marijuana trend, there has been a consistent increase in approval since 1990 until 2006. From 1982 and 2006, approval overall increased from 21.4 percent to 39.5 percent. These results are consistent with previous research indicating that support for tolerance toward victimless crimes has overall increased over the past few decades (Smith, 1998).

Table 1 on the following page shows results of a statistical analysis conducted to determine the bivariate effects of demographic variables on respondents' views. This table displays the results of a series of bivariate crosstabulations between selected background variables and attitudes toward marijuana and prostitution (percentages are shown; the raw numbers are available from the author upon request). Each bivariate association is summarized using a proportional-reduction-in-error measure (PRE) to quantify the strength of the association and to determine its statistical significance. The choice of a PRE measure is determined by the level of measurement of the variables: Whenever the crosstabulation involves a nominal variable with three or more categories, lambda is used as the PRE measure of strength and significance; in all other situations, gamma is used as the PRE measure. Both lambda and gamma tell us the proportional or percentage reduction in error when predicting the dependent variable (attitudes)

Table 1. Sociodemographic Predictors of Marijuana and Prostitution Approval

Marijuana (Percent Approving)		Prostitution (Percent Approving)	
Sex (gamma= .208, p < .0005)		**Sex (gamma= .360, p < .0005)**	
Male	53.8%	Male	43.0%
Female	43.3%	Female	26.2%
Age (gamma= .179, p < .0005)		**Age (gamma= .145, p =.001)**	
18-33	56.3%	18-33	35.6%
34-45	44.9%	34-45	40.7%
46-59	53.8%	46-59	38.9%
60+	36.5%	60+	24.0 %
Marital Status (lambda= .124, p= .002)		**Marital Status (Cramer's V= .123, p=.001)**	
Married	43.0%	Married	30.6%
Widowed	31.3%	Widowed	27.9%
Divorced	54.6%	Divorced	42.7%
Separated	37.8%	Separated	48.3%
Never married	58.0%	Never married	41.4%
Family Income (gamma= .024, p= .588)		**Family Income (gamma= .107, p= .021)**	
Less than 20,000	51.5%	Less than 20,000	31.9%
20,000 to 39,999	45.0%	20,000 to 39,999	31.2%
40,000 to 74,999	49.5%	40,000 to 74,999	35.5%
75,000 or more	52.2%	75,000 or more	40.7%
Education (gamma= .160, p < .0005)		**Education (gamma= .176, p= .001)**	
Less than high school	33.3%	Less than high school	30.3%
High school	49.8%	High school	31.6%
College	50.8%	College	39.1%
Post-college	53.7%	Post-college	47.1%
Class Identification (gamma= .056, p= .251)		**Class Identification (gamma= .037, p= .535)**	
Lower	57.0%	Lower	32.4%
Working	47.8%	Working	34.7%
Middle	45.2%	Middle	34.4%
Upper	60.0%	Upper	72.7%
Religiosity (gamma= .426, p < .0005)		**Religiosity (gamma= .545, p < .0005)**	
Strong	31.8%	Strong	17.9%
Rather strong	50.6%	Rather strong	43.7%
Somewhat strong	43.8%	Somewhat Strong	48.5%
No religion	73.3%	No religion	73.0%
Region (lambda= .058, p= .027)		**Region (Cramer's V= .074, p =.09)**	
Northeast	48.0%	Northeast	33.5%
Midwest	46.9%	Midwest	30.3%
South	43.7%	South	33.9%
West	56.1%	West	40.7%

using the independent demographic variables (e.g., sex, age, education, etc.). Our cut points for

distinguishing the strength of the associations are as follows: we will consider the association to

be *very strong* whenever gamma or lambda are between .70 and 1.00; if these statistics are

between .50 and .69, we will consider the effect to be *strong*; if between .30 and .49 we will

consider the effect to be *moderate* in strength, and if they are between 0.0 and .29, we will

consider the effect to be weak. The statistical significance of the associations is indicated by

showing their actual p-value in Table 1. By convention, we will consider any p-value less than

or equal to .05 to be significant, meaning that we can reject the null hypothesis that the

population value of the test statistic (lambda or gamma) is zero.

Sex

As shown in Table 1, the respondent's sex appears to influence approval for both

marijuana and prostitution. First, consider the effect of sex on marijuana approval – i.e., on

whether the respondent endorses the idea of legalizing marijuana. Approximately 54 percent of

males approved of legalization compared to only 43 percent of females. Taking sex into account,

we reduce our error in predicting marijuana attitude by 21 percent (gamma = .208). The

probability of observing a gamma at least as large as .208 when the true population value of

gamma is zero (i.e., when the null hypothesis is true) is less than .0005. In summary, the effect

of sex on marijuana attitude is weak but statistically significant.

Turning now to the association between sex and prostitution approval, Table 1 shows that

males once again are more likely than females to express an approving view: Forty-three percent

of males, versus 26 percent of females, say prostitution is justifiable.   This association is moderate in strength and statistically significant (gamma=.36, p < .0005).

Age

The effect of age is considered next in Table 1. Age seems to affect approval for marijuana and prostitution. Looking first at how age affects marijuana approval, we see that respondents who are 60 years or older have the lowest approval percentage of 36.5 percent. Respondents 18-33 had an approximate approval percentage of 56 percent. Respondents 34-45 had an approval percentage of around 45 percent. And finally, respondents between 46-59 had an approval percentage of around 54 percent. The main contrast appears to be between the oldest category versus the others. By taking age into account, we reduce our error in predicting marijuana attitude by 17.9 percent (gamma = .179). The probability of observing a gamma at least as large at .179 when the true population value of gamma is zero is less than .0005. The effect of age on marijuana approval is also weak but significant.

Table 1 also addresses how age affects approval of prostitution. Support for prostitution is overall lower than support for marijuana legalization, but again, we see that individuals who are 60 or older tend to be the least tolerant with an approval percentage of only 24 percent. The most tolerant age group is 34-45 years with an approval percentage of just over 40 percent. Taking age into account we reduce error in predicting prostitution approval by 14.1 percent. The association between age and prostitution approval is weak but statistically significant (gamma= .145, p =.001).

Marital Status

Next in Table 1, we see the relationship between marital status and approval. Marital status seems to affect views for both marijuana and prostitution. In the case of marijuana, approval percentages range from around 31 percent for widowed individuals to 58 percent for individuals who have never been married. This association is potentially affected by age because respondents who are older are also more likely to be widowed. And as we saw earlier, approval towards marijuana and prostitution generally declines with age. Other than those who have never been married, divorced individuals show the second highest level of approval at approximately 55 percent. By taking into account marital status, we reduce error in predicting marijuana approval by 12.4 percent. The relationship between marital status and approval of marijuana is weak but significant (lambda= .124, p= .002).

The approval patterns for prostitution and age are slightly different. We see that those who are separated but not divorced show the highest approval towards prostitution with around 48 percent of separated respondents approving. Divorced respondents show the second highest levels of approval at roughly 43 percent. Respondents that have never been married also show comparably high approval at around 41 percent approving. Similar to the marijuana relationship, those who are widowed show the least support for prostitution with around 28 percent approving. Married individuals are similarly not approving with just over 30 percent approving. Here we are using Cramer's V, a chi-squared based measure of strength, to summarize the effect of marital status . Because the percentages for prostitution approval were consistently "not approving" for every category of marital status, lambda will equal zero. This is not because there is no strength to the association, but because the data are skewed toward non-approval. Hence, here we use

Cramer's V as an alternative, non-PRE-based measure of strength. The V is .123 and the significance of the chi-squared associated with the V is .001, a significant effect.

Family Income

The next variable addressed in Table 1 is family or household income. Income appears to affect views more dramatically for prostitution than marijuana. For marijuana, approval across all income brackets is close to 50 percent, with the highest approval percentage of roughly 52 percent belonging to those who earn $75,000 or more a year. When taking into account family income, we reduce our error in predicting views on prostitution by 2.4 percent. This relationship is weak and not significant (gamma= .024, p= .588).

Looking at prostitution, we see that family income has a somewhat more pronounced effect on approval. Around 40 percent of respondents who earn $75,000 approved of prostitution, whereas all the remaining income groups show roughly 30 to 35 percent of respondents approving. By taking into account family income, we reduce error in predicting views on prostitution by 10.7 percent. This relationship is weak but statistically significant (gamma= .107, p= .021).

Education

Next, we look at the variable education. As shown in Table 1, education again affects both views on marijuana and prostitution. Education has a positive correlation with marijuana, with approval increasing as education increases. There is about a 20 percent difference between

the lowest approval percentage of around 30 percent (for those with less than high school education) and the highest approval percentage of around 54 percent (for those with a post college degree.) The most prominent differentiation in approval is between respondents with less than a high school education and those with a high school education. Once we move from less than high school to high school, the approval percentage jumps from 33 percent to almost 50 percent. The increases in approval as we move through education brackets beyond high school is roughly only one to two percent. By taking into account education, we reduce error in predicting attitudes toward marijuana by 16 percent. This relationship is weak but significant (gamma= .160, p < .0005).

The effect of education on prostitution is also positive. We see the lowest approval percentage of around 30 occurring among those with less than a high school education, and the highest approval percentage of roughly 47 among those with post-college education. However, contrasted with marijuana, the increase is much more steady. There is a larger jump between high school and college, with the approval percentage rising from around 32 percent to almost 40 percent. Taking into account education, we reduce error in predicting views on prostitution by 17.6 percent. This relationship is weak but significant (gamma= .176, p= .001).

Class Identification

Table 1 then shows the results for class identification. It is important to note that the respondents were subjectively self assigned to the categories for this variable. There is no statistical cut off dictating categorization, which may lead to some ambiguity among the sample.

Class identification affects both attitudes on prostitution more obviously than attitudes on marijuana. The highest level of marijuana approval occurs in the upper class at 60 percent, and the lower class at 57 percent. The working and middle classes show approval percentages between 45 and 48 percent. When taking into account class identification, we reduce error in predicting attitudes for marijuana by 5.6 percent. The relationship is weak and not significant (gamma= .056, p= .251).

Class identification has a more pronounced effect on views toward prostitution. Interestingly, approval falls around 32 to 35 percent for lower, working, and middle classes. This is contrasted with the high levels of approval of nearly 73 percent among those identifying with the upper class. This is consistent with previous research which suggests that the upper class is the most tolerant of drug use and prostitution. However, it is possible that class identification could be affected by both education levels as well as income. We see previously in Table 1 that both of these variables positively affect views on marijuana and prostitution. By taking into account class identification, we reduce error in predicting views toward prostitution by 3.7 percent. This gives us a weak relationship that is not statistically significant (gamma= .037, p= .535).

Religiosity

Next, we examine the results of religiosity on respondents' attitudes. We see a strong effect of religiosity on both attitudes toward marijuana and prostitution. In the case of marijuana, support for legalization steadily rises as one's religiosity declines. The lowest percentage of

approval of around 32 percent falls among those reporting strong religious convictions. As religiosity moves from strong to rather strong, we see that approval rises from 32 percent to just over 50 percent. Approval falls slightly between rather strong and somewhat strong, but then jumps up to around 73 percent for respondents with no religion. Support for marijuana more than doubles between individuals with strong levels of religiosity and individuals with no religiosity. Taking into account religiosity, we reduce error in predicting views toward marijuana by 42.6 percent. This is a moderate relationship that is significant (gamma= .426, p < .0005).

The patterns for prostitution are similar. Those with strong religious convictions show the lowest approval at almost 18 percent. The approval percentage rises to almost 48 percent as we move from strong to rather strong. We see another increase in approval with around 49 percent approving among those with somewhat strong convictions. The last category, those with no religion, has the highest approval percentage of 73 percent. By taking into account religiosity, we reduce error predicting views toward prostitution by 54.5 percent. This is a strong relationship that is statistically significant (gamma=.545, p<.0005).

Region

The final variable shown in Table 1 is region. Region appears to have a weak effect on both attitudes toward marijuana and prostitution. For marijuana, we see that the west shows the highest approval of marijuana, with around 56 percent approval. This is consistent with recent legislative changes in some of the western states, such as Colorado and Washington, who have legalized recreational marijuana. The second highest approval percentage belongs to the Northeast at 48 percent. The region with the least approval is the South, at around 44 percent

approving. When taking into account region, we reduce error in predicting attitudes toward marijuana by 5.8 percent. This is a weak relationship, albeit it is statistically significant (lambda= .058, p= .027).

For attitudes toward prostitution, the relationship is similar with the West again showing the highest approval percentage of around 41 percent. The Midwest shows the least approval with around 30 percent approving. Because the data for prostitution approval by region is also consistently "not approving" across all categories, we are unable to use Lambda as the measure of strength. Similar to the case with prostitution and marital status, we use Cramer's V as the non-PRE-based measure of strength. The V is .074 and the significance of the chi-squared associated with the V is .09, hence this effect fails to achieve significance at .05 level.

Discussion and Conclusion

In this study of attitudes toward victimless crimes I examined whether attitudes towards marijuana use and prostitution has changed, and which demographic groups are more likely to show more approval. As consistent with previous research, support for more liberal attitudes toward these acts are found among males, those under 60 years of age, the unmarried, the highly educated, and the least religious. Religion is one of the strongest indicators for views on both marijuana use and prostitution. This is consistent with previous research which suggests that regardless of denomination, tolerance for drug use and prostitution is inversely related to religiosity. Although certain religious groups are more tolerant than other groups overall, we see that in general, as religiosity increases, tolerance decreases. Also, by looking at self-identified

class as well as income based class, we find that the upper class is more approving than the lower class. Taking the U.S. as a whole, we see that the West is the most approving for both marijuana and prostitution. This is consistent with recent political and legislative trends, as we have seen states such as Colorado and Washington already legalize recreational marijuana use. Overall, general approval for prostitution tends to be lower than for marijuana, but we see that attitudes toward both are very similarly distributed across all demographic categories.

The next step would be to conduct a multivariate analysis to find which sociodemographic variables have the strongest effect while controlling for the other variables. Controlling for the other variables would require a logistic regression because the dependent variable would be dichotomous. A logistic regression would be helpful because many of the demographic indicators are potentially related. For example, age and education may be related to each other, with the elderly having less education on average. Region and religiosity also may be related to each other, with certain states showing higher overall levels of religiosity. To isolate the specific effect of either age or education on attitudes toward victimless crimes, then, we ideally would control for the effects of each variable; additional research would need to address this matter.

Future research may want to consider whether the liberty limiting principles vary in importance across subgroups. For example, do certain religious groups or age groups place greater importance on the paternalism principle than others? It is very possible that certain religious groups are more inclined to believe that moral harm justifies the prevention of an act. These are questions for future research to explore.

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