

# The Left, the Right, and the Prostitute: The Making of U.S. Antitrafficking in Persons Policy

Jacqueline Berman\*

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The campaign to end all international trafficking in all forms of prostitution is supported by the feminist Left as well as the Christian Right.<sup>1</sup>

## I. INTRODUCTION

In 2003, the United States Congress mandated that any organization receiving funds from the U.S. government must “declare that it ‘does not promote, support or advocate the legalization or practice of prostitution.’”<sup>2</sup> When U.S. President George W. Bush spoke before the United Nations General Assembly that same year, he made a specific reference to “sex trafficking,” deeming it a special evil, a somewhat incongruous issue to be raised by an Administration fixated on the post-

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\* Jacqueline Berman is a Senior Research Analyst with Berkeley Policy Associates in Oakland, California, and has published a number of articles on human trafficking. She is currently working on a research project on human trafficking in post-conflict zones, with a specific focus on Bosnia and Herzegovina. She is also completing a manuscript on gender, agency, and trafficking in women. The author would like to thank Ann Jordan for her helpful comments on an earlier draft of this Article.

1. Kate O’Beirne, *Of Human Bondage: U.S. Policy and International Sex Trafficking*, NAT’L REV., Mar. 11, 2002, at 22.

2. Matt Steinglass, *The Question of Rescue*, N.Y. TIMES, July 24, 2005, § 6, at 18.

9/11 War on Terrorism.<sup>3</sup> This special mention of sex trafficking symbolized, at least in part, Bush's assent to a constituency that had provided him with unprecedented support and taken a highly visible interest in human trafficking. Indeed, after the 2002 National Security Presidential Directive asserted that "prostitution is inherently harmful and dehumanizing, and fuels trafficking in persons, a form of modern-day slavery,"<sup>4</sup> it would seem that both the framing of and "leadership on the issue [of sex trafficking relating to prostitution] has passed to the Christian right and to the Bush administration."<sup>5</sup>

Christian conservative groups, however, are not alone in their assertion of leadership on U.S. efforts to stop sex trafficking. During the 1990s, a number of radical feminist groups focused their resources on battling what they refer to as "the global sex trade."<sup>6</sup> These groups subscribe to a form of radical feminism that regards patriarchy, male (sexual) oppression, and exploitation of women as a global phenomenon.<sup>7</sup> They focus on human trafficking as, first and foremost, trafficking in women for the purposes of sexual exploitation, especially prostitution.<sup>8</sup> From their perspective, prostitution and human trafficking are, and can only be, a form of male violence against women, a heinous example of male sexual exploitation.<sup>9</sup> To these radical feminist groups, the only way to end male exploitation of women is to abolish all forms of prostitution (hence the label abolitionists) and imprison all clients of prostitutes.<sup>10</sup>

These groups' position on prostitution has led them to take a particular interest in sex trafficking, which they view as a globalized form of male oppression.<sup>11</sup> For them, all movement and migration related to paid sexual labour constitute instances of trafficking in women.<sup>12</sup> Thus, for them, a distinction between forced versus voluntary movement

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3. George W. Bush, U.S. President, President Speaks to the United Nations General Assembly (Sept. 21, 2004), available at <http://www.whitehouse.gov/news/releases/2004/09/20040921-3.html>.

4. Bureau of Pub. Affairs, U.S. Dep't of State, *The Link Between Prostitution and Sex Trafficking* (Nov. 24, 2004), available at <http://www.state.gov/documents/organization/38901.pdf>.

5. Nicholas D. Kristof, *When the Right Is Right*, N.Y. TIMES, Dec. 22, 2004, at A31.

6. Kamala Kempadoo, *Women of Color and the Global Sex Trade: Transnational Feminist Perspectives*, 1(2) MERIDIANS 28 (2001).

7. See KATHLEEN BARRY, *THE PROSTITUTION OF SEXUALITY* 25 (1995).

8. See SHEILA JEFFREYS, *THE IDEA OF PROSTITUTION* 8 (1997).

9. BARRY, *supra* note 7, at 25; Donna M. Hughes, *Legalizing Prostitution Will Not Stop the Harm*, MAKING THE HARM VISIBLE, Feb. 1999, <http://www.uri.edu/artsci/wms/hughes/mhvlegal.htm>.

10. *Id.*

11. See, e.g., BARRY, *supra* note 7, at 196.

12. See, e.g., *id.*

for sex work does not exist.<sup>13</sup> This ideology informs the work of the Coalition Against Trafficking in Women (CATW), a leading abolitionist organization formed in 1988 to fight prostitution and trafficking in women globally,<sup>14</sup> as well as other groups including Concerned Women for America (CWA), The Protection Project, and Equality Now.<sup>15</sup> Their members believe that because both prostitution and trafficking in women are the result of male violence, no distinction between trafficking and prostitution exists.<sup>16</sup>

Some radical feminist and abolitionist organizations involved in the debate over trafficking in human beings have, however, at times taken a progressive approach to other women's rights (especially reproductive rights), including support for access to abortion, family planning, and use of condoms to prevent the spread of HIV/AIDS.<sup>17</sup> In contrast, conservative Christian groups generally oppose abortion and promote abstinence outside of marriage rather than access to abortion, family planning, and condoms in relation to reproduction, sexuality, and the fight against AIDS.<sup>18</sup> This renders the work of these disparate types of

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13. See, e.g., *id.* at 238-39.

14. See Melissa Ditmore, *Trafficking in Lives: How Ideology Shapes Policy*, in *TRAFFICKING AND PROSTITUTION RECONSIDERED: NEW PERSPECTIVES ON MIGRATION, SEX WORK, AND HUMAN RIGHTS* 111 (Kamala Kempadoo et al. eds., 2005). This article focuses primarily on the antitrafficking work of CATW because it has been highly influential on U.S. antitrafficking policy. CATW also led the Human Rights Network that lobbied representatives during the drafting of the U.N. protocol on trafficking. Many members have published extensively and have received significant federal and private funding for their work. *Id.* CATW regards all women working in the sex industry as victims of male oppression and believe that it can speak on their behalf since these women are unable to speak for themselves. See Coal. Against Trafficking in Women, *An Introduction to CATW*, <http://www.catwinternational.org/about/index.php> (last visited Apr. 1, 2006) [hereinafter *CATW Introduction*].

15. Compare *CATW Introduction*, *supra* note 14, with Elaine McGinnis, Concerned Women for Am., *The Horrifying Reality of Sex Trafficking* (Dec. 10, 2004), <http://www.cwfa.org/articledisplay.asp?id=7014&department=BLI&categoryid=reports>; and The Protection Project, *Mission: Establishing an International Framework for the Elimination of Trafficking in Persons, Especially Women and Children*, <http://www.protectionproject.org/aus.htm> (last visited Feb. 22, 2006); and Equality Now, *Campaign Against Sex Tourism/Trafficking*, [http://www.equalitynow.org/english/campaigns/sextourism-trafficking/sextourism-trafficking\\_en.html](http://www.equalitynow.org/english/campaigns/sextourism-trafficking/sextourism-trafficking_en.html) (last visited Apr. 1, 2006).

16. Tara McKelvey, *Of Human Bondage: A Coalition Against Human Trafficking Worked Well Until a Prostitution Litmus Test Was Imposed*, AM. PROSPECT ONLINE, Nov. 2, 2004, <http://www.prospect.org/web/printfriendly-view.wv?id=8763>.

17. *Id.*

18. See, e.g., Concerned Women for Am., *Rise in STDS Encourages Condom Distribution* (July 2, 1998), <http://www.cwfa.org/articledisplay.asp?id=1395&department=CWA&categoryid=life>; Amelia Wigton, Concerned Women for Am., *Abortion Issues To Come Before the Supreme Court* (Oct. 3, 2005), [http://www.cwalac.org/article\\_270.shtml](http://www.cwalac.org/article_270.shtml); Elaine McGinnis, Concerned Women for Am., *Abstinence Education Receives an \$11 Million Increase in Federal Funds!* (June 10, 2005), [http://www.cwalac.org/article\\_214.shtml](http://www.cwalac.org/article_214.shtml).

groups around human trafficking particularly confounding (but not, as discussed below, historically unprecedented).<sup>19</sup> What is particularly perplexing is that conservative Christian groups and some on the radical feminist left do not just share the same views on this issue, but have formed a powerful political alliance to fight what they label human trafficking. What is particularly interesting is that their fight in practice is limited to sex trafficking and prostitution only.<sup>20</sup>

This Article will explore this seemingly odd partnership between religious conservatives and radical feminists in the fight against the global traffic in women. In particular, this Article asks what issues or views unite two such seemingly ideologically opposed groups. How have evangelical Christians and feminists not only come to agree upon, but also actively work together on, such a controversial topic? Perhaps more importantly, what impact has this partnership had on the global fight against human trafficking?

This Article also will consider how shared views of sexuality, prostitution, the role of morality in public life, and universalist constructions of woman have combined to produce a conflation of trafficking in women and prostitution that has made possible the alliance between conservative Christians and radical feminists in the fight against human trafficking. This conflation reduces all human trafficking to sex trafficking, which in turn is reduced to prostitution. However, their particular vision of prostitution is one in which all women in the sex industry are seen as exploited victims without any specific agency of their own. For both of these groups, there is no debate about whether this is the correct view or understanding of prostitution. Rather, it is this shared view of, and focus on, prostitution that creates the bond between two such seemingly disparate groups.

Most importantly, this coalition has had a very concrete impact on the Bush Administration and official U.S. antitrafficking policy, forming, in the estimation of one of its adherents, “the most powerful coalition for human rights in America today . . . all under the radar screen of the press.”<sup>21</sup> Indeed, in many ways, a certain fixation on what may appear to be a peripheral issue serves as a synecdochal location for their bond: the

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19. See Phillis Chesler & Donna M. Hughes, *Feminism in the 21st Century*, WASH. POST, Feb. 22, 2004, at B07 (discussing the traditional issues that divide feminists and conservative or faith-based groups and concluding that an alliance between the groups would be beneficial in combating human trafficking); see also Eartha Melzer, *Trafficking in Politics: Bush's Strong Rhetoric on Sex Slavery Masks Policy Failures*, IN THESE TIMES, Mar. 14, 2005, available at <http://www.inthesetimes.com/site/main/article/2007/>.

20. See Melzer, *supra* note 19.

21. McKelvey, *supra* note 16 (quotations omitted).

condom and prostitute. It may in fact be this seemingly harmless contraceptive and the women who use them in their work that undergirds this bridging of ideologies. This Article will consider how a shared concern over the proliferation of condoms (for conservative Christian groups, a development deserving moral approbation) and their symbolic import (for radical feminists, in relation to prostitution and male violence) has brought the Christian right and some radical feminists together in their fight against the global traffic in women.

## II. AGAINST THE “SUPER PIMPS”: CHRISTIAN CONSERVATIVES AND SEX TRAFFICKING

Since the late 1990s, such conservative Christian leaders as United States Senators Sam Brownback and Rick Santorum, United States Representative Chris Smith, and such faith-based organizations as the International Justice Mission (IJM), the Family Research Council, and the National Association of Evangelicals have taken a highly visible leadership position on human trafficking—or as U.S. President Bush calls it, “sex slavery”—in the United States.<sup>22</sup> In fact, the Bush Administration has devoted \$150 million to the issue over the past two years.<sup>23</sup>

Many international governmental and nongovernmental organizations (NGOs), including the International Labour Organization (ILO), regard trafficking in human beings as a form of forced labour and as a phenomenon that occurs for a myriad of reasons.<sup>24</sup> Some of the most common reasons include forced agricultural, factory, or domestic labour.<sup>25</sup> Conservative Christian groups, however, understand human trafficking as a practice almost exclusively involving the kidnapping and/or coercion of (especially) young, vulnerable women from economically poor regions of the world, under the guise of an opportunity for legitimate, higher wage work in wealthier, industrialized nations.<sup>26</sup> Along the way, they argue, women are subjected to abuse,

22. See generally Kristof, *supra* note 5; Elisabeth Bumiller, *Evangelicals Sway White House on Human Rights Issues Abroad*, N.Y. TIMES, Oct. 26, 2003, § 1, at 1; Jennifer Block, *Sex Trafficking: Why the Faith Trade Is Interested in the Sex Trade*, CONSCIENCE, Summer-Fall 2004, [http://www.catholicsforchoice.org/conscience/archives/c2004sum\\_sextrafficking.asp](http://www.catholicsforchoice.org/conscience/archives/c2004sum_sextrafficking.asp).

23. Block, *supra* note 22.

24. INT’L LABOUR ORG., A GLOBAL ALLIANCE AGAINST FORCED LABOR, REPORT I(B), at 12-14 (2005).

25. *Id.*

26. See Peter Landesman, *The Girls Next Door*, N.Y. TIMES, Jan. 25, 2004, § 6 (Magazine), at 30 (describing efforts by sex traffickers to recruit victims in poor countries and transport them to wealthier, industrialized nations); Michael Specter, *Contraband Women—A Special Report. Traffickers’ New Cargo: Naïve Slavic Women*, N.Y. TIMES, Jan. 11, 1998, § 1, at 1.

sexual violence, trade among and between different networks of traffickers, and ultimately, debt-bondage in the sex industry.<sup>27</sup> From this perspective, prostitution should never be seen as a means by which a woman may decide to earn an income. These groups regard women and girls “working” in a foreign sex sector as “desperate women . . . unable to give meaningful ‘consent’ to their own sexual exploitation.”<sup>28</sup> As John Miller, the Bush Administration’s Director of the United States Department of State Office to Monitor and Combat Trafficking in Persons explained, “trafficking in women, the sex pillar of slavery, cannot be viewed separately from prostitution.”<sup>29</sup>

Human trafficking is a highly clandestine, illegal operation that is notoriously difficult to track, especially its precise scope and nature.<sup>30</sup> In response, some evangelical Christian groups like the IJM have sought to fight human trafficking through “rescue” operations.<sup>31</sup> Brothels have been the main focus of these “rescue” efforts because such groups believe “that many or most prostitutes are trafficked into the business against their wills.”<sup>32</sup> In what might be described as private foreign covert operations, which also receive funds from the United States Agency for International Development (USAID), the IJM and others investigate brothels, particularly in Southeast Asia, for evidence of trafficking in women.<sup>33</sup> Where found, these groups conduct “spectacular raids,” removing prostitutes to safe houses and offering them vocational training, often whether or not the women themselves are interested in such help.<sup>34</sup>

The fight of the IJM and other Christian groups against what they deem to be trafficking and forced prostitution is predicated on reducing all human trafficking to trafficking in women for the purposes of sexual exploitation, or simply, prostitution. Indeed, as one journalist explains, “what’s enthralled the media, the Christian right and the Bush administration is not the demanding, multi-layered narrative of migrants, but the damsels in distress, the innocents lured across borders” for the

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27. See, e.g., Specter, *supra* note 26 (detailing the account of a sex trafficking victim who describes abuse and debt bondage).

28. O’Beirne, *supra* note 1, at 20.

29. Freke Vuijst, *The Netherlands: Super Pimp?*, VRIJ NEDERLAND WKLY., Apr. 30, 2005.

30. See Specter, *supra* note 26.

31. Sharon Cohn, Int’l Justice Mission, *The One*, <http://www.ijm.org/NETCOMMUNITY/Page.aspx?&pid=270&srcid> (last visited Apr. 1, 2006).

32. Steinglass, *supra* note 2; Gary Haugen, Int’l Justice Mission, *But Isn’t That Dangerous?* (2005), available at <http://216.26.190.51/IJMarticles/ButIsnThatDangerous.pdf>.

33. Steinglass, *supra* note 2.

34. *Id.*

purposes of prostitution.<sup>35</sup> In other words, their concern over human trafficking has become, in practice, a concern over what they deem sex trafficking.

I have argued elsewhere that in addition to “sexual panic” and other gendered and prurient interests related to representations of sex trafficking, race may play a role in this construction of human trafficking.<sup>36</sup> Specifically, the “whiteness” of some recent trafficking victims (women from the former communist bloc states) has contributed to much of the recent public investment in trafficking in women.<sup>37</sup> The point remains, however, that no matter how complex or widespread the phenomenon, U.S. Christian groups have continued to focus on sex trafficking in women for prostitution rather than on the multitude of practices and industries that constitute human trafficking.

Adhering to the views of these conservative Christian groups, the Bush Administration has made a strong financial, political, and rhetorical commitment to antitrafficking efforts.<sup>38</sup> According to the United States Department of State, the Administration has devoted some \$295 million to antitrafficking efforts in more than 120 countries.<sup>39</sup> To receive U.S. funds, however, the Administration requires that both U.S. and foreign groups fighting AIDS, trafficking, or addressing reproduction in any way (especially anything involving sex or condoms) first “pledge their opposition to prostitution and sex trafficking.”<sup>40</sup>

Some Administration officials trace President Bush’s focus on sex trafficking to a “religious coalition” of “white evangelicals” who hold “an unusual influence” over the White House.<sup>41</sup> These Christian groups, who may have “accounted for about 40 percent of the votes that Mr. Bush received in the 2000 presidential election,” and who were central to his 2004 reelection, have identified sex trafficking as an issue of critical importance.<sup>42</sup> These groups were instrumental in convincing the

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35. Block, *supra* note 22.

36. Jacqueline Berman, *(Un)Popular Strangers and Crisis (Un)Bounded: Discourses of Sex-Trafficking, the European Political Community and Panicked State of the Modern State*, 9(1) EUR. J. OF INT’L REL. 37 (2003); *see also* GLOBAL SEX WORKERS: RIGHTS, RESISTANCE, AND REDEFINITION (Kamala Kempadoo & Jo Doezema eds., 1998) [hereinafter GLOBAL SEX WORKERS].

37. *See generally* GLOBAL SEX WORKERS, *supra* note 36.

38. *See* Editorial, *Taking the Prostitution Pledge*, N.Y. TIMES, July 2, 2005 [hereinafter *Taking the Pledge*]; McKelvey, *supra* note 16.

39. *Taking the Pledge*, *supra* note 38.

40. *Id.*

41. Bumiller, *supra* note 22.

42. *Id.*

President to address this issue in his speech at the United Nations.<sup>43</sup> These groups have ardently sought to close brothels, imprison pimps and johns, and cut funding to any group that does not conflate human trafficking with sex trafficking and prostitution.<sup>44</sup> “[C]onsumed by this issue,” evangelical Christians, other religious and political conservatives, and the Hudson Institute have succeeded in placing their choice for a new director, John Miller, in charge of the State Department’s Office to Monitor and Combat Trafficking in Persons.<sup>45</sup> It was these groups that “pushed the White House . . . [to] denounce the coercion of women into prostitution,”<sup>46</sup> embodied in the “Prostitution Pledge.”<sup>47</sup> Thus, the U.N. speech, financial commitments, political appointments, and the antiprostitution pledge all allow the Bush Administration to demonstrate its responsiveness to the conservative Christian agenda, and to continue to garner their support.

The conservative Christian agenda also includes the position that the United States must act immediately and with certainty to protect the entire world from the evils and degeneration of prostitution as embodied in sex trafficking.<sup>48</sup> As Dr. Janice Shaw Crouse of CWA has constructed it, “the U.N. blames social and economic disparities for fostering trafficking,” but “the demand for prostitutes is the driving force behind sex trafficking,” a demand which the United States Congress is “working to end.”<sup>49</sup>

These groups believe that the most effective means to stop trafficking is to end prostitution, reinforce the traditional family, engender abstinence, and rescue women from risky, post-1960s norms like work outside the home.<sup>50</sup> In so doing, the United States should project the ideological opposite of a secular, degenerate, old Europe exemplified by the “Super Pimp” Netherlands and other governments that legalize prostitution.<sup>51</sup> Indeed, the trope of the trafficked woman duped into sexual slavery does ideological work for the Christian right. As Jennifer Butler of End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT) explains:

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43. *Id.*

44. McKelvey, *supra* note 16.

45. Bumiller, *supra* note 22.

46. *Id.*

47. *Taking the Pledge*, *supra* note 38.

48. *See generally* Concerned Women for Am., *CWA: Human Trafficking Now Tied for World's #2 Crime* (Dec. 6, 2005), <http://www.cwfa.org/articledisplay.asp?id=9616&department=MEDIA&categoryid=family>.

49. *Id.*

50. *Id.*

51. Vuijst, *supra* note 29.



[Sex trafficking] proves that the world is falling apart, that families are falling apart, that morals are decaying. They can even blame it on liberalism—this is what happens when you allow pornography to exist. This is what happens when women go to work. Now that women are sexually liberated they go and strip or have sex for a living.<sup>52</sup>

The problem is, the reduction of human trafficking to sexual slavery obfuscates the complexities that surround this practice and leaves the public with the image of a pure and utterly innocent victim.

This simplified version of human trafficking is much easier to explicate to a voting populace than the massive effects of globalization and the transnational flow of capital, goods, and people. The duped girl lost in an illicit world of malevolent traffickers simultaneously functions to remove women's agency and to render the dislocations broadly associated with globalization (unstable labour markets, bankruptcies, recessions, migrations) in simple, dichotomous terms. It serves as a comprehensible Manichean allegory with which people can navigate an increasingly complex and fungible world. This representation also facilitates an elision of the lives of women who are not deemed pure and innocent, relieving them of any responsibility to migrants and other women on the move in a world of people on the move, thereby creating an environment in which it is much easier to manipulate the emotions of the relevant constituencies. Operating under such a construct obviates the need to address the massive impact of the flow of global capital into the hands of fewer and fewer beneficiaries, or to discuss the human beings caught up in and abused by globalization's maelstrom.

Rendering human trafficking as a sexual slave trade is commensurate with the ideological structures of conservative Christian discourse (good and evil) and embodies such esteemed ideological principles as women's traditional roles (in the home and away from the dangers of sexual slavery) and chaos over the border, threatening "traditional" American values. This rendering also animates these groups' commitment to sexual abstinence outside of marriage and their opposition to abortion. Among its myriad of effects, reducing human trafficking to sexual slavery, and taking a very public stance on combating it as such, buttresses their opposition to what they fear is the "sexualization" of public life and the resultant attendant immoral practices, such as abortion.<sup>53</sup> Indeed, this phenomenon is regarded by

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52. Block, *supra* note 22.

53. See Ron Chepesiuk, *Faith Based Groups Left and Right Appeal to Different "Moral Values,"* NEWSTANDARD, Dec. 7, 2004, available at <http://newstandardnews.net/content/index.cfm/items/1284>.

Christian groups as a result of the liberation movements of the 1960s, a trend they have been fighting ever since.<sup>54</sup>

Put differently, framing human trafficking as sex trafficking for the purposes of sexual exploitation serves as a synecdochal location for many other conservative Christians ideological commitments. In particular, these groups regard prostitutes as morally compromised women who casually engage in sex and who have abortions to cover up their poor choices. In their ideological cosmos, women's sexual immorality flows from access to contraception and medical technologies, practices that have compromised the structure of Western family life, and civilization in general.<sup>55</sup>

Conservative Christian organizations have spent considerable resources on discrediting the effectiveness of condoms and promoting sexual abstinence outside of marriage to inculcate their specific understanding of gender roles, family structures, and public life.<sup>56</sup> The mere existence of prostitution is antithetical to their moral system. Thus, constructing human trafficking as sex trafficking allows the Christian right to reiterate and reinvigorate their other ideological positions, ultimately equating loose sexuality with criminality. Given its functional value, it should be no surprise that these groups have constructed human trafficking as sex trafficking and chosen it as an issue for public outcry and political leadership.

### III. THE GLOBAL SISTERHOOD AGAINST SEXUAL SLAVERY: RADICAL FEMINISTS AND SEX TRAFFICKING

A number of texts have explored the historical connections between late nineteenth- and early twentieth-century feminist campaigns against the white slave trade and the current radical feminist/abolitionist interest in these issues.<sup>57</sup> These authors connect *fin-de-siecle* instability associated with industrialization and immigration to panic accounts of

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54. *Id.*

55. See Chesler & Hughes, *supra* note 19.

56. See, e.g., Nancy Pruett, *Abstinence Matters*, <http://www.afa.net/prolife/GetArticle.asp?id=82> (Mar. 4, 2004) (questioning the effectiveness of condoms and promoting sexual abstinence outside of marriage as the only effective means of sexually transmitted disease prevention).

57. See JUDITH R. WALKOWITZ, PROSTITUTION AND VICTORIAN SOCIETY: WOMAN, CLASS, AND THE STATE 248-51 (1980); NICKIE ROBERTS, WHORES IN HISTORY: PROSTITUTION IN WESTERN SOCIETY 253-54 (1992); Barbara Sullivan, *Trafficking in Women: Feminism and New International Law*, 5 (1) INT'L FEMINIST J. POL. 67-91 (2003); Petra de Vries, *An Image of Sexual Danger: Prostitution, the White Slave and the Political Campaign Against Women Trafficking in Historical Perspective*, in WOMEN AND TRAFFICKING 21-28 (S.Z. Zimic ed., 2004); Melzer, *supra* note 19.

the kidnapping and defilement of women.<sup>58</sup> This led Christian and feminist groups to form a coalition that produced antiprostitution and abolitionist campaigns, ultimately creating the 1910 White Slavery Act that banned the movement of women across state lines for “immoral purposes.”<sup>59</sup>

More recently, following the pornography debates in the United States in the 1980s,<sup>60</sup> a number of radical feminists began to focus on what they believed to be an inextricable link between trafficking in human beings and prostitution.<sup>61</sup> Predicated in part on the belief that in a patriarchal world, all women globally share the experience of oppression by men and all are victims, certain radical feminist ideology has sought to identify and attack specific sites of male sexual violence upon which women’s subordination is built.<sup>62</sup> Prostitution constitutes an example of this, *par excellence*.<sup>63</sup> Indeed, many radical feminists believe that men so ubiquitously dominate women across cultures, ethnicities, classes, and even time, that they have been able to provoke women’s active participation in, and consent to, their own oppression.<sup>64</sup> Thus, from this perspective, any alleged consent to prostitution by women has been structurally, functionally, and practically coerced by men and therefore cannot be considered an honest expression of a woman’s choice.<sup>65</sup>

Some radical feminists, including Kathleen Barry, Janice Raymond, Dorchon Leidholdt, and Donna Hughes (all either past or current members of CATW, the leading and most influential abolitionist group in the United States), as well as other abolitionists, have identified what they believe to be an inexorable link between trafficking and prostitution by defining all movement of sex workers across borders as human trafficking.<sup>66</sup> Thus, they have come to use “the terms prostitution and

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58. Melzer, *supra* note 19.

59. *Id.*

60. DENISE THOMPSON, RADICAL FEMINISM TODAY 39 (2001).

61. BARRY, *supra* note 7, at 196-97.

62. *Id.* at 64-65.

63. *Id.*

64. *Id.* at 23.

65. Sullivan, *supra* note 57, at 69.

66. See Janice G. Raymond, *Prostitution as Violence Against Women: NGO Stonewalling in Beijing and Elsewhere*, 21(1) WOMEN’S STUD. INT’L F. 1, 1-9 (1998), available at <http://action.web.ca/home/catw/readingroom.shtml?x=16307> [hereinafter Raymond, *Prostitution as Violence*]; Janice G. Raymond, *The Ongoing Tragedy of International Slavery and Human Trafficking: An Overview: Hearing Before the H. Subcomm. on Human Rights and Wellness of the H.R. Comm. on Government Reform*, 108th Cong. (Oct. 29, 2003), available at <http://action.web.ca/home/catw/readingroom.shtml?x=53794> [hereinafter Raymond, *Hearing*]; Dorchon A. Leidholdt, *Demand and the Debate* (2004), available at <http://action.web.ca/home/catw/readingroom.shtml?x=53793>.

trafficking interchangeably.”<sup>67</sup> Under this construction, there is no possibility of women’s migration for sex work; there is only forced movement for the purposes of sexual exploitation.<sup>68</sup> Because these feminists believe that all prostitution is coercive, they argue it must be abolished to achieve gender equality and women’s empowerment.<sup>69</sup> This exploitation will end, they argue, only when states and global institutions subject traffickers and johns to criminal prosecution *and* all women cease to work in prostitution.<sup>70</sup>

For abolitionists, a perceived increase in the number of foreign women working in prostitution appeared prominently among their many reasons for advocating against a “regulationist” approach to prostitution.<sup>71</sup> Position papers written by these groups luridly portray “red-light districts,” “*eros centres*,” “sex zones,” and sex “entertainment” as the result of treating prostitution as a legal industry.<sup>72</sup> They argue that “normalization of prostitution in European regulationist countries . . . promotes the illegal trafficking of women into regulationist countries from poorer countries in the Third World for the purpose of cheaper sex.”<sup>73</sup> Abolitionists also claim that regulation “relaxes the policing of prostitution, making it easier for traffickers to move in and out of the [regulating] country.”<sup>74</sup> Based on a 1986 United Nations Educational, Scientific, and Cultural Organization (UNESCO) report, these groups insist that regulation of prostitution via registration (including, *inter alia*, medical surveillance and identity cards) will “mark[] women for life” and turn them into a “vulnerable” and “separate category of women living on the fringes of society,” unable to ever change occupations or identities.<sup>75</sup> Whether such conclusive links between regulation and prostitution will withstand the scrutiny of actual experience remains to be seen.

In contradistinction, the occurrence of weekend prostitution, as a key U.N. report documents, bears mention.<sup>76</sup> In Poland, for example,

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67. Block, *supra* note 22.

68. Leidholdt, *supra* note 66.

69. *E.g., id.*

70. BARRY, *supra* note 7, at 305-08.

71. Raymond, *Prostitution as Violence*, *supra* note 66; *see also* Raymond, *Hearing*, *supra* note 66.

72. Raymond, *Prostitution as Violence*, *supra* note 66; *see also* Leidholdt, *supra* note 66.

73. Raymond, *Prostitution as Violence*, *supra* note 66 (quotations omitted).

74. *Id.* (quotations omitted).

75. *Id.* (quotations omitted).

76. U.N. Econ. & Soc. Council [ECOSOC], Comm’n on Human Rights, *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences*, U.N. Doc.

housewives and students might engage in sex work on weekends, or for a limited period of time, to improve their standard of living.<sup>77</sup> This suggests that prostitution may not only and always be coercion, but in some instances, may provide some women with a contingent form of agency, resistive to an established sociocultural construction of gender roles in relation to income generation, sexuality, and even movement across borders.<sup>78</sup> What is important to note, however, is *how* abolitionists make their arguments invoking and recirculating a particular view of womanhood, sexuality, and even work, to strengthen their position.

Abolitionists argue, for example, that in the 1980s, the sex industry became “an international business” in many European countries.<sup>79</sup> In this construction, the idea that sex has (only recently) become a legitimate part of the economy of a modern state plays on fears of a breakdown in the public moral order and ignores the historical presence of such practices, for good or ill.<sup>80</sup> Abolitionists link prostitution and sex trafficking to globalization, economic development, and sex tourism in Asia and Europe, all of which lead to “the internationalization of women’s bodies for sex.”<sup>81</sup> They argue that this equally facilitates the incursion of organized crime, the presence of which threatens the sanctity of the political community.<sup>82</sup> At its most incendiary, abolitionists insist that “[w]omen became goods and services in an industry without national borders. The sex industry treats women as moveable property, passing them from one club to another, from one district to another, and from one country to another.”<sup>83</sup> In the wake of such language, panic over the exploitation of (our white) women, the availability of employment (for us), the sovereignty of (our) national borders, *and* the purity of the political community can exponentially amplify. This representation also plays on racialized constructions of white men abusing dark skinned, passive innocents. At the same time, it also invokes the need to protect “our” community from criminals, whores, and other undesirables. In this discursive environment, it becomes logical to call upon the state to protect the political community not only by criminalizing all activities related to trafficking, but also those relating to the sex industry. As

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E/CN.4/1997/47 (Feb. 12, 1997) (prepared by Radhika Coomaraswamy), *available at* [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.1997.47.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.1997.47.En?Opendocument).

77. *Id.*

78. *Id.*

79. Raymond, *Prostitution as Violence*, *supra* note 66.

80. *See* Block, *supra* note 22.

81. Raymond, *Prostitution as Violence*, *supra* note 66.

82. *Id.*

83. *Id.*

Wendy Wright of CWA proposes: countries like the United States should “make clear . . . that prostitution is not work, but rather criminal behavior” and “should oppose any effort to include ‘forced prostitution’ or ‘sexual rights’ in treaties or international agreements.”<sup>84</sup>

Abolitionists have sought to pursue their position on prostitution and trafficking in women internationally and since 2000, have received funding for their work from such organizations as the United States Department of State Office to Monitor and Combat Trafficking in Persons, the United States Department of Labor, the Ford Foundation, and the National Institute of Justice (the research arm of the United States Department of Justice).<sup>85</sup> This means that they have been promoting their view that there is an inextricable link between prostitution and trafficking in women through the idea of sex trafficking, and that this link should form the basis of national and international antitrafficking legislation. Abolitionists have also worked to promote this view in such global forums as the 1995 United Nations Beijing Conference on Women, the Vienna meetings to draft the Trafficking Protocol to the United Nations Transnational Convention Against Organized Crime, and in testimony before the United States Congress and Department of State.<sup>86</sup> Promulgating this understanding is the only way these radical feminists believe the practice of trafficking in women, as well as the global exploitation of women by men, can be eradicated.<sup>87</sup> At the same time, this understanding leaves little room to question their informing ideological constructions and gendered assumptions, to understand the more intricate relationships between human trafficking and globalization, or to work through human trafficking in all of its complexity.

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84. Int'l Research & Exch. Bd., *IREX Briefs Congressional Human Rights Caucus* (June 15, 2001), available at <http://info.irex.org/pipermail/irex-l/2001-June/000067.html>.

85. See, e.g., FordFound.org, Grant Information: Coalition To Abolish Slavery and Trafficking, [http://www.fordfound.org/grants\\_db/view\\_grant\\_detail.cfm?grant\\_id=232541](http://www.fordfound.org/grants_db/view_grant_detail.cfm?grant_id=232541) (last visited Apr. 1, 2006) (noting 2004 Ford Foundation grant of \$100,000 to the Coalition To Abolish Slavery for the purpose of raising awareness of trafficking and the needs of trafficking survivors, as well as to broaden the base of the social justice movement); Research on the Commercial Sexual Exploitation of Children and Youth (CSEC)—Grant Opportunity, <http://www.grants.gov/search/basic.do> (enter “sexual exploitation” in search field) (last visited Apr. 1, 2006) (listing the grant opportunities to study the commercial sexual exploitation of children and youth in the United States, funded by the United States Department of Justice).

86. See Ditmore, *supra* note 14, at 108, 117.

87. See Leidholdt, *supra* note 66.

IV. NOT TO BE UPSTAGED: THE UNLIKELY PARTNERSHIP BETWEEN THE CHRISTIAN RIGHT AND RADICAL FEMINISTS IN THE FIGHT AGAINST SEX TRAFFICKING

Out of a confrontation that took place among feminist groups at the 1995 United Nations Beijing Conference on Women grew a fierce debate over trafficking in women, especially regarding whether a distinction could be made between forced and voluntary trafficking.<sup>88</sup> This inter-feminist debate was, however, “upstaged by the unified voice [of evangelicals, who are widely credited with bringing the issue [of trafficking in women] to the fore.”<sup>89</sup> In the late 1990s, conservative religious groups reached out to some of these feminist groups, specifically the abolitionists, to form “a global campaign to fight trafficking and, along with it, prostitution.”<sup>90</sup> This coalition of evangelical Christian groups and abolitionist feminists went to work quickly, lobbying Congressman Chris Smith, a conservative Republican from New Jersey, to draft an antitrafficking bill that “focused entirely on the sexual exploitation of women and girls—to the exclusion of trafficking for labor and therefore all male victims.”<sup>91</sup> The first version of this bill did not include trafficking in human beings but focused only on sex trafficking and prostitution.<sup>92</sup> With the participation of Senator Paul Wellstone, the bill was later broadened to address *all* forms of forced labour in relation to human trafficking.<sup>93</sup> Nonetheless, this “uncommon coalition” played a significant role in framing human trafficking as sex trafficking in the public debate and in creating a highly sensational link to prostitution.<sup>94</sup> While ultimately influenced by a number of organizations with different perspectives, this coalition had a direct impact on the shape and form of the law, including the Trafficking Victims Protection Act (TVPA), the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), and the structure of the United States Department of State Office to Monitor and Combat Trafficking in Persons.<sup>95</sup>

It is worth noting that this conflation of human trafficking and sex trafficking involves a particular understanding of the phenomenon of

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88. Raymond, *Prostitution as Violence*, *supra* note 66.

89. Block, *supra* note 22.

90. McKelvey, *supra* note 16.

91. Block, *supra* note 22.

92. *Id.*

93. *Id.*

94. Melzer, *supra* note 19.

95. *Id.*

human trafficking itself, one that assumes that the problem is massive in scope, involves only women, and is sex-focused in purpose.<sup>96</sup> It is, however, remarkably difficult to document the actual size, scope, and character of the problem.<sup>97</sup> Such respected institutions as the United Nations, the International Organization for Migration, and the United States Department of State have claimed, respectively, that 500,000, 800,000, or 4,000,000 people are trafficked each year.<sup>98</sup> Strong, research-based empirical evidence for these prodigious numbers, the specific industries into which people are trafficked, and the meanings of forced labour in relation to human trafficking have yet, however, to emerge.<sup>99</sup>

The ILO has estimated that the “minimum number of persons in forced labour at a given time as a result of trafficking is 2.45 million,” while there are likely between 9.8 million and 14.8 million people working in forced labour.<sup>100</sup> In other words, the ILO maintains a distinction between forced labour and trafficking for the purposes of forced labour.<sup>101</sup> The ILO also projects that 43% of those who are trafficked are put into forced labour for “commercial sexual exploitation,” while only 11% of forced labour cases are for the purposes of “[f]orced commercial sexual exploitation.”<sup>102</sup> This is not to suggest that the problem of trafficking for sexual exploitation is insignificant or not in need of serious, international redress. It is only to suggest that the problem is complex, and the distinctions are sometimes oblique and very difficult to address in any singular manner.

Many human rights groups have expressed concern that the Christian/feminist coalition’s constructions of human trafficking as sex trafficking dangerously elides the intricate, co-constitutive issues involved in the practice.<sup>103</sup> These human rights groups argue that assuming that trafficking in human beings is always about female prostitution and sexual exploitation or oppression ignores the bulk of the

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96. *See id.*

97. U.N. Educ., Scientific & Cultural Org., *Trafficking Statistics Project*, available at <http://www.unescobkk.org/index.php?id=1022> (last visited Apr. 1, 2006) [hereinafter *Trafficking Statistics Project*].

98. U.N. Educ., Scientific & Cultural Org., *Data Comparison Sheet #1: Worldwide Trafficking Estimates by Organizations* (Sept. 2004), available at [http://www.unescobkk.org/fileadmin/user\\_upload/culture/Trafficking/project/Graph\\_Worldwide\\_Sept\\_2004.pdf](http://www.unescobkk.org/fileadmin/user_upload/culture/Trafficking/project/Graph_Worldwide_Sept_2004.pdf).

99. *See Trafficking Statistics Project*, *supra* note 97.

100. INT’L LABOUR ORG., *supra* note 24, at 12, 14.

101. *See id.*

102. *Id.*

103. *See generally* Global Alliance Against Traffic in Women, *Basic Principles of GAATW*, <http://gaatw.net/content/view/3/59/> (last visited Apr. 1, 2006) [hereinafter *GAATW Principles*].



problem.<sup>104</sup> This artificial conflation represents itself as “a totalizing account of the relationship between prostitution and trafficking, sex and subjectivity.”<sup>105</sup> In practice, human trafficking also affects men and involves a significant number of other industries including manufacturing, agriculture, and domestic labour.<sup>106</sup> Addressing human trafficking requires an examination of a number of other international challenges and practices, most especially emigration, immigration, public health, and labour legislation, in addition to the relationship between developed and developing nations.

Activists and scholars also express concern that the multiplicitous voices of sex workers, women migrants, and trafficking victims, and by association their intricate perspectives and experiences, have been largely excluded from the public debate in the United States.<sup>107</sup> In effect, the totalizing feminist/Christian construction of the issue has disallowed these other perspectives in favour of one that erases the ways in which women may make decisions to move and to work, including sex work.<sup>108</sup> Taken together, this association/conflation may prevent legislation and policy from adequately protecting the needs of human trafficking victims, irrespective of the industry involved, and protecting human rights as a whole.<sup>109</sup>

Thus, the public focus of the U.S. feminist/Christian coalition has not been on *all* forms of forced labour and trafficking, but only on the limited purpose of sexual exploitation.<sup>110</sup> This sole focus strongly “implies that foreign women working in the sex industry are different in kind from foreign laborers in other exploitative industries,” which in practice “seems to exempt sex workers (and their exploiters) from the labor laws that already exist to protect them.”<sup>111</sup> Additionally, this singular conception obscures the fact that many of the abuses these

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104. Sullivan, *supra* note 57, at 74.

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. See, e.g., Rutvica Andrijasevic, *The Difference Borders Make: (Il)legality, Migration and Trafficking in Italy Among Eastern European Women in Prostitution, in UPROOTINGS/REGROUNDINGS: QUESTIONS OF HOME AND MIGRATION* (S. Ahmed et al. eds., 2003). See generally MARJAN WIJERS & LIN LAP-CHEW, *TRAFFICKING IN WOMEN, FORCED LABOUR AND SLAVERY-LIKE PRACTICES IN MARRIAGE, DOMESTIC LABOUR AND PROSTITUTION* (1997); GLOBAL SEX WORKERS, *supra* note 36; *GAATW Principles*, *supra* note 103; Block, *supra* note 22; Ditmore, *supra* note 14.

110. Leah Platt, *Regulating the Global Brothel*, AM. PROSPECT ONLINE (July 2, 2001), <http://www.prospect.org/print/V12/12/platt-l.html>.

111. *Id.*

women suffer also befall other kinds of migrant workers.<sup>112</sup> Moreover, this confuses attempts to clarify what constitutes human trafficking and forced labour, such as the 2000 U.N. Protocol to Prevent, Suppress and Punish Trafficking.<sup>113</sup> As Barbara Limanowska has explained, while there is a U.S. group of activists and researchers who equate trafficking with prostitution, “the [internationally accepted] definition of trafficking is broader and describes trafficking as recruitment . . . by means of threat or use of force or other forms of coercion for the purpose of exploitation.”<sup>114</sup> Here, exploitation refers *not only* to prostitution but also to other forms of forced labour, slavery, or slavery-like practices.<sup>115</sup>

It is this *lack* of a distinction between human trafficking and sex trafficking that holds these seemingly ideologically opposed groups together and informs a very powerful lobby that dominates U.S. antitrafficking policy. Phyllis Chesler, a conservative radical feminist, and Donna Hughes, a former member of CATW and frequent contributor to such conservative magazines as the *National Review* and *The Weekly Standard*, explain that the commonality among these groups evolves from the shared view that “sexual liberalism” has led to the “normalization of prostitution” and thus prevented the United States from having a more proactive response to trafficking.<sup>116</sup> In other words, while their reasons are different, both the Christian right and radical feminists view the sexual revolution as having had a deleterious impact on women. Both believe in and advocate for “moral clarity,” be it Christian or feminist, in the fight against human trafficking and a myriad of other issues, including international human rights.<sup>117</sup> This “moral clarity” functions as a guiding absolutism around which these two seemingly disparate groups can coalesce.<sup>118</sup> In fact, Chesler and Hughes recommend that feminists “stop demonizing the conservative and faith-

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112. *Id.*

113. See Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, G.A. Res. 55/25, Annex II, U.N. Doc. A/55/383 (Nov. 15, 2000) [hereinafter U.N. Protocol].

114. Interview by Rochelle Jones with Barbara Limanowska, Consultant for the Office of the High Comm’r for Human Rights (Aug. 19, 2005), available at <http://www.awid.org/go.php?std=1538> (referring to the definition promulgated in the U.N. Protocol, *supra* note 113, art. 3(a)).

115. *Id.*

116. Chesler & Hughes, *supra* note 19.

117. See *id.*

118. *Id.*

based groups” because they “now take women’s freedom and equality as a given.”<sup>119</sup>

Christian conservatives and radical feminists also “share the same image of a woman being exploited by men,” and their corresponding “emotional disgust and moral indignation” have created a powerful political alliance, despite their other significant differences on, for example, abortion.<sup>120</sup> Discursively, both groups attach a universalist/essentialist definition to gender functions to reinforce their coalition. While their definitions of female subjectivity are clearly divergent (e.g., advocating traditional roles for women versus all women experience oppression by men), their shared essentialism reinforces their focus on women’s experiences in relation to sexuality, reproduction, and the public and private spheres, which in turn reiterates the reductive construction of womanhood that recurs throughout much of western culture, against which radical feminists fought in the 1960s and 1970s. In a globalizing world where women make decisions about illicit sexuality, capital, and movement in relation to prostitution, work, sex work, migrant sex work, and migration, these two groups have come to agree that it is the availability of these options that pose a danger to women, to “our” culture, to “our” communities, and to their ideological constructions of the world.

It is the adherence to an essentialist construction of woman that facilitates the bond between these two factions on the issue of human trafficking. Both groups also hold firm to their view of prostitution as a threat to women, a view which then reiterates and operationalizes their bond to each other. For both conservative Christian and radical feminist groups, human trafficking in practice is trafficking in women for the purpose of prostitution. Their mutual assent to the figure of the prostitute creates a loose sort of false syllogism that, on a discursive level, solidifies their coalition. For conservative Christians: (1) all trafficked persons are women trafficked for prostitution; (2) all prostitutes are living immoral lives; (3) we oppose this immorality, therefore we oppose trafficking in women. For radical feminists: (1) all prostitution of women is forced upon them by men; (2) all trafficked persons are women trafficked for prostitution; and (3) we oppose male sexual violence, therefore we oppose trafficking in women. These syllogisms are not entirely coherent but they function as a slippage that helps facilitate the coalition at the discursive level. This is not to say that

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119. *Id.*

120. Vuijst, *supra* note 29.

these groups do not oppose human trafficking in all of its forms. It is only to suggest that antecedent ideological beliefs, like certain constructions of morality or a view of prostitution as always coercive, reenact a shared sense of rightness into action on the issue of human trafficking. As one journalist has explained, “if trafficking is prostitution per se, then evangelicals can fight all prostitution, throughout the world, in the name of trafficking,” and thus, it becomes part of a larger “moral crusade.”<sup>121</sup>

#### V. IM(MEDIA)TE INFLUENCE

The association that conservative Christian and radical feminist groups make between trafficking and prostitution has informed and dominated media constructions of the issue, including a number of highly influential newspaper articles on the topic.<sup>122</sup> Figuring prominently among them is the January 2004 *New York Times Magazine* cover story, *Sex Slaves on Main Street: The Girls Next Door*, by Peter Landesman.<sup>123</sup> In it, Landesman reiterated the popular, hysterical image of human trafficking: that young, innocent girls are tricked, kidnapped, beaten, and forced into a life of sexual slavery.<sup>124</sup> Perpetuating the stereotype, he claimed that these women find themselves in such situations as the result of vast, international crime syndicates that make millions in profits from trafficking in these girls.<sup>125</sup> However, Landesman did little to explore the motivations for, or issues surrounding, human trafficking, like migration, labour markets, north/south relations, or even gender.<sup>126</sup>

While later the subject of numerous challenges, Landesman’s article served to reiterate the popular understanding, and the Christian right/abolition feminist construction, of the problem of human trafficking.<sup>127</sup> What is particularly remarkable about the Landesman piece is not simply the tentative nature of its sources, or the panic rhetoric that runs throughout the article (although these are of course remarkable), but the repetition of themes and constructions of human trafficking as sex trafficking, which also informed another prominent *New York Times* story, published January 11, 1998.<sup>128</sup> This front-page

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121. Block, *supra* note 22.

122. *See* Landesman, *supra* note 26.

123. *See id.*

124. *See id.*

125. *See id.* *See generally* Berman, *supra* note 36.

126. *See* Landesman, *supra* note 26.

127. *See id.*

128. *See* Specter, *supra* note 26.

article, *Contraband Women—A Special Report. Traffickers’ New Cargo: Naïve Slavic Women*, was a watershed that helped spur the creation of the U.S. TVPA.<sup>129</sup> The piece included all of the images and tropes found in the Landesman work: naïve, young women forced into indentured sexual servitude and a nefarious underworld of crime and deceit, ending for most in the brothels and roadways of European cities.<sup>130</sup>

Compared to the 1998 article, Landesman’s 2004 piece suggests that little has changed in the six years that have elapsed.<sup>131</sup> One primary difference, however, is that for Landesman, the traffickers are now among us.<sup>132</sup> Specifically, Landesman identified New Jersey, Los Angeles, Chicago, and other cities as destinations for this human cargo.<sup>133</sup> To Landesman, these cities’ proximity indicates that human trafficking has become a problem in need of serious redress, lest these traffickers and enslaved prostitutes invade your neighbourhoods and threaten your daughters.<sup>134</sup> The repetition of gendered tropes in both articles, accompanied by the imminent relocation of traffickers to U.S. cities, functions to buttress the conservative Christian and abolitionist position that prostitution via sex trafficking has become the aforementioned threat to “our” communities, “our” women, and “our” way of life.<sup>135</sup>

This Article, of course, does not argue that the *New York Times* is complicit with conservative Christians or abolitionist feminists. Nor, as suggested, does it dismiss in any way the extreme abuse and exploitation that many women experience as trafficking victims or may experience in the course of seeking any type of work abroad. What this Article does want to suggest is that a conflation of human trafficking and sexual slavery now dominates public accounts of, and U.S. policies on, human trafficking. As such, these public accounts delimit the degree to which the complexities of human trafficking can be generally understood, much less adequately redressed. The fact is that conservative Christian and feminist abolitionists groups have not devoted themselves to the fight against human trafficking, but instead have chosen to focus on what they label a new form of white slave trade: sex trafficking and the resultant sexual slavery. Even Director Miller regards these groups as “consumed by this issue,” a fact he finds “great” because it “keeps the whole

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129. See generally Trafficking Victims Protection Act of 2000, 18 U.S.C. §§ 1589-1594, 22 U.S.C. §§ 7101-7110 (2000).

130. Compare Specter, *supra* note 26, with Landesman, *supra* note 26.

131. See Landesman, *supra* note 26.

132. See *id.*

133. See *id.*

134. See *id.*

135. Compare Specter, *supra* note 26, with Landesman, *supra* note 26.

government focused.”<sup>136</sup> In practice, the desire of these groups to frame the human trafficking issue in ways commensurate with a larger ideological agenda on family, reproduction, gender roles, and sexuality elides the multiplicity of factors that constitute the entirety of the problem. Unfortunately, this has had the effect of impoverishing public understanding of and policy on the issue.

#### VI. THE UNCOMMON ABOLITIONISM OF U.S. FOREIGN POLICY

The unexpected and powerful coalition of conservative Christian and radical feminist groups has allowed them to rally their constituencies, influence U.S. policy, and dominate the debate over domestic and foreign sex trafficking, funding related to international human rights, migration, reproduction, and of course, human trafficking. In addition to their influence on the TVPA, discussed above, other markers demonstrate the presence of this coalition in U.S. antitrafficking policy:

- A compilation of 2002 listing organizations that the U.S. government claims “promote prostitution” because they do not take a specifically abolitionist view, and therefore have been barred from receiving U.S. funding for antitrafficking work. Members of the listing include Doctors Without Borders and the International Human Rights Law Group.<sup>137</sup>
- Testimony before the Senate Foreign Relations Committee as well as various House Committees, insisting that NGOs were teaching children “how to be prostitutes.” This testimony led to the inclusion in the 2003 TVPRA of a policy that restricts groups that “promote, support, or advocate for legalization or practice of prostitution” from receiving federal funding, in addition to requiring recipient groups to put this position in writing.<sup>138</sup>
- A 2003 Bush Administration cable to USAID personnel requiring organizations receiving USAID funds to amend their websites to promote abstinence rather than condom use in preventing the spread of HIV and AIDS. Additionally, the cable precluded funding for organizations “advocating prostitution as an employment choice” because they cannot be considered “appropriate partners for USAID antitrafficking grants and contracts,” despite the fact that many of these organizations

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136. Bumiller, *supra* note 22.

137. Ditmore, *supra* note 14, at 118.

138. Block, *supra* note 22; McKelvey, *supra* note 16.

engage in human rights, immigration, crisis intervention, and public health work that may not have anything to do with taking a position on prostitution.<sup>139</sup>

- The February 2003 creation of the Senior Policy Operating Group on Trafficking in Persons (SPOG), whose purpose is to coordinate U.S. agency strategic plans addressing trafficking in persons. This coalition's presence is also demonstrated by President Bush's \$50 million initiative to fight trafficking in persons, and corresponding control over who receives funding for antitrafficking projects without regard to reporting requirements or other forms of accountability.<sup>140</sup>
- As discussed above, the appointment of Director John Miller to the United States Department of State Office to Monitor and Combat Trafficking in Persons.<sup>141</sup>
- The movement of the management of USAID antitrafficking programs to the office of Women in Development, with the implication that trafficking affects women exclusively.<sup>142</sup>
- New funding restrictions on the United States Global HIV/AIDS Fund, which requires groups receiving funds under the \$15 billion 2003 United States Anti-AIDS Act to state explicitly that that they oppose the legalization of prostitution, regardless of the services they provide.<sup>143</sup>

Despite the marked influence the preceding list suggests, both conservative Christian and feminist abolitionist groups have expressed some disappointment with U.S. antitrafficking efforts.<sup>144</sup> Specifically, they point to the political uses to which the United States has put its antitrafficking policies.<sup>145</sup> One State Department source has claimed that the countries identified by the United States in its annual Trafficking in Persons Report as insufficiently addressing human trafficking "are the ones that have poor relations with the U.S. government, such as North Korea, Cuba and Venezuela," a practice that has been criticized by such conservative Christians as the IJM's Director Gary Haugen.<sup>146</sup> Furthermore, the United States issued sanctions against these countries

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139. Ditmore, *supra* note 14, at 124.

140. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT § VI (2004), *available at* <http://www.state.gov/g/tip/rls/tiprpt/2004/33202.htm>.

141. Bumiller, *supra* note 22.

142. Ditmore, *supra* note 14, at 121.

143. Block, *supra* note 22.

144. Melzer, *supra* note 19.

145. *Id.*

146. *Id.*

for not adequately combating trafficking even though they do not have a particularly severe trafficking problem.<sup>147</sup> These sanctions appear to have less to do with fighting human trafficking, and more to do with furthering a larger U.S. foreign policy agenda with which some of these groups disagree. At the same time, religious and political conservatives are gaining control over foreign policy through the Department of State Office to Monitor and Combat Trafficking in Persons, and thus the ability to affect U.S. foreign policy and its impact on other countries. Consequently, U.S. antitrafficking policy ceases to be about protection of, or social assistance to, victims of trafficking and instead seems to be just as much about gaining control over the larger U.S. foreign policy agenda.

Critics of President Bush point to the substantial influence of this coalition and to the Bush Administration's own failures in U.S. antitrafficking policy.<sup>148</sup> They argue that the Administration's failure to halt human trafficking follows from the Christian/feminist conflation of human trafficking and prostitution, which they compare with the "moral law that stands above nations."<sup>149</sup> This manifests itself, for example, in the defunding of NGOs that provide HIV prevention programs to vulnerable groups, including sex workers.<sup>150</sup> Some parts of both the coalition and Administration critics have also expressed concern over the ways in which U.S. military interventions have contributed to the problem of human trafficking.<sup>151</sup> It bears mention that the State Department's 2003 Trafficking in Persons Report noted an increase in human trafficking in Afghanistan and Iraq, and documented that the employees of a major U.S. military contractor were fired for trafficking in women in Bosnia-Herzegovina, all sites of recent U.S. military intervention.<sup>152</sup> In other words, the presence of the U.S. military appears to have an impact on the local trafficking problem. And this occurs at a time when the Administration has done little to enforce its own "zero-tolerance" policy for trafficking among members of the military or military contractors.<sup>153</sup> This then gives the appearance that lip service,

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147. Lisa Katayama, *Sex Trafficking: Zero Tolerance*, MOTHER JONES, May 4, 2005, [http://www.motherjones.com/news/dailymojo/2005/05/sex\\_trafficking.html](http://www.motherjones.com/news/dailymojo/2005/05/sex_trafficking.html).

148. Melzer, *supra* note 19.

149. *Id.*

150. *Id.*

151. *Id.*

152. *Id.*

153. Martina E. Vandenberg, *Out of Bondage: Defense Department Should Focus Attack on Global Trafficking in People*, LEGAL TIMES, Feb. 14, 2005, available at [https://www.jenner.com/files/tbl\\_s20Publications/RelatedDocumentsPDFs1252/889/Legal\\_Times\\_Vandenberg\\_021405.pdf](https://www.jenner.com/files/tbl_s20Publications/RelatedDocumentsPDFs1252/889/Legal_Times_Vandenberg_021405.pdf).



responsiveness to certain constituent demands, and an ideological agency are more important to the Administration than combating the human trafficking problem.

Human rights groups that do not take an abolitionist approach to human trafficking regard the coalition's position "as single-themed, moralistic and ultimately harmful to victims of trafficking."<sup>154</sup> This sentiment is due to conservative Christian and feminist abolitionist groups' focus on criminalizing prostitution, closing brothels, arresting traffickers and johns, and rescuing women from sexual servitude.<sup>155</sup>

Ethnographic and journalistic research on human trafficking suggests that having entered prostitution for a myriad of reasons, many rescued women return to prostitution.<sup>156</sup> In practice, criminalization can drive sex industries further underground, increase migrants' reliance on traffickers to move, and create a greater risk of exploitation for them. It has also led to national restrictions on, and closer surveillance of, women who travel internationally, including the denial of visas to women seeking to attend universities, visit family, or simply travel to other countries.<sup>157</sup> In the end, many researchers believe that the moralistic and convenient slippage between trafficking and prostitution that dominates the work of this uncommon coalition and thus reduces all trafficking to sex trafficking has harmed the very women they claim they want to protect.<sup>158</sup> Whatever the case, these exceptional allies remain committed to, and have had an immense impact on, both the U.S. domestic and global fight against human trafficking.

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154. Block, *supra* note 22.

155. *Id.*

156. Nicholas D. Kristof, *Back to the Brothel*, N.Y. TIMES, Jan. 22, 2005, at A15.

157. See generally Ditmore, *supra* note 14; Berman, *supra* note 36; GLOBAL SEX WORKERS, *supra* note 36; Jacqueline Berman, *Media Constructions and Migration Projects: Trafficking in Women in an International Migration (Management) Frame*, in WOMEN IN MIGRATION AND VULNERABILITY FOR TRAFFICKING IN HUMAN BEINGS (S. Zavrtnik ed., 2004); Allison Murray, *Debt Bonding and Trafficking: Don't Believe the Hype*, in GLOBAL SEX WORKERS, *supra* note 36; Saskia Sassen, *Women's Burden: Counter-Geographies of Globalization and the Feminization of Survival*, 53 J. INT'L AFF. 503 (2000); GAATW Principles, *supra* note 103.

158. Interview by Rochelle Jones, *supra* note 114.