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THE GROWING MORAL PANIC OVER PROSTITUTION AND SEX TRAFFICKING

RONALD WEITZER
George Washington University

A fierce debate has been raging for decades over prostitution, pornography, and other types of sex work, in both the academic literature and in the public arena. Sometimes referred to as the “sex wars,” the two most prominent camps are radical feminism and the sex-work perspective. The unfortunate result of this ongoing battle has been considerable ideological contamination of our understanding of prostitution. This is not to say that most writing on prostitution is biased or driven by a political agenda, but the field certainly has more than its share of tainted work.

Recently, a new moral panic over prostitution has emerged, fueled by claims about sex trafficking. Here, I identify the main claims of the paradigm that is currently in the ascendancy—radical feminism—and then describe its influence over public policy in the Bush administration, focusing on sex trafficking.

The version of radical feminist theory to which I refer is “extreme” in the sense that it is absolutist, doctrinaire, and unscientific. The well-known writings of Andrea Dworkin, Catherine MacKinnon, and Kathleen Barry exemplify this approach. Their arguments have inspired a large number of “empirical” studies and led to the creation of several prominent antiprostitution organizations, like the Coalition Against Trafficking in Women (CATW). The following core claims distinguish this body of literature:

Prostitution involves male domination and exploitation of women regardless of historical time period, societal context, or legal status. CATW asserts in 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.” Prostitution has never been and can never be organized in a way that does not perpetuate gender inequality and that maximizes workers’ interests.

Violence is omnipresent in prostitution. Every writer who adopts this perspective sees violence as “endemic” and “intrinsic” to prostitution—categorically and universally. Titles of journal articles reflect this position: “Prostitution as Violence Against Women,” “Prostitution: A Violation of Women’s Human Rights,” “Prostitution is Cruelty and Abuse to Women and Children,” and “Prostitution is Rape That’s Paid For.” By equating prostitution with violence and oppression, these writers hope to generate support for the antiprostitution crusade. Who can support prostitution if it is the quintessential form of violence against women?

Female prostitutes lack agency. They do not actively make choices (to enter or remain in prostitution) but instead are victims. The distinction between

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voluntary and forced prostitution is flatly rejected. Writers use the term “prostituted women” to convey the idea that prostitution is something done to women, not something that can be chosen. 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 despicable institution) and practically (increasing the supply and demand for paid sex, thus amplifying the number of victims).

In a sweeping critique, Gayle Rubin noted that the radical feminist literature on prostitution and pornography is filled with “sloppy definitions, unsupported assertions, and outlandish claims” (Rubin, 1993: 36). The claims would not be tolerated in academic publications on any other type of crime or deviance, yet these writers somehow manage to get their papers published in academic journals in addition to receiving grant money from the U.S. government.

Methodological and analytical flaws are abundant in this body of literature. Samples consist mostly of street prostitutes (not escorts, call girls, or other indoor workers) who were approached on the street, contacted service agencies, or were interviewed in jail—that is, unrepresentative convenience samples. Anecdotes masquerade as evidence; writers typically recount horror stories about victims, to provoke the reader’s abhorrence of prostitution. The most disturbing instances of abuse are presented as typical. Counterevidence is routinely ignored.

Many of the claims are simply false. Violence is not pervasive in all types of prostitution; it is much less frequent in the indoor sector. Prostitutes do not necessarily see themselves as “prostituted”; many view themselves in more neutral terms, as “working women” or “sex workers.” Studies of customers caution against blanket characterizations, and show that most customers are not violence-prone. And, finally, research on legal prostitution in Nevada, Holland, and Australia indicate that, under the right conditions, prostitution can be organized in a way that greatly increases workers’ safety and job satisfaction. Space limitations prevent documentation of each of these counterpoints here, but supporting evidence is available elsewhere (Vanwesenbeeck, 2001; Weitzer, 2000, 2005).

Why it Matters: Government Policy and Funding

Twenty years ago, the Reagan administration formed a commission on pornography, headed by Attorney General Edwin Meese. The religious right and radical feminists dominated the commission’s proceedings and the final report relied heavily on the testimony and “evidence” provided by Dworkin, MacKinnon, and other antipornography activists. This led to a national crackdown on pornography distributors in the late 1980s, putting several out of business.

History is repeating itself in the Bush administration. Official claims about prostitution and trafficking echo the Meese Commission’s allegations about the harms of pornography, and are just as strongly influenced by converging rightwing and radical feminist interests. As the director of the State Department’s trafficking office, John R. Miller (2005), admitted, the federal government has been “working closely with faith-based, community, and feminist organizations” to combat all forms of prostitution. Antiprostitution scholars and activists have scored a major victory in getting their views incorporated in law and policy.

While the Meese Commission provoked a backlash from many scholars and journalists and resistance from the pornography industry, 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 new moral 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.

A review of the U. S. State Department’s (2004) new website—a “factsheet” titled *The Link Between Prostitution and Sex Trafficking*—as well as its annual trafficking reports shows how far the radical feminist agenda has been embraced by the Bush administration. The State Department’s factsheet is filled with grandiose claims: “Prostitution is inherently harmful. Few activities are as brutal and damaging to people as prostitution.” Legal prostitution “creates a safe haven for criminals who traffic people into prostitution.” “Prostitution leaves women and children physically, mentally, emotionally, and spiritually devastated.” “Prostitution is not the oldest profession, but the oldest form of oppression.” Almost all of factsheet’s citations come from one source: the writings and testimony of radical feminist scholars and antiprostitution activists. Citing their flawed arguments and “findings,” the State De-

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ment concludes that “routine abuse and violence...form the prostitution experience.” The factsheet’s set of “facts” are really *fallacies*. Prostitution is much more complex and variegated structurally and experientially (Weitzer, 2000, 2005).

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 employment in the sex industry, though many writers lump this kind of migration into the trafficking category.

There are two problems with official figures on trafficking. One is definitional: Government publications use varying definitions—including “extreme trafficking,” “sex trafficking,” or the generic “trafficking” which may or not be for sexual purposes. The terms are sometimes used interchangeably, making it unclear if trafficking in general or coercive sex trafficking in particular is at issue. The other problem is one of magnitude: *There are no reliable statistics on the scope of the problem*, yet this has not stopped antitrafficking organizations and now the U.S. Government from claiming that victimization is a worldwide epidemic. A report by a State Department analyst acknowledged in 2000 that “no one U.S. or international agency is compiling accurate statistics” but then claimed that “700,000 to 2 million women and children are trafficked globally each year” (Richard, 2000:3). Four years later, the State Department’s factsheet claims that 600,000 to 800,000 people are trafficked internationally each year, “hundreds of thousands” of whom are trafficked into prostitution. No credible evidence is provided to support these alarming figures, and “hundreds of thousands” is conveniently vague. The use of inflated figures is a tactic common to moral crusades; it is in their interest to exaggerate the problem.

The Bush administration seeks to change international opinion on both trafficking and prostitution. It has pressured complacent governments to change their policies. South Korea is a case in point. 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 antiprostitution law, and Korea was then removed from the watch list.

The U.S. government has spent about \$300 million in the fight against trafficking in the past four years, but the funds come with strings attached. To be eligible for U.S. Government funding, any foreign NGO working on the trafficking front must now declare its opposition to legal, state-regulated prostitution, and the AIDS funding law of 2003 requires that any organization working to fight AIDS must “have a policy explicitly opposing prostitution and sex trafficking” if it wishes to receive such funding. It is claimed that legal prostitution “fuels” trafficking, yet no evidence is provided to show that legal prostitution causes or even contributes significantly to sex trafficking. In fact, the State Department itself provides some evidence to the contrary: Its 2005 trafficking report on The Netherlands, where prostitution is legal, states that the government “fully complies with minimum standards for the elimination of trafficking” and that the Dutch police report a “*decrease* in trafficking in the legal sector.” Apparently, legal prostitution does not necessarily serve as a magnet for sex trafficking, but may instead help to reduce it via greater government oversight of the legal sector.

The U.S. Government’s position on prostitution contrasts sharply with the positions of several other nations—Australia, Britain, Canada, New Zealand, etc.—which have recently either legalized some form of indoor prostitution (such as brothels) or are investigating alternatives to blanket prohibition. These governments appear to reject the notion that prostitution is inherently evil and instead have 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 35 years.

None of this is to suggest that sex trafficking is a myth. It does occur, alongside voluntary migration in search of work. Clearly, there is a need to punish unambiguous cases of coercive trafficking and child prostitution. But the issue has become heavily politicized. High figures and anecdotal horror stories are being used to demonstrate that there is a worldwide epidemic of coerced prostitution and to justify condemnation of all forms of prostitution everywhere. As McDonald (2004:158) points out, the campaign against trafficking has exploited “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 20th century, 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.

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