



# Unlinking Prostitution and Sex Trafficking: Response to Commentaries

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In our Target Article, “The Prostitution Problem”: Claims, Evidence, and Policy Outcomes” (Benoit, Smith, Jansson, Healey, & Magnuson, 2018b), we summarized recent scholarship on prostitution/sex work, attempting to distill the main debates and the outcomes of Criminal Code and other legal policies executed in different countries to address the so-called “prostitution problem.” We differentiated two main positions that captivate academic scholarship seeking to understand the situation of people who engage in sexual activity in exchange for payment: (1) prostitution is principally an institution of hierarchal gender relations that legitimizes the sexual exploitation of prostituted women by male buyers, and (2) sex work is a form of human labor where multiple forms of social inequality (including class, gender, and race) intersect in neoliberal capitalist societies.

Those who champion the perspective that prostitution is principally an institution of hierarchal gender relations make numerous claims, three of which we underscored in our review: (1) prostitution is a patriarchal gender relation; (2) prostitution entails the selling of women’s sexual self, not their human labor; and (3) prostitution and trafficking are so closely linked that they are inseparable. Those who contend prostitution is fundamentally a problem of intersecting social inequalities claim that: (1) prostitution is one of the occupational choices available for precarious workers in neoliberal capitalist societies; (2) men and trans sex workers face many of the same benefits and challenges as women in sex work; and (3) prostitution and sex trafficking are substantively different phenomena.

The idea that prostitution is principally an institution of hierarchical gender relations is popular, but we argued that the most robust empirical evidence supports the idea that prostitution is principally sex work. We called for more

rigorous studies within the sex sector and comparative studies of sex work to other personal service occupations. We also called for more research on human trafficking (not just sex trafficking), framed within the broader perspective of global social inequality.

We were pleased to read the eight Commentaries on our Target Article. We gratefully acknowledge the time and effort the authors made in assessing our contribution and appreciate the wide assortment of comments by researchers from different disciplines and based on research in several countries. Six of the eight commentaries (Abel, 2018; Foley, 2018; McMillan & Worth, 2019; Shaver, 2018; Vanwesenbeeck, 2018; Vijayakumar, Panchanadeswaran, & Chacko, 2018) broadly agreed with our conclusions, while offering additional empirical evidence, theoretical nuance, or other insights. Two commentaries (Coy, Smiley & Tyler, 2018; Moran & Farley, 2019) challenged our conclusions on a number of counts, most seriously that prostitution is not work and that prostitution and sexual exploitation/sex trafficking overlap in fundamental ways. Some commentators also question the utility of further research on this controversial topic. In the spirit of ongoing discussion, we focus on the main points of agreement and contention among the commentaries. We begin with three commentaries that offer additional empirical evidence for the second perspective we outlined in our Target Article.

## Sex Work, Social Inequality, and Resistance

We argue that current evidence suggests policy instruments that restrict and repress prostitution increase hardships for people in sex work. Foley (2018) concluded earlier in her career that prostitution was a clear case of sexual exploitation of women by men and should be eliminated. However, once additional data became available during fieldwork in Senegal, Foley found that the evidence did not support this way of thinking. Women in Senegal who sell sexual services do not see themselves as trafficked victims or as sex slaves. Sex work for most of them is one of many activities they engaged in to make a living. While they wish for more economic options,

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their lived reality was one of limited ways to earn a living and take care of their families. Foley argued that frequent narratives of “the exploited and trafficked African prostitute” overlooked the reality that commercial sex and marriage are overlapping institutions for many Senegalese women, distinguished largely by the fact that the former is sanctioned and the latter stigmatized.

Foley (2018) noted that Senegal’s legal framework regulating sex work—an example of the restrictive policy category (Östergren, 2017)—is a double-edged sword, increasing sex workers’ access to medical care and some social services but simultaneously reducing social support and increasing exposure to violence. Foley concluded that the women who sell sex in Dakar are exploited as workers. They contend with gender and socioeconomic inequalities that render sex work their best option in an environment of constrained agency. Senegalese women in sex work want policies that increase safety in sex work, broaden their occupational options, improve housing, and grant them unconditional access to comprehensive health insurance and medical care.

McMillan and Worth (2019), who studied women in sex work jobs in the countries of Fiji, Kiribati, and Palau, support the view that prostitution is best understood as sex work. They maintained that the labor issues faced by Pacific Islands sex workers were similar to issues faced by workers in other precarious jobs. They noted that sex work in Pacific Islands countries is a diverse set of activities taking place on land and at sea, and people engage in them because of economic need.

McMillan and Worth (2019) drew attention to how recent global economic changes have negatively impacted employment available to local islanders, and contended that the social inequalities discernable in sex work in the Pacific Islands indicate the “prostitution problem” is first and foremost a labor problem. They drew attention to high unemployment for young i-Kiribati women as a main driver for selling sexual services on board fishing vessels. The low-status seafarer men who become the women’s clients are themselves caught in complex systems of inequality that grant a semblance of intimacy with sex workers, even if it is temporary, an observation Foley (2018) also made about sex workers and clients in Senegal.

McMillan and Worth (2019) showed that attempts to suppress sex work in Fiji—responding to US State Department Trafficking in Persons (TIP) reports (2009)—have had limited effect. This is because alternative jobs in the garment industry are so poorly paid and sex work is one of the few means available to greater economic independence. Based on their extensive review of studies of original data from many hundreds of sex workers in nine Pacific countries, McMillan and Worth did not find any support for coercion to sell sexual services, despite the TIP reports describing them as “sex trafficked.” McMillan and Worth concluded that restrictive laws have

harmful outcomes for the health, safety, and human rights of the migrant workers seeking improved labor opportunities.

Vijayakumar et al.’s (2018) commentary on sex work, inequality, and resistance in India adds important understandings about diversity among sex workers and the crucial role of sex worker organizations in challenging dominant sex trafficking discourses and promoting labor rights under worsening social–economic conditions. This work complements the findings from other Global South locations provided by Foley (2018) and McMillan and Worth (2019). Vijayakumar et al. pointed out that their research shows sex workers are a diverse group regarding gender and sexual identity and that contexts differ in important ways for these groups. Indian sex workers’ social marginalization is not solely caused by prostitution policies but is also linked to unequal social–economic conditions and pervasive prostitution stigma. They also argued that decriminalization of sex work will not necessarily ease occupational stigma. We agree but argue that stigma is likely to be *reduced* with decriminalization (for further support, see also the commentary by Abel, 2018).

Finally, Vijayakumar et al. (2018) extended a point we made in our conclusion about the unique influence of sex worker organizations and sex worker activism on policies. They noted that sex worker organizations in India face an important dilemma between working toward eliminating stigma and providing services for sex workers. In some, often highly stigmatized, contexts it is necessary for community organizations serving sex workers to emphasize their sex work status when seeking funding (Vijayakumar et al., 2018). We agree that in such situations sex workers are further marginalized. Vijayakumar et al. recommended building alliances between sex workers and workers in other precarious jobs, which may open up avenues for labor organizing that challenge the harshness of neoliberalism and increase protection within the capitalist labor market (O’Connell Davidson, 2014; van der Meulen, 2012). Vijayakumar et al. are aware that attempts to end the isolation of sex workers by building alliances with other workers may have some downsides. Prevailing negative narratives promoted by state actors, the media, and social institutions are often taken up by other work groups and acted out toward sex workers in their local communities (Benoit, Jansson, Smith, & Flagg, 2018a). We revisit this issue below.

## The Refusal to See Work in Prostitution

Moran and Farley (2019) refuse to accept that selling sexual services could be a rational choice for people. Instead, they insist the number who choose prostitution without oppression is meager, that most prostituted persons want to leave the life, and it is an illusion that prostitution can occur under humane conditions. They contend “[p]rostitution formalizes

women's subordination by sex, race, and class thus poverty, racism, and sexism are inextricably connected in prostitution." However, the source they reference for this quote provides no specific empirical data to back this sweeping claim.

Moran and Farley (2019) and Coy et al. (2018) accused us of failing to reference persuasive evidence for the intersection of prostitution and trafficking, referring to the works of Jakobsson and Kotsdam (2013) and Cho, Dreher, and Neumayer (2013). However, these authors state categorically that their studies do not provide compelling robust links between prostitution and trafficking. Further, Cho et al. argue that there is a likelihood that legalized prostitution could have substantial positive consequences (see Weitzer, 2015 for a critique of both studies).

Moran and Farley (2019) provided four additional references to studies purported to support the important proposition that prostitution legalization leads to an increase in trafficking. One of these was an unpublished working paper (Leem & Persson, 2013), two citations referred to articles that report no original research (Heiges, 2009; Osmanaj, 2014), and the fourth referred to findings from one of their own articles that concluded almost all prostituted women are controlled by pimps or have been trafficked (Farley, Frabzblau, & Kennedy, 2014). Farley et al. (2014) calculated the unweighted average from 18 different sources to show this result. Nine of the sources were single expert informants, seven sources were from unpublished research or annual reports, and one source was an original ethnographic study. In short, the evidence provided to support the claims made by Moran and Farley are weak at best.

Coy et al. (2018) adopted a more considered position, arguing that there are a multitude of—and often contradictory—voices from women who have survived or are currently in prostitution. Coy et al. criticized us for supporting a harm reduction rather than harm elimination approach to dealing with the “prostitution problem” and contested our separation of gender hierarchy from other social hierarchies when conceptualizing the abolitionist approach to prostitution. Coy et al. maintained that the “Equality/Nordic Model” banning male demand for sex from prostituted persons challenges the hierarchies of patriarchy, racism, and capitalism. They drew on critical race feminist theory to highlight the link between gender, race, slavery, and colonialization and the prostitution of women of color and indigenous women. They called upon the state to abolish prostitution by using criminal law to ban sex buying and migration and international anti-trafficking laws to eliminate sex trafficking of vulnerable women and girls.

We concur with Coy et al. (2018) that sex workers make up a heterogeneous group and that diversity reflects intersecting inequalities that include gender, race, and indigeneity. We disagree, however, in our epistemological approaches: just because gender inequality, racism, and prostitution exist in all

societies does not mean that the former causes the latter nor that the elimination of one will eliminate the other. Causality must be analyzed based on individual and aggregate data and neither can contradict the other. On an individual level, based on available empirical studies, we concluded in our Target Article that the experience of people who sell sexual services does not appear to be substantively different from the experience of people who sell other personal services for money. On an aggregate level, our reading of the available empirical data led us to conclude that the differences between societies with varying levels of gender and racial inequalities is not reflected in differences in the extent of, nor the composition of, the population of people who sell sexual services. In essence, our analysis of the available data led us to dismiss a deterministic causal link between gender and race inequalities and prostitution. Our support for improved working conditions and societal recognition of people in sex work and a reduction in prostitution stigma follows from our agreement with Coy et al. (2018) that it is important to work toward reducing inequality, but we go further to argue that all people who sell sexual services have the same rights as others involved in income-producing activities. For example, common options available for racialized and indigenous women include restaurant serving and housekeeping and temporary work (Cardinal, 2006; Evans & Bowlby, 2000; Peters, 2006). Usually these jobs are extremely low paid, include no benefits, and are socially devalued. Like sex work, these too can be described as consequences of intersecting systems of patriarchy and racism. Yet no one is arguing that these job options should be banned and customers who buy these services ostracized and punished. On the contrary, there is a global movement to improve the occupational and social rights of these workers.

Based on the preponderance of research, not only do the vast majority of persons in sex work do so primarily because of money, but this is the main basis for their evaluation of the other income earning options available to them, just as it is for most other workers (Benoit, Ouellet, Jansson, Magnus, & Smith, 2017b; Brents, Jackson, & Hausbeck, 2010; Rosen & Venkatesh, 2008). Moran and Farley (2019) and Coy et al. (2018) argued that their perspective on the inevitable harms of prostitution takes into account poverty and low social class as key barriers to women's equality, but their call on the state to prohibit the buying of sexual services further stigmatizes and marginalizes these women's earnings from sex work. The critiques by Moran and Farley and Coy et al. remain unsustainable without a preconceived assumption that the sale of sexual services is by definition wrong because it is limited to a focus on sex, gender, and patriarchy, leaving labor conditions in different sectors of the sex industry and in different sociocultural settings unexamined. Only a continued stigmatization of those who sell sexual services can sustain

a focus on eliminating sex trafficking while omitting the dire situation of the vast majority of people who are trafficked for reasons other than for the sale of their sexual services. These nationalistic, paternalistic, and protective colonial laws and other repressive measures make life even more challenging for sex workers who are economic migrants because of their labeling as illegal migrants (Agustín, 2008; Outshoorn, 2005). The punitive approach also diverts governments from enacting labor legislation and social welfare policies to improve the individual and collective labor and social rights of sex workers (Wagenaar, Amesberger, & Altink, 2017).

Instead of assuming that prostitution is only sexualized gender and racial exploitation, in our Target Article we recommended studying how the sale of sexual services compares to the sale of other services that sex workers have done or do concurrently. In a recent analysis (Benoit, Smith, Jansson, Healey, & Magnuson, 2019b), we provided a qualitative account of how sex work is viewed alongside past or concurrent jobs with a relatively large and systematically collected heterogeneous sample of adults ( $N=214$ ) engaged in sex work in Canada. We asked participants what kept them in sex work and about the good and bad features of sex work compared to other jobs that they currently hold or held in the past. The most frequently referenced jobs by participants were serving food and beverages (45%), preparing food (41%), cashier (33%), retail salesperson (28%), light-duty cleaner (23%), reception (18%), and home childcare (16%). Participants stated four overlapping dimensions of job quality: job satisfaction, work autonomy, income, and work prestige, the last of which was influenced by stigma. On the first three dimensions, sex work was evaluated favorably compared to other kinds of work. For work prestige, the opposite was the case. Laws that link prostitution with crime intensify the stigma sex workers face in the workplace and in everyday life (Benoit et al., 2018a). As Link and Hatzenbuehler (2016) stated more generally, “policy is very closely related to stigma for multiple groups in multiple ways. And, of course, laws, regulations and policies are one important component of structural stigma” (p. 659).

Moran and Farley (2019) suggested that the harm of social stigma linked to prostitution has been given too much weight by sex work advocates. However, researchers have shown that stigma is a fundamental determinant of behavior, well-being, and health (Hatzenbuehler, Phelan, & Link, 2013; Link & Phelan, 2006). Stigmas have been shown to have a negative impact on self-concept and identity formation and establishing supportive intimate relationships (Benoit, Roth, Hallgrimsdottir, Jansson, Ngugi, & Sharpe, 2013b; Jackson et al., 2012), resulting in degrees of social exclusion that range from obstacles to routine social interactions to complete discrediting or exclusion by others (Corrigan, Kuwabara, & O’Shaughnessy, 2009; Corrigan & Matthews, 2003; Livingston & Boyd, 2010). Stigmatization harms employment and income (Benoit, Jansson, Jansenberger, & Phillips, 2013a; Link & Phelan, 2001)

and is linked to an array of physical and mental health problems (Green, Davis, Karshmer, Marsh, & Straight, 2005), as well as a reluctance to use health services (Evans, McCarthy, Benoit, & Jansson, 2018; Link & Phelan, 2001; Pescosolido, Martin, Lang, & Olafsdottir, 2008; Stuber, Meyer, & Link, 2008).

Finally, we contest Moran and Farley (2019) and Coy et al.’s (2018) linking of prostitution and sex trafficking. As mentioned in our Target Article (Benoit et al., 2018b), researchers have shown that many people who self-identify as selling sexual services, whether migrants from low-income countries moving for work to high-income countries (Foley, 2018; McMillan & Worth, 2019; Vijayakumar et al., 2018) or residents of low-income countries where the structures of inequality are intensified (Wagenaar et al., 2017), do not see themselves as coerced or forced to sell sexual services (Agustín, 2005; McCarthy, 2014; McCarthy, Benoit, Jansson, & Kolar, 2012; Weitzer, 2015).

Our own research findings, based on the first-hand accounts of over 1200 people interviewed in different studies in the last two decades (see also the Commentary by Shaver, 2018), contest the argument by Moran and Farley (2019) and Coy et al. (2018) described above linking prostitution and sex trafficking. In our studies, we documented and described the variety of strategies we used including Internet sites, community contacts, and participants’ networks to gather an inclusive sample. In 2012–2013, we interviewed 218 individuals from six Canadian cities (Benoit et al., 2017b). Six percent of participants described themselves as being forced to sell sexual services at any point in their lifetime. We argued that individuals who sell sexual services deserve the same access to services, including protective services, as other workers in order to prevent them being forced to engage in work.

Other empirical studies that have well defined and carefully described inclusion criteria to estimate the prevalence of sex trafficking as a mode of entry into sex work have found that a minority of research participants report being forced into prostitution. Using respondent-driven sampling, Gupta, Reed, Kershaw, and Blankenship (2011) collected data on entry into sex work from female sex workers ( $N=812$ ) as part of the baseline survey for a community-based HIV study in coastal Andhra Pradesh, India. One in five (19.3%) participants met the restrictive UN definition of sex trafficking, defined as “the recruitment, transfer, harboring, or receipt of persons via threat, force, coercion, abduction, fraud, or deception and/or for the purpose of sexual exploitation, including prostitution...or being in sex work while under age 18” (United Nations, 2000). These results were similar to those of female brothel-based workers in West Bengal (Sarkar et al., 2008). A clinical sample of HIV-positive female sex workers who were recruited from an HIV-related service organization in Mumbai, India, put the percentage of coerced entry into sex work there at 42% of workers (Silverman et al., 2011). A

population-based study of female sex workers in one Chinese county found that a small proportion of women (5%) were deceived or forced into sex work (Fang et al., 2007).

The singular focus on the harms of prostitution and sex trafficking and calling for laws to ban both also leaves undertheorized and understudied instances of coercion in other occupations, including jobs engaged in by many sex workers. This gap in information is disconcerting given, as Vanwesenbeeck (2018) noted in her Commentary, only one in four people trafficked according to the International Labor Organization are in forced sexual labor. Vanwesenbeeck stated that the “anti-trafficking lobby” ignores the abuse and violence caused by repressive laws banning sex work, which Vanwesenbeeck sees as the central prostitution problem.

Instead, all sectors known to be prone to human labor trafficking, including domestic work that is performed mainly by women from poor, racial, or ethnic minority backgrounds but also farm labor where poor men and boys predominate, should be investigated alongside the sex sector. Regarding domestic work, around the world such workers have few individual and collective labor rights (Mundlak & Shamir, 2014). Mahdavi (2013) showed how poor migrants from other Asian countries working as domestic laborers in the United Arab Emirates were severely constrained by a migration sponsorship system that tied them to their employers (see also Vlieger, 2012). What we are arguing here is a broader focus that pays attention to the negative impact of punitive prostitution laws while also recognizing that labor exploitation occurs in sex work, as in many other precarious jobs available to marginalized people around the world (Shamir, 2012). Abel (2018) made a similar point in recognizing the progress made in taking the “crime out of sex work” in New Zealand with the decriminalization of prostitution for domestic sex workers—but not for migrant sex workers.

In our Target Article, we argued that sex workers, like other precarious workers in neoliberal capitalist markets, need access to redistributive social policies, including comprehensive education, employment, health care, and social welfare programs that have the greatest impact on overall social inequality and poverty. We would add to these the need for societal-level interventions to combat prostitution stigma. As we have shown elsewhere (Benoit et al., 2019a), even in a criminalized prostitution environment such as Canada, people are not powerless in the face of stigma: when asked if involvement in sex work or the way the public viewed sex workers affected their identity formation or “sense of self,” the majority of sex workers we interviewed ( $N=218$ ) rejected this idea. Instead, as reported with some other stigmatized groups (Corrigan, Kosyluk, & Rusch, 2013; Corrigan & Watson, 2002; Howarth, 2006; Stenger & Roulet, 2018; Watson, 2002), the majority of participants assessed their concrete circumstances and found ways to cope, evade, adapt, reduce, and resist the stigma, and sometimes turn it on its head. In

light of their agency, we believe sex workers and sex worker-led organizations should be involved in creating the programs and policies that have a genuine chance of realizing improvements in social status and social rights for sex workers.

## The Utility of Further Research

We began our Target Article (Benoit et al., 2018b) by outlining some of the methodological challenges to sex work/prostitution research and we used the term “prostitution problem” to highlight the disagreements among scholars about whether or not prostitution is a problem and, if so, what is actually the problem. We return to this issue at the end of our Response as our bias as investigators, and the utility of further research were mentioned by commentaries from different sides of the issue. Vanwesenbeeck (2018) criticized us for not taking a strong enough stance against the repressive policies endorsed by anti-prostitution advocates and also questioned the utility of comparative research. Moran and Farley (2019) claimed that we have omitted compelling empirical evidence, made conceptual errors, and overlooked the widespread agreement that all women, trans women, and men want to escape prostitution. In a similar vein, Coy et al. (2018) commented that researcher objectivity is a “myth” disguising biases. They stated that all research on prostitution and policies to deal with it are tinged by fundamentally incompatible views.

We acknowledge that empirical investigation of complex social issues, especially those related to sexuality (e.g., abortion, pornography, and prostitution), can be frustrating at times and might even seem useless, given the entrenched positions some researchers hold. But further research aiming to answer our remaining questions and those of others is what is required of investigators, despite the difficulties involved and the frustrations of “morality politics” (Wagenaar, 2017). Other commentaries agreed, acknowledging our “even-handed” review of the evidence (Vijayakumar et al., 2018) and the need for continuing research on the impact of different policy approaches to the “prostitution problem” (Foley, 2018), including immigration policies that may be increasing the vulnerability of migrant sex workers (Abel, 2018). Shaver (2018) concluded that the methodological challenges we outlined in our Target Article should be kept in mind by the next generation of scholars wishing to improve on existing research by embarking on systematic and critical analyses of labor exploitation in sex work and, we would add, of all forms of human labor exploitation and trafficking more generally (Shamir, 2012; Zhang, 2009). This involves learning to ask better questions and to improve methods for obtaining diverse samples. We also need to sharpen our political skills in order to get our research evidence taken seriously by politicians who develop legislation affecting sex workers’ lives. As Shaver (2018) noted, in Canada

both provincial and federal courts did consult social science research evidence, but this was not the case for legislators.

As a stigmatized and marginalized occupational group, people in sex work have had limited opportunity to challenge government laws and policies enacted to deal with the “prostitution problem.” This is, in part, because the clandestine, stigmatized, and sometimes criminalized nature of their work activities leaves them unlikely to engage with mediums of public communication or to join sex worker organizations. Social science research that manages to capture the voices of sex workers about what they want in regard to regulation of their work and what they want in regarding to their social rights is both germane and timely, analogous to what Young (1992) has called for concerning other marginalized groups who continue to be underrepresented.

We agree with Coy et al. (2018) that researchers need to practice caution against uncritically accepting a selection of sex workers’ analyses of their experiences. We also argue that researchers need to maintain the same caution when considering the analyses of prostituted women who come to the attention of the authorities or are in contact with anti-prostitution exiting services. In reviewing the vast and sometimes bewildering writings on our subject matter, we find the concept of “reflexivities of discomfort” useful, a perspective and methodology that seeks to understand all available empirical evidence and, at the same time, remains cognizant that all knowledge is tenuous (Ward & Wylie, 2014). We should also be conscious that our own comfort or discomfort with the selling and buying of sexual services will affect our scholarly approach to this difficult topic (Kotiswaran, 2011). Like Foley (2018), we have shifted our position in the last two decades as we became exposed to new arguments and collected additional empirical data, and we are continually forced to confront our biases and recognize our privilege.

To deal with these and other research concerns, researchers from across all scientific fields are being encouraged to adopt a collaborative governance approach that, in our view, should involve developing long-term collaborative relationships with a *diversity* of target groups. We have done so with sex workers and their support organizations and other relevant stakeholders in communities in Canada (Benoit et al., 2017a; Benoit, Jansson, Millar, & Phillips, 2005; Jansson, Benoit, Casey, Phillips, & Burns, 2010) and most of the commentaries endorse this approach (Abel, 2018; Foley, 2018; McMillan & Worth, 2019; Shaver, 2018; Vanwesenbeeck, 2018; Vijayakumar et al., 2018). By doing so, we ask better questions, get better answers, and potentially become more effective in influencing policies that affect the lives of people deemed to be a social problem in their communities. In contrast, continuing to treat sex workers as victims of others wrongdoings deprives them of occupational and social rights, stigmatizes them, and worsens their well-being.

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