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Introduction

Selling sex is a trade that has been around as long as written history can document. It is an occupation that is usually—if not always—brought up with negative connotations. It is easy to look in on the underground world of sex work, prostitution, and trafficking from the outside and assume a wanton hell-scape of rape and debauchery that looks like a scene from HBO's interpretation of *Game of Thrones*. However, it is a much more complicated topic than simply the subjugation of women (though cis-gendered women are absolutely not the only participants in the sex industry) to be used as objects for a man's sexual pleasure. There is a multiplicity of factors to be considered when thinking about any aspect of this clandestine workforce, whether the matter under scrutiny is the actual lives that are a part of prostitution or the policies that are ever trying to control them.

The over simplification of the issue of trafficking in persons has been detrimental to affecting positive changes because the simplified version cannot address the intricate realities of those who are involved. The dominant discourse surrounding the often interweaving worlds of trafficking and prostitution is framed in a way that implies that selling sexual services—whether forced or voluntary—is bad and women who do it need to be rescued. The reality is far more intricate than

the simple binary of forced and voluntary, and a dramatic rescue is not always the right decision. The binary between forced and voluntary sex work, due to dominant ideology regarding women's sexuality, evolves into a good women (pure and violated) and bad women (voluntary whore) scenario. Using these dyads can actually hinder progress towards helping the women who need it and getting rights to the women who deserve them.

Brief History

The social panic around the sex industry began to become politically engrained dating back to the late nineteenth century. At this time there were policies that attempted to somewhat regulate prostitution in Britain called the Contagious Diseases Acts. According to these Acts, women who were deemed to be prostitutes were taken to segregated hospital wards and had to go through bimonthly gynecological examinations with or without their consent. These "pseudo-medical prisons for whores" were an attempt to corral women who may or may not have contracted STDs under professional medical supervision in order to regulate and halt the further spread of these alleged infections from these allegedly infected women (Roberts 248). Nineteenth century feminists had major problems with the Contagious Diseases Acts, the most glaring of which lay in the fact that any woman could be hauled in for a forced internal exam based on accusations from male authority figures. Evidence was not necessary. This particularly affected working class females and the likelihood of accusation was increased if she were to

be found alone at a “questionable” place at a “questionable” time. It is apparent that these Acts were not only a violation of sex workers’ rights, but rather were a violation of women’s rights as a whole. Women accused of being prostitutes were being put through traumatic medical examinations in order to protect the men who might purchase their services from STDs. It was this common ground that was shared with those involved in sex work that encouraged nineteenth century British feminists to advocate for the repeal of the Contagious Diseases Acts.

The Acts were repealed in the mid-1880s and that offered an opportunity for feminists to advance their agenda. Fighting against violations of women’s rights turned into a morality issue that was advocated for on behalf of both men and women. Prostitutes began to be identified as social deviants that needed to be rescued from a life of being a “victim of male vice” (Doezema 35). The prior medical regulation of prostitutes began to be seen as permission for males to engage in this sort of vice, since the prostitutes were being monitored and purchasers were not. This shift in thinking about prostitution as a threat to everyone’s morality—men and women—gave way to the social purity movement. The social purity movement took an anti-prostitution stance that would be devastating to any hope of regulating sex work in favor of women rather than in favor of men. These anti-prostitution campaigns were a huge success not only in Britain where they originated, but ended up being successful in the US as well due to overlapping ideologies. The “victim of male vice” discourse evolved in dominant society into the notion of the “white slave trade” (Doezema 36). The early concept of the “white slave trade” connected human trafficking exclusively to prostitution. The connection between the prostitution and

trafficking was also a huge component in the revival of the social purity movement as the abolitionist movement.

The Abolitionist Movement

In the 1970s, a sect of feminism arose—and persists today—that resurrected many of the ideas from the nineteenth century’s social purity movement.

Abolitionist feminists are against sex work of all kinds, whether women participate by force or volunteer of their own accord. Though the “white slave trade” brand was redubbed “female sexual slavery,” it still very much maintains a white feminist perspective (Kempadoo 36). Abolitionist feminists adhere to the idea that patriarchy is the most powerful source of oppression in a woman’s life with little regard to other forms oppression may take such as, racism, classism, imperialism, and international inequities (Kempadoo 37). The abolitionist movement is centered at the notion that the sex industry is inherently oppressive and abusive towards women.

Abolitionist feminists maintain the idea that all sex work is forced sex work. The predominant imagery fueling this concept is that of a young, innocent, white female who has been kidnapped or trafficked and forced to work as a prostitute. She is kept in inhumane conditions and awaits rescue. This perspective assumes that women never use their own judgment and logic to enter into the industry of their own accord. If a woman does choose to involve herself in the sex industry, it is

because she has been deceived or manipulated by patriarchal power, privilege, and institutions.

Abolitionist feminist, Melissa Farley, discusses the case of “Angie” in her piece “Bad for the Body, Bad for the Heart: Prostitution Harms Women Even if Legalized or Decriminalized.” Angie’s case is more unique than most other canonized stories used in anti-prostitution campaigns. Angie was a voluntary prostitute as a means to make a living. For a long time Angie—who made a very decent living—was proud and comfortable with her occupation as a prostitute. She advocated for sex workers rights and the legalization of prostitution. Eventually, as Angie reflected upon her life, suppressed memories of childhood sexual abuse surfaced and Angie “felt that she had betrayed other women by her previous advocacy of prostitution as a glamorous career choice” (Farley 1108). Farley uses Angie’s story to support the abolitionist notion that any woman who consensually involves herself in the sex industry is doing so based on some outlying force beyond her own self-determination.

In Angie’s case, her past abuse is framed as the catalyst for entering into the sex workforce. This stance assumes something must be “wrong” mentally for a woman to choose the life of a prostitute. The problem with this notion is that it invalidates anything a sex worker says. According to one analysis of Angie’s situation, “When Angie said she loved being a prostitute, loved servicing her clients, would have done it even without pay, she was persuasive because she believed it—and because she believed it, she was very credible” (Gage, in press, n.p.). This method of thought neutralizes a sex worker’s personal experiences and motivations

through assumed coercion or manipulation including but not limited to a traumatic and suppressed past like Angie's. The way Farley and Gage elevate Angie's experience as a prostitute and her eventual change of heart is a very strategic method of furthering their abolitionist agenda. Attempting to represent the entire industry through carefully chosen anecdotes is utilized in most abolitionist campaigns. The next section will delve into this tactic further.

Moral Panic

In order to understand how the dominant discourse surrounding trafficking and prostitution gained and maintained power, it is essential to understand how a moral panic functions. Non-governmental organizations (NGOs) and politicians frequently utilize moral panics in campaigns by turning a panic into a "moral crusade" to put an end to the perceived threat to society's well being (Weitzer 63). Moral crusaders will lay out goals to be working towards, whether it is providing actually relief to those affected, punishing the wrong-doers, or reinforcing social norms. The crusade against sex work and sex workers employs all of these characteristics.

The first step in a moral crusade is to enhance the magnitude of the issue at hand. By amplifying the size of the threat of the issue at hand—in this case, the world of sex work—NGOs and politicians are able to attract media coverage and donor funding. Media coverage and donor funding are essential in moving a crusade forward. Then, once media attention has been received, horror stories relating to

the threat are used as evidence to support the crusade's ideologies. In the sex worker's world, horror stories are not difficult to come across, but elevating these examples to be representative of the entire industry is inaccurate and limiting. Strategically using only the most shocking cases as evidence serves only to support the crusade's simplistic perception of the issue. In order to maintain a moral crusade campaign, the supporters must be insistent that the social evil exists solely as they portray it. Allowing any grey areas in their black and white description can be complicating and detrimental to a campaign. "By dramatizing the plight of traumatized victims, demonizing perpetrators, and exaggerating the extent of the problem, activists seek to alarm the public and justify draconian solutions" (Weitzer 63). If the issue is allowed to be complicated—as political and humanitarian issues usually are—than "draconian solutions" are less likely to be supported.

It is possible that a moral crusade can stem from honest humanitarian concern, but they are often a way to reinforce normative values. In the case of trafficking and prostitution it is an odd combination of both of these motivations. The anti sex work crusade in the United States is monopolized by a mixture of abolitionist feminists and Right-wing religious groups. While abolitionist feminists take a humanitarian approach and advocate for the abolishment of the sex industry due to oppressive treatment of women that is considered to be inherent in the trade, the religious right adheres to the sex industry's violation of society's moral wellbeing and deviation from normative moral perspectives. Typically, feminist groups and right-wing groups harbor differing ideologies on the subject of women's rights, yet a dislike of the sex industry—albeit for different reasons—creates an

avenue for abolitionist feminists and right-wing religious groups to be united in the crusade.

Transnational Feminist Perspective

The concept of “transnational” feminism, differentiates immensely from the abolitionist perspective (Kempadoo 36). It has a stronger understanding of global inequities and the constraints of poverty as well as the push and pull factors of migration. Rather than identifying all women who have been trafficked as victims of patriarchy, transnational feminism understands women who consent to be trafficked as autonomous individuals who are using their own agency to negotiate and survive in a world of limited options created by patriarchal, racist, and capitalist powers. In other words, transnational feminists are not denying that power of patriarchy exists, but recognizes that women have the ability to use their own power and judgment to maneuver through different relations of power.

Instead of considering prostitution to be inherently violent towards women, it is the potentially violent and inhumane conditions a woman may endure on her journey and at her destination that infringe upon her rights. Transnational feminists do not deny that worst case scenarios exist—because they absolutely do—but it is these inhumane conditions they seek to eradicate, rather than the occupation of prostitution itself. Abolitionist feminists will argue that a woman who allows herself to be trafficked or prostituted, even due to existing socioeconomic conditions, is not truly consensual because “it is still a form of coercion” (Farley 25). However, this

idea strips the woman of any authority over her lived experience, by saying she is not actually in control of her own decisions. It is quite a paternalistic concept for a strain of feminist thought.

U.S. Policy

The United States tends to favor a more abolitionist stance over a transnational feminist stance when it comes to creating policies surrounding the issue of sex work and trafficking. Sex work itself is criminalized whilst the only policy protection to violated sex worker's rights goes to victims of force and coercion. The US legislation responding to the global issue of trafficking was to implement the Victims of Trafficking and Violence Prevention Act of 2000 (TVPA). The TVPA uses a "three P paradigm" by attempting to focus on prosecution, protection, and prevention (Wooditch 472).

A major provision of the TVPA is that the US Department of State puts out an annual Trafficking in Persons report (TIP) that evaluates countries with trafficking problems—though it could be effectively argued that this happens everywhere—based on their government's efforts to reach the minimum anti-trafficking standards mandated by the TVPA. The basics of the minimum standards are as follows: First, the government being evaluated must prohibit trafficking. Second, the government must also make it a point to actively try and eradicate organized trafficking while following through on prosecution of those captured no matter their status and extradite traffickers in cooperation with other governments. Finally, the

government has to have a functional prevention praxis including public awareness and victim relief programs.

The evaluated countries are ranked in a three-tier classification system. Tier 1 countries are fully compliant with mandated minimum standards. Tier 2 countries do not meet the standards, but are making a noticeable effort to improve. Tier 3 countries do not meet standards and show no visible effort to eradicate trafficking problems. Countries that rank in the third tier have financial assistance—with the exceptions of humanitarian aid and aid related to trade—cut off. In addition to that, the US will advocate against the World Bank and International Monetary Fund granting Tier 3 countries assistance. This rule can be waived at U.S. will, and is usually done for countries with whom the U.S. is on good diplomatic terms with. The imposition of the TVPA's rules on some countries over others cause many to question whether the Act is truly only about trafficking relief or if there are political and ideological motivations as well. The 2002 TIP report is a prime example of this ideological ranking. After the attack on the twin towers on September 11, 2001 and the beginning of the U.S. "war on terror," many countries with majority Muslim populations were ranked in Tier 3 when there was little change in collected data about human trafficking. This demonstrates a conflation between the Department of State's trafficking policies and other foreign affairs (Kempadoo 45).

Most of the countries in Tier 1 are post-industrial societies with stable economies and are therefore more often destination countries for trafficked peoples. In Tier 3, it is mostly developing nations with poorer economies and are source countries for trafficked labor. So, the point being that funding for anti-

trafficking policies is being withheld from those countries that potentially need it the most.

In a study of the TIP reports since the TVPA was enacted, it was found that anti-trafficking efforts have remained quite stagnant. This doesn't mean that new anti-trafficking measures haven't surfaced around the globe, but it does mean that these efforts are not recognized in the TIP report as being sufficient enough to ascend to a higher tier. Alison Wooditch states that "the tier classification system has reduced a complex phenomenon into a simplified, four-point scale" and that "tier rating is, in essence, an imperfect measure of anti-trafficking initiatives, given that such a nebulous scale cannot yield a valid indicator of real-world events" (Wooditch 487).

As stated earlier, the oversimplification of highly complex situations can actually hinder aid to those who need it. Using statistics to evaluate global human trafficking is unreliable due to the clandestine nature of the trade. Wooditch further asserts that it is possible that the legalization and/or decriminalization of prostitution could actually interfere with the trafficking market. Of course, this would have to occur globally—and one of the counterarguments is that it could cause an increase in sex tourism—but if the U.S. were to lead by example it could have a ripple-like effect. Furthermore, since the U.S. is largely a destination country, the legalization and/or decriminalization of prostitution could actually help the victims of forced trafficking, not to mention all those who choose to be trafficked, upon their arrival.

Criminalization

The criminalization of sex work—specifically prostitution—can be detrimental to the participants, forced or voluntary. Not only does it further the stigmatization of sex workers by also pegging them as criminals and lawbreakers, but it also fosters unsafe work environments. When the profession is illegal, it is impossible to seek aid from the proper authorities without the fear of retribution or arrest. This fear is exacerbated for those sex workers that are undocumented migrants or coming from a community that may commonly experience police brutality or surveillance, which are often low-income communities.

Sex workers—in this case, those that are working against their ultimate will—that get picked up and processed by law enforcement are often time subject to a “dual victimization” (Cross 395). They may be working as prostitutes through force or coercion and that is the first part of their two-sided victimization. The second part is that when they are arrested they get treated like criminals by the criminal justice system due to the illegality of the profession. In the case of voluntary sex workers, they are dually victimized by the fact that if they suffer abuse at work and seek help, they will be processed as a criminal even though they may be making a report. In Alison L. Cross’s piece, “Slipping Through the Cracks: The Dual Victimization of Human Trafficking Survivors,” she advocates for mandatory law enforcement training on recognizing the signs of a trafficking victim. This is a good idea, however, it only solves a small piece of the intricate jigsaw puzzle. Training law enforcement to recognize subtle symbols of a trafficked human does nothing to

alleviate that person's situation. They will still be processed and have a tedious case ahead of them. Trafficking victims are often undocumented migrants, so once their case is through they may be sent back to their country of origin after only a short grace period. Sending the victim back to their home is only proper if they were legitimately kidnapped. However, those that allow themselves to be trafficked to escape a dire situation in their home country and end up in dismal situations abroad due to the illicit nature of trafficking, will only be sent from one unfortunate situation to another. Even if the criminal justice system were to pardon all charges of prostitution if the defendant were a trafficking victim, even in an idealistic sense, that still leaves voluntary sex workers as criminals without rights.

In John Kerry's (Secretary of State) annual speech upon the most recent TIP report, he speaks to the issue of dual victimization somewhat by acknowledging that the "focus has to begin with the victims." He continued by stating that, "Only when we start focusing on victims, not just as potential witnesses but as survivors, human beings entitled to respect and dignity, that's when we start to provide people with a greater measure of justice. And that's when we [are] able to give people a better chance at rebuilding the future." While this is a good direction to start moving, the rhetoric at this federal level is still problematic. Attempting to aid only those people who are forced to participate in the sex industry suggests that those who volunteer to do so do not deserve rights or assistance when they suffer abuse. It is one thing for a government to save and protect victims, but it becomes much more radical when a government advocates for sex workers rights (Doezema 45). In a dominant

society that considers sex work to be deviant and immoral, a politician supporting rights for prostitutes would be committing political suicide.

The criminalization of prostitution has further stigmatized, not only sex work communities in general, but also specifically urban trans communities. Law enforcement often stereotypes male-to-female (MTF) trans women as being prostitutes and will often detain them as such. Police can use small pieces of evidence to support prostitution charges. In a study interviewing “200 current and former sex workers” and “110 outreach workers, advocates, lawyers, public defenders, prosecutors, judges, and public health officials” in New York, Washington DC, Los Angeles, and San Francisco, it was found that in all of these locations police were legally able to search, detain, and arrest people involved or assumed to be involved in sex work by using condoms as the main source of evidence (aside from their own assumptions or “probable cause”) (Wurth 1). Not only is this a reason for sex workers to be hesitant to carry condoms—which are an essential item for safe work praxis—but it also is a cause for targeted communities to be wary of carrying condoms even if they are not involved in sex work. The criminalization of condoms is not only a violation of individual rights, but it is also a public health issue as every human being should have the right to have safe sex, whether it is paid for or not.

Conclusion

This essay barely skims the surface of the labyrinthine world of sex work. Be that as it may, it does investigate the insufficient binary labels we place on those involved. The innocent victim versus the criminal whore dyad conflates two issues that are actually vastly different. The established dominant perspective is oppositional to sex work of all kinds. This is a mistake because this allows the abolitionist and anti-trafficking movements to consider sex work and human trafficking the same “phenomenon” (Grant 4).

Mainstream positions—in politics and feminism—identify sex workers as victims only and leave no room for the possibility of voluntary sex work. Those that do choose the life of a prostitute are pegged as unworthy of protection by law because their profession is taboo. Taboo should not be a crime. Criminalization is offensive and unreasonable because, in essence, it is criminalizing the right to use one’s body as one so chooses. Sex workers can and do use personal agency and self-determination to involve themselves in private consensual behavior. Arguing that poverty and gender inequities void personal choice because a sex worker might not have made that choice without those catalysts is a speculative, “what-if” analysis that does not address real world issues and real lives. Criminalizing sex work does nothing to alleviate these issues, but rather creates a façade of aid that makes the dominant society feel better about a global infraction on human rights.

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