

MORAL CRUSADE AGAINST PROSTITUTION

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A robust, new moral crusade against prostitution and sex trafficking has arisen in the past few years, targeting these issues with a vengeance and making a host of outlandish claims. This crusade has scored a series of major victories in getting its ideology incorporated in law and government policy, resulting in a growing crackdown on the sex industry in both the United States and abroad.

Moral crusades arise in reaction to a perceived social problem, which they define as an unqualified evil; participants see their mission as a righteous enterprise whose goals are both symbolic (attempting to redraw or reinforce normative boundaries) and practical (aiming to crack down on evildoers and/or provide relief to victims). Crusaders typically call upon political elites to do something about the problem, and successful crusades result in some kind of institutionalization—in policy, law, or enforcement practices. Apart from winning legal and policy battles, successful crusades also benefit insofar as their ideology is given official endorsement by the state, which helps to affirm the crusaders' moral standards, elevate their status, and often generates an influx of new resources.

Moral crusades take the form of “moral panics” if the targeted evil is blown out of proportion, if the number of alleged victims is far higher than what is warranted by the available evidence, and if the claims result in exaggerated anxiety or alarm among at least a segment of the population. In a moral panic, the gravity and scale of a menace or threat far exceeds its objective reality. By this definition, the current crusade against prostitution can be considered a moral panic par excellence.

Who's Leading this Crusade?

The crusade against prostitution has been waged by an alliance of the Christian right and radical feminists. The former include Focus on the Family, the Traditional Values Coalition, the National Association of Evangelicals, the Catholic Bishops Conference, the Religious Freedom Coalition, and numerous others. For

religious conservatives, prostitution symbolizes sexual liberalism, moral decay, and family breakdown. As the founder of Evangelicals for Social Action, Ron Sider told the *Seattle Weekly* (8/25/04) the campaign against prostitution and sex trafficking “certainly fits with an evangelical concern for sexual integrity. Sex is to be reserved for a marriage relationship where there is a lifelong covenant between a man and a woman.” A government crackdown on prostitution thus ratifies the Christian right's views on sex and the family. For radical feminism (which is just one kind of feminism) prostitution is defined as male domination, exploitation, and violence against women—whether entered into voluntarily or not, whether legal or illegal. As the most prominent radical feminist organization, the Coalition Against Trafficking in Women, proclaims on its website, “All prostitution exploits women, regardless of women's consent. Prostitution affects all women, justifies the sale of any woman, and reduces all women to sex.”

Although these religious and feminist activists are fierce opponents on other social issues such as abortion and same-sex marriage, they have entered into a marriage of convenience in their campaign against the sex industry. Two decades ago, these strange bedfellows forged the same coalition in opposition to pornography, playing a predominant role in the 1985 national commission chaired by Attorney General Edwin Meese. The commission's recommendations relied heavily on the testimony of leading anti-pornography activists, incorporated their claims (and dismissed counterevidence) regarding the various harms of pornography (e.g., causing violence against women, moral decline), and led to a national crackdown on porn distributors, driving several out of business.

History is repeating itself today. The Meese commission's allegations about the harms of pornography are recapitulated in the Bush administration's claims about prostitution and trafficking, and are just as strongly influenced by converging right-wing and feminist forces. As the director of the State Department's trafficking office, John R. Miller, admitted in an op-ed in the *New*

York Post (5/22/05), the federal government has been “working closely with faith-based, community, and feminist organizations” to combat all forms of prostitution. In fact, a coalition of these groups aggressively pushed for legislation that resulted in the *Trafficking Victims Protection Act* of 2000 (TVPA) and creation of the State Department’s new Office to Monitor and Combat Trafficking in Persons. Miller told the *New York Times* (10/26/03) that he credits these groups with keeping trafficking on the front burner: “They’re consumed by this issue. I think it’s great. It helped get the legislation passed, it helped spur me. I think it keeps the whole government focused.”

The Meese commission sparked a backlash from scholars (e.g., Larry Baron, *Society*, July-August 1987; Carole Vance, *The Nation*, August 2, 1986) and resistance from the pornography industry, but recent developments in prostitution/trafficking policy have encountered much less opposition—perhaps because prostitution is illegal here and no one is lobbying in favor of trafficking. The crusade against prostitution is yet another example of how ideology has triumphed over science in the Bush administration, but in this case, the scientific community has been largely silent.

Dubious Claims

Moral crusades typically make universalistic and often unverifiable claims about the nature and extent of a particular social evil. My review of the publications and testimony of leading organizations in this campaign, as well as relevant government documents, identified the following core claims:

Prostitution always involves, and is an extreme example of, male domination and exploitation of women, regardless of historical time period, societal context, or legal status. Prostitution has never been and can never be organized in a way that maximizes workers’ interests and empowers women.

Violence is omnipresent in prostitution. It is not simply that prostitutes experience violent incidents; instead, violence is depicted as utterly fundamental and “intrinsic” to prostitution—categorically and universally. The mantra, constantly repeated by anti-prostitution organizations, is that prostitution *is violence* by definition. By equating prostitution with victimization, these activists hope to win broad support for their crusade. Who can endorse prostitution if it is all about violence against women?

Female prostitutes are victims who lack agency. They do not actively make choices to enter or remain in prostitution, and the distinction between voluntary and forced prostitution is fallacious. Activists use the terms “prostituted women” and “sexual slavery” to drive home

the idea that prostitution is something done to women, not something that can be chosen. It is simply impossible that anyone would decide to be “used” in this way. As Melissa Farley, a prominent radical feminist activist, declares, “To the extent that any woman is assumed to have freely chosen prostitution, then it follows that enjoyment of domination and rape are in her nature” (Melissa Farley and Vanessa Kelly, *Women and Criminal Justice*, 2000). The only time women make their own choices is when they decide to leave prostitution.

Legalization or decriminalization would only make the situation worse. Such policies are bad both symbolically (giving the state’s blessing to a vile institution and legitimating men’s sexual exploitation of women) and practically (only magnifying all the problems associated with prostitution). Anti-prostitution activists are very worried about what they perceive as the “normalization” of prostitution in various parts of the world. Normalization is seen in use of terms such as “sex worker,” “escort,” and “exotic dancer,” and in the very premise behind state-regulated, legalized prostitution. The director of the Protection Project, Mohamed Mattar, was quite blunt in an address he gave in April 2005: “Prostitution should be illegal.”

These claims are based in part on an ideological framework that simply decrees that prostitution is sinful, immoral, and harmful to the family (the right-wing position) or oppressive to women (the radical feminist view), and in part on research “studies” conducted by certain scholar-activists. The former (moral ideology) is impossible to substantiate because it boils down to articles of faith. The latter (research studies) are more amenable to scientific scrutiny. In fact, the studies in question are replete with methodological and analytical flaws. Counterevidence is routinely ignored, anecdotes masquerade as evidence, non sequiturs abound, and sampling is biased toward the most disadvantaged segment of the sex industry.

These flawed studies are contradicted by a large body of social science research, which reveals a very different reality from the four core claims outlined above. Prostitution takes diverse forms and exists under varying conditions, a complexity that flies in the face of the sweeping generalizations being made. The following points are based on my review of the best research on the topic:

- Violence is not nearly as pervasive in prostitution as many activists claim. Since no study uses systematic, random samples and all rely instead on convenience samples on this difficult-to-access population, any figures on the incidence of violence must be treated with a huge grain of

salt. Therefore, anyone who claims that 70-80 percent of prostitutes have been assaulted or raped, as several radical feminist writers do, is violating a fundamental scientific canon—namely, that generalizations cannot be based on unrepresentative samples. But having said that, the research literature does indicate that violence is more of an occupational hazard for street prostitutes than for indoor workers. Several comparative studies find that call girls, escorts, and workers in brothels and massage parlors are much less vulnerable to abuse than street-level workers. One study, for instance, found that street prostitutes were three times more likely than call girls and sauna workers to experience an assault and eleven times more likely to have been raped (Stephanie Church et al., *British Medical Journal*, March 2001). Another study found that street workers were three times more likely than escorts to have been beaten and four times more likely to have been sexually assaulted (John Lowman and Laura Fraser, *Violence Against Persons Who Prostitute*, 1995).

- This crusade’s blanket depiction of prostitutes is not consistent with research findings. Workers do not necessarily see themselves as “prostituted” or as victims. Many view themselves in more neutral terms such as “working women” or “sex workers.” Missing from the moral crusaders’ discourse is any reference to those workers who have made conscious decisions to enter the trade, reject the notion that they are oppressed and exploited, and do not feel degraded or dehumanized. Many of those who work for escort agencies, brothels, and massage parlors, as well as independent call girls, fall into this category. In the United States, the vast majority of prostitutes (around 80 percent) work indoors, not on the streets, yet much of what is claimed about prostitution appears to be based on stereotypes of victimized street prostitutes generalized to all prostitution. Also missing from the crusade’s discourse is any reference to male or transgender prostitution; the Christian right would condemn this just as much as female prostitution, but the radical feminist position on male/transgender sex work remains opaque.
- Studies of customers caution against grandiose characterizations. Customers vary considerably in demographic characteristics, motivation, and behavior. They come from all racial groups and

all social classes, and they buy sex for different reasons. Most are not violence-prone; a small percentage is responsible for most of the violence against prostitutes, according to the largest study so far, a survey of 2,300 customers (Martin Monto, *Violence Against Women*, February 2004).

- Research on legal prostitution indicates that, under the right conditions, prostitution can be organized in a way that greatly increases workers’ safety and job satisfaction. Although no system is risk-free, women working in legal prostitution in The Netherlands experience very little violence. According to a 2004 study by the country’s Ministry of Justice, the “vast majority” of workers in brothels, clubs, and window units report that they “often or always feel safe.” Similarly, one of the advantages of Nevada’s legal brothels is protection from violence. These brothels “offer the safest environment available for women to sell consensual sex acts for money,” a recent study concludes (Barbara Brents and Kathryn Hausbeck, *Journal of Interpersonal Violence*, March 2005). And a major evaluation of legal brothels in Queensland, Australia, by the government’s Crime and Misconduct Commission, concluded, “There is no doubt that licensed brothels provide the safest working environment for sex workers in Queensland.... Legal brothels now operating in Queensland provide a sustainable model for a healthy, crime-free, and safe legal licensed brothel industry.” In all three cases, elaborate safety measures (panic buttons, listening devices, and management surveillance) allow managers to respond to unruly or violent customers quickly and effectively.

In short, there is plenty of evidence contradicting this moral crusade’s sweeping claims. Unfortunately, those claims have now taken deep root in the American government’s own moral discourse, legislation, and funding policies.

U.S. Legislation and Policy

Successful moral crusades benefit from an influx of resources, either from private donations or from sympathetic governments. It turns out that trafficking has become quite lucrative for a whole host of organizations. The U.S. Government dispersed \$300 million over the past four years to international and domestic NGOs (non-governmental organizations). Several organizations have been lavished with money—around

\$1 million each has gone to groups that “rescue” victims, like the International Justice Mission and Shared Hope International. And trafficking conferences are being funded all over the world; one in Washington, D.C., in February 2005, had a \$1.8 million price tag, according to the *Seattle Weekly* (8/25/04). The anti-trafficking campaign has become big business.

Apart from these material benefits, successful moral crusades are victorious insofar as their ideology is incorporated in official government policy. The anti-prostitution crusade’s views have been institutionalized remarkably quickly, judging from developments in U.S. law and government policy. In terms of foreign policy, the crusade’s claims are abundantly evident in the TVPA, the State Department’s annual *Trafficking in Persons Reports*, and the Department’s infamous website, *The Link Between Prostitution and Sex Trafficking*. Domestically, the policy shift is embodied in the *End Demand for Sex Trafficking Act* of 2005 (HR 2012 and S 937), a bill now before the House and Senate Judiciary Committees. Despite its title, the bill covers much more than sex trafficking; its objective is to “combat commercial sexual activities” in general. HR 2012, the TVPA, and the Justice Department’s *Model State Anti-Trafficking Criminal Statute* all define commercial sex as “any sex act on account of which anything of value is given to, or received by, any person.” Incredibly elastic in scope, the targets would seem to include legal pornography, whose actors get paid for sex acts, as well as legal brothel prostitution in Nevada and perhaps lap dancing in strip clubs if that qualifies as a type of “sex act.”

The State Department’s new website on trafficking and prostitution and its annual trafficking reports are filled with shocking pronouncements that could have been written by any radical feminist or religious conservative activist. Indeed, the website cites studies and public statements of prominent anti-prostitution feminists. The website boldly proclaims that prostitution “is inherently harmful. Few activities are as brutal and damaging to people as prostitution”; it “leaves women and children physically, mentally, emotionally, and spiritually devastated”; legal prostitution “creates a safe haven for criminals who traffic people into prostitution”; and “prostitution is not the oldest profession, but the oldest form of oppression.” HR 2012 is similarly unequivocal: “Commercial sexual activities have a devastating impact on society. The sex trade has a dehumanizing effect on all involved.”

Coercive *sex trafficking* can be defined as the use of force, fraud, or deception to procure, transport, harbor, and sell persons, within and between nations, for purposes of prostitution. This definition does not apply to persons who willingly travel in search of employ-

ment in the sex industry, though many writers lump this kind of migration into the trafficking category in order to inflate the number of victims. In some accounts, all undocumented persons who were assisted in transit across borders are counted as “trafficked,” whether they consented or not. If prostitution is defined as violence and oppression, consent becomes irrelevant.

Activists in this crusade, and now the U.S. Government, claim that victimization is a worldwide epidemic. Although a report by Amy O’Neill Richard, a State Department analyst, acknowledged in 2000 that “no one U.S. or international agency is compiling accurate statistics,” her report then claimed that “700,000 to 2 million women and children are trafficked globally each year.” In 2002, the State Department’s maximum figure had grown to 4 million, but two years later it claimed 600,000 to 800,000 victims of all types of trafficking (with no explanation for the huge fluctuations), “hundreds of thousands” of whom are trafficked into prostitution. According to the sponsor of HR 2012, Congresswoman Deborah Pryce (R-Ohio), 14,000-17,000 women and children are trafficked into the United States each year for sexual exploitation. The State Department claims, again without evidence, that internationally 80 percent of the victims are women and 50 percent are children. The mass media are often complicit in uncritically reporting these unverified numbers. An editorial in the *New York Times* (1/9/04), for example, was quite emphatic: “Around the world, about one million women and children are seduced into leaving their homelands every year and forced into prostitution or menial work in other countries.”

The use of shockingly high figures is a tactic common to moral crusades; it is in their interest to exaggerate the problem in order to attract media coverage, funding, and attention from policy makers. NGOs depend on a huge number of victims in order to win major funding from donors. In this crusade, it is quite telling that sources for the figures are typically missing, and no agency has ever revealed much about how it calculates the total number of victims. Yet the alarming figures are repeated often enough by activists, in the media, and now by the U.S. Government that they have gained a veneer of credibility. UNESCO (United Nations Educational, Scientific, and Cultural Organization) is one of the few organizations to take issue with the “false” and “spurious” statistics being circulated; its review of the figures concluded, “When it comes to statistics, trafficking of girls and women is one of several highly emotive issues which seem to overwhelm critical faculties.” To say that “hundreds of thousands” of people are trafficked into prostitution each year is

conveniently vague, but it is equally disingenuous to pick a number out of thin air, whether it is 700,000, two million, or four million. The reality is that *there are no reliable statistics on the scope of the problem*. Even ballpark estimates are problematic, given the hidden nature of the illegal sex trade. Yet U.S. government policy rests on claims of an epidemic of trafficking as well as a skyrocketing growth of prostitution internationally.

The claims are carefully crafted to provoke maximum alarm and outrage about the problem. The repeated use of the terms “sex slavery” and “a modern form of slavery” are designed to horrify the public and generate support for draconian countermeasures. Similarly, the frequent linkage of “women and children” victims is designed to accentuate and equate their vulnerability and lack of agency. If, in fact, the vast majority of “victims” are individuals making conscious choices to migrate in search of work, this would undercut the claims being made. This is precisely the conclusion of a recent study of Vietnamese migrants in Cambodia, who had been “trafficked” in the sense that they were assisted by intermediaries. Out of 100 women studied, only six had been tricked into sex work; the rest knew before they left Vietnam that they would be working in a brothel in Cambodia, and they did so for “economic incentives, desire for an independent lifestyle, and dissatisfaction with rural life and agricultural labor.” After raids on the brothels by “rescue” organizations, which took the women to rehabilitation centers, the women “usually returned to their brothel as quickly as possible” (Joanna Busza, Sarah Castle, and Aisse Diarra, *British Medical Journal*, June 2004). The authors argue that criminalizing the migrants and the sex industry only “forces them underground, making them more difficult to reach with appropriate services and increasing the likelihood of exploitation.”

The Cambodian study is not an isolated one; several others have found that many migrants sold sex prior to relocating to another society, while others knew they would be working in the sex industry when they arrived at their destination. Other investigations also find that many of the rescued women eventually return to sex work (Alex Renton, *Prospect*, May 2005).

What is largely missing here is attention to poverty and barriers to women’s employment in the Third World and Eastern Europe. Such a socioeconomic analysis of the problem has been overshadowed by the moral discourse of the dominant forces in the anti-trafficking movement.

The Bush administration employs both the carrot and stick to change international opinion and practice. The

stick is used to pressure complacent governments to change their policies on trafficking and prostitution. The annual *Trafficking in Persons Report* ranks countries into three tiers according to their records on trafficking, and under the TVPA, the U.S. government can impose economic sanctions on nations that are not making good faith efforts to crack down on the problem. The U.S. government also tries to shame other countries into compliance. Japan is one case in point, and South Korea is another. After the State Department included South Korea in 2001 on its “watch list” of countries with a poor record in fighting trafficking, the embarrassed South Korean Government passed a new law (in 2004) that increased penalties for non-trafficked sex workers. Subsequently, the State Department’s 2005 *Trafficking in Persons Report* declared that the Korean government “showed leadership” by passing the anti-prostitution law, and Korea was then rewarded by being removed from the watch list.

At the same time, a carrot is used to entice organizations to accept the Bush administration’s position. To be eligible for U.S. funding, any foreign NGO working on the trafficking front must now declare its opposition to legal prostitution. The State Department’s website is unequivocal: “no U.S. grant funds should be awarded to foreign non-governmental organizations that support legal state-regulated prostitution.” Similarly, the AIDS funding law of 2003 requires that any international organization working to fight AIDS must “have a policy explicitly opposing prostitution and sex trafficking” if it wishes to receive such funding. Both the State Department and now HR 2012 claim that legal prostitution “fuels” trafficking: where prostitution is tolerated, according to the bill, there is “nearly always an increase in the number of women and children trafficked into commercial sexual activities.”

In May 2005, 171 American and foreign organizations signed a letter to President Bush opposing the anti-prostitution pledge because they believe this policy interferes with promising interventions. Because of the restriction, several NGOs have rejected American funding. It has been argued that the pledge violates the First Amendment right to free speech, but this right apparently does not apply to non-American organizations.

There is absolutely no evidence that legal prostitution causes or even contributes significantly to sex trafficking. If legal prostitution fuels trafficking, Nevada should be a Mecca for traffickers. Yet there has been no documented increase in trafficking in areas of the state where brothels are legal. Moreover, the State Department itself provides some evidence contradicting the alleged deleterious effect of legalization: In the 2005 *Trafficking in Persons Report*, Australia, New Zealand,

and the Netherlands, where prostitution is legal, were found to “fully comply with minimum standards for the elimination of trafficking.” Regarding the Netherlands, the *Report* reveals something striking: the Dutch police report a “decrease in trafficking in the legal sector.” Apparently, *legal prostitution may help reduce trafficking* due to greater government oversight of the legal sector, rather than being a magnet for sex traffickers.

The U.S. Government’s position on prostitution contrasts sharply not only with nations that have legalized some form of prostitution but also with those that are currently investigating alternatives to blanket prohibition. In Britain, the Home Office circulated a major consultation paper, *Paying the Price*, on prostitution in 2004, inviting comments from all interested parties, as a prelude to possible changes in government policy. Meanwhile, in Canada, the House of Commons Subcommittee on Solicitation Laws recently held hearings across the country that examined ways to improve conditions for sex workers, including liberalization of the law. In short, several governments around the world appear to reject the notion that prostitution is inherently evil and instead have instituted or explored ways to regulate it, guided by the principle of harm reduction. This approach has also been embraced in Nevada, where legal brothels have existed for the past thirty-five years.

It is also worth noting that a sizeable number of Americans favor a more liberal approach to prostitution. A 1991 Gallup poll reported that 40 percent of the public believed that “prostitution should be made legal and regulated by the government,” and in 1996 the General Social Survey reported that 45 percent of Americans agreed that, “There is nothing inherently wrong with prostitution, so long as the health risks can be minimized. If consenting adults agree to exchange money for sex, that is their business.”

There is no doubt that coercive sex trafficking occurs. No one should be forced or deceived into selling sex, and unambiguous cases of this kind of trafficking need to be punished severely. But the issue has become thoroughly politicized. Activists and government officials have trumpeted phantom statistics and exploited anecdotal horror stories as evidence of a worldwide

epidemic of coerced prostitution and to justify a campaign against all forms of commercial sex.

As William McDonald points out in his excellent analysis of the issue, the anti-trafficking campaign has capitalized on “one of the most powerful symbols in the pantheon of Western imagery, the innocent, young girl dragged off against her will to distant lands to satisfy the insatiable sexual cravings of wanton men.” Contemporary claims about sex trafficking are reminiscent of the frenzy over “white slavery” early in the twentieth century (a problem that was largely mythical), except that now the typical victim is a poor, young woman from the Third World or Eastern Europe. During both time periods, a litany of wild claims contributed to a moral panic, and those who were skeptical of the claims remained largely silent. Today, there is a great deal of research contradicting this crusade’s caricature of prostitution and many good reasons to oppose the shift in American policy on sex trafficking.

SUGGESTED FURTHER READING

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