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Author(s): Kari Lerum and Barbara G. Brents

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# Sociological Perspectives on Sex Work and Human Trafficking

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Kari Lerum<sup>1,2</sup> and Barbara G. Brents<sup>3</sup>

## Abstract

In the United States and beyond, there is often a wide disconnect between grounded empirical evidence about the sex industry and policies on sex work and human trafficking. In this introduction, we briefly review empirical and critical scholarly literature on sex work and human trafficking policy within the United States. We then introduce three sociological articles that provide compelling empirical research on individuals who work in the sex trade as well as those who organize on behalf of sex workers and trafficked individuals. We conclude by inviting more sociologists to narrow the gap between reliable empirical evidence and policies on sex work and human trafficking, and we urge activists and policy makers to listen.

## Keywords

sex work, human trafficking, political economy, activism, rescue, human rights

Research and scholarship on sex work has increased exponentially in the past two decades. Although the issue of human trafficking has rekindled old debates within feminism about the meaning of sexual commerce (Duggan and Hunter 2006; Leigh 2008), contemporary sociological research on sex work has become theoretically nuanced and empirically rich. Much of this research has the capacity to inform better policies on both sex work and human trafficking, but its utility relies in part on the capacity of researchers to meaningfully enter politicized conversations as well as the willingness of policy makers to listen and respond. Public discourse about the sex industry often polarizes *choice* and *coercion* by gender (Dennis 2008; Weitzer 2014) and frequently conflates sex work with *human trafficking* (Kempadoo 2005). In contrast, recent sociological approaches “...theorize all working conditions – including those for sex workers – as a complicated and contextualized continuum which may contain various aspects of privilege, agency, coercion, and structural constraint” (Brents et al. 2012:36). In this introduction, we briefly review contemporary scholarship on sex work and human trafficking in the sex industry, and then introduce the three articles included in this special cluster on sex work and human trafficking.

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<sup>1</sup>University of Washington Bothell, Bothell, WA, USA

<sup>2</sup>University of Washington Seattle, Seattle, WA, USA

<sup>3</sup>University of Nevada, Las Vegas, NV, USA

## Corresponding Author:

Kari Lerum, Interdisciplinary Arts and Sciences, University of Washington Bothell, Box 358530, 18115 Campus Way NE, Bothell, WA 98011 USA.

Email: lerum@uw.edu

## Brief Review of Empirical and Scholarly Literature

From our sociologically informed perspective, the most productive research on sex work problematizes *context* and highlights intersectional positionality when making empirical generalizations. Fortunately within the field of sociology alone, research on prostitution (as one form of sex work) has produced a rich body of research and scholarship, drawing on an ever widening variety of subfields including studies of bodily and emotional labor, criminal justice, citizenship, culture, discourse analysis, gender, globalization, (im)migration, organizations, politics, religion, sexuality, and social movements (e.g. see: Bernstein 2007; Brents, Jackson, and Hausbeck 2010; Chapkis 2003; Hoang 2015; Parreñas 2011; Sanders 2005; Sanders, O’Neil, and Pitcher 2009; Weitzer 2011a). But despite this research, leading scholars from a range of disciplines – including public health, law, human rights, and criminology – have noted that U.S. policies on sex work and human trafficking are driven more by ideology than reliable empirical evidence.

Human trafficking is defined by the U.S. State Department of State as labor induced by force, fraud, or coercion. The definition of trafficking in the sex industry (but not other industries) includes additional stipulations for individuals under 18: “When a child (under 18 years of age) is recruited, enticed, harbored, transported, provided, obtained, or maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be characterized as human trafficking” (U.S. Dept. of State 2014, p. 29).

Drawing from rich empirical studies and intersectional theories of sexual labor, social researchers and scholars have offered several important critiques of dominant human trafficking narratives and policies. Below we organize these critiques into four themes: 1) unreliable data, 2) anti-sex work ideology, 3) rescue industry & carceral state critiques, and 4) global health and human rights.

### Unreliable Data, Methods, & Definitions

Systematic data on this stigmatized, often underground population is difficult to acquire, but not impossible. Claims of fact by policymakers are often based on anecdotal evidence, dubious data sources or unverifiable global generalizations (see critiques by Bernstein 2012; Hoang and Parreñas 2014; Kerodal, Freilich and Galietta 2015, Kleemans 2011; Weitzer 2011b, 2014; Zhang 2009, 2012). One study of 42 recent books on “sex trafficking” found 78% cited one of three flawed sources of prevalence data without acknowledging their limitations or representing estimates to be actual numbers (Fedina 2015). In 2006, six years after the TVPA was passed and the U.S. war on human trafficking began, the U.S. Government Accountability Office cast doubt on international figures, citing weak methods, data gaps and discrepancies, and concluded that country-level data are generally neither reliable nor comparable (U.S. GAO 2006).

Reliable data are also difficult to achieve due to shifting and expanding definitions of trafficking. Anti-prostitution activists assert that all or nearly all individuals in the sex industry are coerced or trafficked, therefore equating all prostitution with trafficking (e.g. see Raymond 2003). Legal definitions can also be confusing. Some define any undocumented migration as trafficking regardless of consent, or conflate identified and presumed victims (Chuang 2014; Weitzer 2014; Zhang 2012). Some social conservatives and media outlets have even falsely equated high profile cases of kidnapping and sexual abuse as examples of “sex trafficking” (e.g. see Heineman 2013). Furthermore, two continuously ubiquitous (and frequently uncited) claims made by anti-prostitution activists (i.e. that *the average age of girls entering prostitution is 12 or 13* and that *300,000 youth are at risk for sex trafficking each year*) have been traced to one white paper report based on data from the 1990s (Estes and Weiner 2001). Both of these claims have been widely debunked by researchers and investigative journalists (as well as the authors of the original paper!) as egregious empirical overgeneralizations that do not accurately reflect contemporary conditions (see: Hall 2014; Jordan 2011; Kessler 2015; Koyama 2010; Stranksy and Finkelhor 2008).

In stark contrast to the often overinflated estimates, the number of officially confirmed victims of human trafficking across all labor categories in the United States is very low despite nearly 15 years of effort to find victims (Farrell, Owens and McDevitt 2014). Nonetheless, criminal justice attention concentrates on trafficking in the sex industry versus trafficking in other industries. The International Labour Organization (ILO) – seen as the most reliable source for all global labor statistics – estimates that there are almost 21 million victims of forced labor and human trafficking worldwide, including an estimated 4.5 million victims of forced sexual exploitation (ILO 2015). This means that an estimated  $\frac{3}{4}$  of trafficking victims do NOT involve forced sexual exploitation. However, according to the most recent Trafficking in Persons report issued by the U.S. State Department, in 2013 there were a total of 5,776 convictions for all forms of human trafficking offenses worldwide, with only 470 of those involving labor (not sex industry) trafficking (U.S. Department of State 2014). This translates into approximately 92% of all trafficking convictions being focused on the sex industry, and a paltry 8% of trafficking convictions being targeted toward other forms of labor trafficking.

To summarize: The majority (~75%) of trafficking victims are involved in labor outside of the sex industry (e.g. domestic work and agriculture), but a small proportion (8%) of human trafficking convictions are found in these areas. In contrast, one quarter (~25%) of estimated trafficking victims globally are in the sex industry, but constitute nearly all of the convictions (92%) for human trafficking. This leads us to our next point.

### *Antisex Work Bias*

While a rich body of social research on sex work has emerged in the past decade, anti-sex work bias remains across academic, political, and media domains (Weitzer 2005, 2007, 2014). Recent research provides complex understandings of how labor conditions in sex work are connected to their specific social environment. However, many spokespersons in the fight against human trafficking continue to replicate the idea that sex work is inherently exploitative, that sex work is not “real” work, and that few if any individuals ever choose to do it (see Chuang 2010; Lerum et. al, 2012; Zimmerman 2012).

Much of this anti-sex work ideology is embedded in policy and affects the ability to acquire and disseminate reliable data. For example, the 2003 Trafficking Victim Protection Reauthorization Act (TVPR) included an anti-prostitution clause which stated that none of its research or health outreach funds “may be used to promote, support, or advocate the legalization or practice of prostitution,” (US Dept. of State, 2003, Sec. 7g.) a policy which prevents government employees from considering alternatives to abolishing prostitution and has made health outreach to sex workers more precarious (CHANGE 2010, Ditmore and Allman 2013). In at least one case of which we are aware, a federally funded anti-trafficking program refused to consider a peer-reviewed research article on Nevada’s legal prostitution (Brents and Hausbeck 2005) because the article’s conclusion that legal brothels were safe was perceived to promote prostitution (Goldman 2007).

Anti-sex work bias is also embedded in common language used in reference to human trafficking. For example, the terms “sex trafficking” and “sex slavery” are sensationalistic discursive tools that prioritize the product (“sex”) rather than people (sex workers). Many advocates for sex worker rights thus prefer more humanizing and empirically descriptive terms such as “trafficking in the sex industry” or “forced sexual labor.”<sup>1</sup>

### *Rescue Industry and Carceral State Critiques*

Recent theoretically driven research has also critiqued trafficking politics in the context of neoliberal culture and politics. The discourse around “sex trafficking” touches on feminist anxieties about male sexual exploitation of women, conventional religious beliefs regarding gender roles

and sexual morality, the panic around childhood and lost innocence, as well as neoliberal political cultures of individual blame and responsibility (see: Bernstein 2012; Hoang and Parreñas 2014; Kerodal, Freilich and Galiotta 2015; Kleemans 2011; Koken 2010; Sanders, O’Neill and Pitcher 2009; Saunders 2012; Weitzer 2011b, 2014; Zhang 2009, 2012; Zimmerman 2012). Many scholars have argued that the sex panic (Herdt 2009) around “sex trafficking” rebrands various social problems connected to poverty, migration and labor rights as individual moral problems (or national security concerns) and expands the criminal justice system to increase monitoring and control of marginalized populations (e.g. see: Bernstein 2012; Brennan 2014; Chapkis 2003; Chuang 2014).

Expanding definitions of trafficking in the sex industry additionally feed a rescue industry (Agustin 2007) which requires a steady supply of women and girls who are arrested and then forced into being labeled victims or face incarceration (see Wahab and Panicelli 2013). Critics also point to the growing criminal punishment system and its carceral institutions (Spade 2011) which requires a steady supply of individuals who can be labeled villains (see Bernstein 2010, 2012; Chuang 2010; Koyama 2011; Lerum 2014; Musto 2010; Segrave et al. 2009). Much scholarly opposition to criminal justice (vs. social justice) solutions is also embedded within a larger movement in the United States against racialized criminal punishments, including post 9/11 state surveillance strategies and mass incarceration (e.g., see Alexander 2012; Davis and Mendieta 2005; Gottschalk 2006; Musto and Boyd 2014).

### ***Global Health & Human Rights***

Anti trafficking approaches that feed rescue and carceral institutions are also in direct contradiction to advice by leading global health and human rights researchers and sex worker rights advocates. The Nordic Model (which criminalizes the purchase but not the selling of sex) has garnered popular attention in the U.S., including from some Hollywood celebrities (Lerum 2015). But research is showing that any form criminalization in the sex industry (including criminalization of clients) increases harm for individuals in the sex trade including increased coerced sex work for those below the age of eighteen (McClure, Chandler, and Bissell 2014), increased violence against sex workers (Decker, et al. 2014), and increased rates of HIV/AIDS (Shannon, et al. 2014). Research also shows that aggressive policing and forced “rescues” violate the human rights of individuals in the sex industry as well as their children and families (e.g. see Ditmore 2009).

Based on this and other research, global health and human rights organizations are opposing criminalization or detention approaches for ages 10-17 (Conner 2015) with many calling for the complete decriminalization of prostitution (e.g. see CHANGE 2010; The Lancet 2014; Amnesty International 2015). As well, advocates for sex workers – including individuals who are trafficked into sex work – argue for resources and rights rather than rescue and criminal punishment (GAAT 2007; Open Society 2015).

### **Contributions to This Special Cluster**

The three articles in this special cluster contribute important empirical insights into scholarly understandings of trafficking in the sex industry. Each article draws conclusions from years of careful site-based ethnographic analyses. All three empirically test and/or compare key claims and tactics of dominant anti-trafficking narratives, and as well contribute to broader theoretical understandings of informal economies, the role non-governmental organizations in neoliberal governance, and social movements. Because the research subjects in each article vary, the terminology used to describe the act of selling sexual services varies considerably, including: “prostitution,” “sexual entrepreneurship,” “sex trafficking,” and “sex work.”

The volume begins with Anthony Marcus, Jo Sanson, Amber Horning, Efram Thompson, and Ric Curtis’ article, “Pimping and Profitability: Testing the Economics of Trafficking in Street Sex

Markers in Atlantic City, New Jersey.” The researchers have extensive experience investigating hidden street populations. (e.g. see Curtis, 1998; Marcus, 2006; Marcus and Curtis, 2013); in this study they conduct a comprehensive multi-investigator ethnographic census of street level sex work in Atlantic City. Marcus and his colleagues empirically test three key economic assumptions of anti-sex trafficking activists and policies: 1) that the “demand” for sex work, especially the demand of men for underage sex workers, drives and forces children and women into the sex industry; 2) that underage sex workers bring “pimps” higher profits than other sex workers because of many men’s preference for very young girls; and 3) that young sex workers are more compliant and easier for pimps to control, and hence more profitable.

While US-based anti-trafficking campaigns claim these are key incentives driving the industry, Marcus and his colleagues found little to no evidence to support any of these claims. In fact, in every case, they found virtually the opposite. Namely, they found an overabundance of underemployed individuals engaged in a range of illicit income generating activities including but not exclusive to sex work. Research subjects consistently reported that younger sex workers were less reliable and less able to bring in higher prices; they were also less likely to have regular pimps. Marcus and colleagues argue that the market for sex trafficking must be examined within the local political economy, and in the case of Atlantic City there is no comparative advantage for pimps to work with younger prostitutes.

The second article included in this cluster is Elena Shih’s “Not in My ‘Backyard Abolitionism’: Vigilante Rescue Against American Sex Trafficking.” Drawn from ethnographic research conducted over the course of five years (2008-2013) with two evangelical Christian anti-trafficking NGOs in Los Angeles, Shih provides an in-depth description and analysis of what she calls “vigilante rescue” efforts. While the assumptions of these anti-trafficking NGOs mirror those of federally funded anti-trafficking sweeps and stings, these groups do not collaborate with federal or local policing agents.

Shih finds distinct gendered and racialized patterns in the work of these organizations, with many white college age men eager to “rescue” young women of Asian descent, with both organizations deploying tactics of racial profiling to “identify those in need of rescue and those who may be perpetrators of trafficking” (Shih 2016, this issue). Shih argues that these “vigilante rescue” efforts represent a new form of neoliberal governance, bringing non-state actors in to “enforce and extend state goals of surveillance and policing of immigrants and sex workers” (Shih 2016, this issue).

This special cluster concludes with Crystal A. Jackson’s article, “Framing Sex Worker Rights: How U.S. Sex Worker Rights Activists Perceive and Respond to Mainstream Anti-Sex Trafficking Advocacy.” Jackson’s ethnographic research with sex worker advocacy networks in the United States documents how the anti-trafficking narrative has affected the sex worker rights movement. Jackson describes both the importance and difficulty of articulating sex worker positive narratives in a contemporary moment of heightened surveillance and criminalization of everything pertaining to commercial sex. While sex worker activists also wish to fight coercion and trafficking in the sex industry, when they do not acknowledge themselves as victims, anti-trafficking activists and state actors label them criminals, and their work on behalf of actual victims is at best marginalized, and at worst thwarted. Jackson’s article adds to scholarly understandings of framing battles within social movements, and illustrates how labor rights frames struggle as counter stories in a neoliberal political climate.

## Conclusion

The evidence in these three sociological studies run counter to dominant discourses about sex work and human trafficking. Because sociologists are often at the forefront of advocating for evidence-based policies, we hope that these essays will assist sociologists in their work as

teachers, scholars, and public advocates. Finally, we urge policy makers and activists who are concerned about individuals in the sex trade to heed these and other peer reviewed empirical studies and push for evidence-based policies on sex work and human trafficking.

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### Note

1. In the words of the PACE Society (a sex worker support organization in Vancouver, Canada) : "People are #trafficked, not sex. While #sextrafficking ensues greater moral panic, it does so by erasing the human from #humantrafficking." March 11, 2015. Retrieved July 3, 2015. (<https://twitter.com/pacesociety/status/575772536157249536>)

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### Author Biographies

**Kari Lerum** is an Associate Professor of Interdisciplinary Arts & Sciences and Cultural Studies at University of Washington Bothell, and Adjunct Professor in Gender, Women, & Sexuality Studies at University of Washington Seattle. Her recent scholarship has critically evaluated popular discourses about the "sexualization of girls," and discourses and policies about sex work and human trafficking. Her current research includes a community-based project with trans sex workers.

**Barbara G. Brents** is a Professor of Sociology at the University of Nevada, Las Vegas. She is a co-author of *The State of Sex: Tourism, Sex and Sin in the New American Heartland* (Routledge Press, 2010). Her recent work uses the sex industry as a site to understand the intersections of culture and economics – including the construction of “market morality” in political debates around sexuality; the relation between tourism, consumption and sexuality; the emotional and bodily labor of selling sex; and consuming sex.