

GSF 352S Paper 4

Prompt 1: The debates about the utility of the distinction between forced vs. voluntary prostitution continue in debates about sex trafficking and migration. CATW denies the validity of the distinction, some defend it, and more of our authors find it troubling in still other ways. You are asked to explore and critically assess the validity of the choice/coercion dichotomy as it plays out in the policies and/or debates about sex trafficking and migration. (For example, what are the possibilities and limitations of the distinction? How does the distinction function in practice? What, in the end, should we--as critical thinkers and/or activists—do or not do with that distinction?)

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When evaluating whether prostitution qualifies as legitimate, some suggest a voluntary-coerced dichotomy in classifying the motivation of prostitutes in entering the sex work industry. The voluntary-coerced dichotomy refers to a framework that categorizes sex workers as either victims of trafficking, depicted as innocent women forced into sexual exploitation, or as individuals who knowingly and willingly migrate to engage in sex work (Brooks 515). In this manner, the coerced prostitutes are victims, innocent and protected, while the other ones are guilty, unworthy of protection, and shall be criminalized (Brooks 514). This dichotomy significantly shapes the debate, as sex workers are frequently linked to human trafficking and categorized under sex trafficking; consequently, this framework is often utilized in the formulation and implementation of anti-trafficking policies. This paper examines both the arguments for and against the forced-voluntary dichotomy in sex trafficking debates, ultimately contending that the framework is reductive and that alternative perspectives in approaching the issue exist.

First, it's important to consider the possibilities of the voluntary-coerced dichotomy framework. One argument in favor of maintaining such a framework is that it helps construct and highlight the figure of the "trafficked victim," thereby mobilizing public sympathy and political action to protect those subjected to forced labor and sexual exploitation. By highlighting certain sex workers as victims of human trafficking, activists can more effectively generate public concern for human trafficking by highlighting extreme cases of victimization, dramatizing "atrocious tales" to evoke emotional responses from the public (Weitzer 448). The strategy proves effective at the

policy level, as several members of Congress—including the sponsors of trafficking legislation in the House and Senate—reported that they became engaged with the issue only after hearing individual victims' stories (Weitzer 463). Moreover, in the context of child prostitution, Baker argues that maintaining the distinction between voluntary and forced sex work is crucial, as emphasizing the existence of coerced underage prostitutes helps sustain public concern about trafficking: without such framing, the public might show less interest if they recognized that many engage in sex work primarily as a means of survival rather than through coercion (Baker 206). In this manner, anti-trafficking activists indeed gain some progress, exemplified by the passage of The Victims of Trafficking and Violence Protection Act in the late 2000s, which provides protections and sanctions to severe trafficking that involves force, fraud, or coercion, which don't apply to voluntary trafficking (Weitzer 461). These achievements are made possible precisely because the voluntary–coerced dichotomy, which offers a simplified moral and legal framework through which policymakers and the public can identify who deserves sympathy and protection.

Another rationale for maintaining the voluntary–coerced dichotomy lies in its implications for “voluntary” prostitutes: by criminalizing voluntary prostitution, the dichotomy prevents traffickers from disguising coerced sex workers as “voluntary,” and addresses voluntary prostitution itself as the root cause of sex trafficking. On the one hand, this distinction ensures that traffickers cannot evade punishment by exploiting the ambiguity of consent from an abolitionist perspective. As Raymond and Hughes declare, “Legislation must not allow traffickers to use the consent of the victim as a

defense against trafficking” (Weitzer 453). Therefore, through criminalizing all sex workers who are categorized as voluntary prostitutes, the dichotomy prevents the possibility of human trafficking escaping legal punishment from utilizing the loophole of consensual trafficking, no matter if it’s indeed voluntary or faked to be so. On the other hand, proponents of the dichotomy argue that prostitution and sex trafficking are inextricably linked (Weitzer 454). Within this logic, eradicating voluntary prostitution becomes central to anti-trafficking efforts, as it is seen as the very mechanism that sustains and normalizes the market for coerced sex trafficking. Accordingly, the dichotomy functions not only to protect coerced victims but also to justify the criminalization of voluntary prostitutes, whose existence is perceived as perpetuating the structural conditions that enable trafficking.

Although the framework may seem appealing in theory, in practice, this dichotomy could lead to significant problems. Chief among them is that implementing such a division often reinforces racism. Historically speaking, racism manifests, Gallant and Lam point out, as the state used anti-trafficking measures as a pretext for enforcing racist border policies in the 1900s century (105). In constructing the victims’ images in the voluntary-coerced dichotomy, such figures are usually white virgins of England and America, lured to the city with false promises of work or marriage, but in fact made captives in an underworld of sex slavery by evil traffickers of foreign-born men (Gallant and Lam 99). Such an image of white victims in the dichotomy is not aligned with the reality of the sex work industry, as it is usually the Asian migrant women who experience coercion and abuse, while most white sex workers are working-class

mothers who enter the fields voluntarily for its high wages (Gallant and Lam 101). Hence, through depicting only the white women as the victims in the dichotomy and demonizing non-white traffickers, such a narrative often works to enhance the state's ability to track, ban, detain, and deport migrants through racist border policies such as White Slave Traffic Act and the Page Act (Gallant and Lam 110). The dichotomy is utilized to maintain white supremacy (Gallant and Lam 100), deviating from the ostensible goal of rescuing victims of human trafficking through this framework.

In the modern context, the racial hierarchies have not disappeared; rather, they reemerge today in the racialized policing of human trafficking. Contemporary anti-trafficking campaigns continue to reproduce racial hierarchies, as training programs on recognizing the voluntary and coerced prostitutes frequently rely on proxies such as race, nationality, poverty, and sexuality to guide the surveillance and policing (Shih 107). This way, both Asian and Black women are subjected to increased surveillance, as they are frequently targeted as key subjects in anti-trafficking enforcement. Moreover, the voluntary–coerced dichotomy is racialized into a Black–Asian binary, structured by deeply ingrained narratives of hyper-sexualized Black criminality and hyper-fetishized Asian innocence. Specifically, while Asian women are often portrayed as passive victims in need of rescue, Black women, especially Black transgender women, are typically cast as voluntary prostitutes deserving of arrest and punishment (Shih 112–113). Thus, rather than genuinely addressing human trafficking, this racialized dichotomy ultimately serves to fulfill an American “rescue fantasy,” reinforcing white power and moral superiority under the guise of humanitarianism

(Shih 107).

Besides being utilized as a pretext for practicing racism, very few “forced victims” are safeguarded either. The definition of a trafficking “victim” is composed of two criteria: coercion and exploitation (O’Connell 8); since the process of coercion in trafficking is often hard to evaluate, the boundary for determining a state of victim relies on the outcome of trafficking: how terrible the working conditions are. Nevertheless, the boundary between forced labor, in the strict legal sense, and extremely poor working conditions is often difficult to discern (O’Connell 9). Usually, the threshold of victimhood is set extremely high. As a result, such attempt to categorize some workers as the “victims” in the dichotomy often leads to vast criminalization of sex workers who are suffering from exploitative working condition, but fail to reach the bar of being “subject to a very specific type of abuse, in particular to rape and/or other forms of extreme physical force” (O’Connell 15). Statistically speaking, for example, in 2003, among 295 immigrant offenders found in London massage parlors and saunas, only 4-5 were identified as the victims of trafficking, and all the rest are considered illegal criminals who then got deported (O’Connell 5). Consequently, without clear standards and norms defining what constitutes an unacceptable level of exploitation, it becomes impossible either to assist those who might qualify as victims of forced labor or to devise strategies to improve the conditions of “free” workers engaged in low-paid or exploitative work (O’Connell 19). This demonstrates that although the voluntary–coerced dichotomy claims to protect those subjected to exploitation, in practice, it criminalizes the majority of sex workers who experience exploitation, thereby

worsening their vulnerability rather than alleviating it.

Ultimately, the very notion of “force” within the voluntary–coerced dichotomy is a fallacy, as it neglects the structural and social pressures that often compel individuals to “choose” sex work in the first place. As Brooks suggests, women’s decisions to enter the sex industry are due to structural issues such as racism, poverty, transphobia, and patriarchy, even if they don’t really want to enter the sex work industry, which often lacks safety and good labor conditions (519-520). Among them, economic considerations is a major motivation: the economic benefits and a sense of agency in sex work are important appeals for youth living in poverty and group homes (Brooks 517). However, under the voluntary–coerced dichotomy, such structural pressures that push women into sex work are defined as voluntary choices, thereby denying their need for assistance and instead subjecting these so-called “voluntary” prostitutes to criminalization. Henceforth, instead of enforcing laws such as SESTA, *Stop Enabling Sex Traffickers Act*, and FOSTA, *Allow States and Victims to Fight Online Sex Trafficking Act*, which criminalize the sex workers who seem to enter the industry voluntarily, several alternative solutions would help combat voluntary sex trafficking. For example, their basic needs of housing and education shall be provided, which could prevent the young girls from entering prostitution in the first place. Or, social service resources such as community-based healthcare and legal aid should be provided to improve the welfare of both voluntary and coerced sex workers, even if the dichotomy is maintained, since they are all victims in different ways (Brooks 519).