



PROJECT MUSE®

---

Trafficking and Prostitution Reconsidered: New Perspectives  
on Migration, Sex Work, and Human Rights (review)

Rebecca Whisnant

Hypatia, Volume 22, Number 3, Summer 2007, pp. 209-215 (Review)

Published by Indiana University Press



➔ For additional information about this article

<https://muse.jhu.edu/article/218019>

privatize it are especially useful. She also makes a cogent case for why feminist work on mothering should be of concern to and an important resource for ethics and moral theory, political philosophy and social theory, and the many other disciplines that she weaves into her work.

#### REFERENCES

- Card, Claudia. 1990. Against marriage and motherhood. *Hypatia* 11 (3): 1–23.
- Elshtain, Jean Bethke. 1981. *Public man, private woman*. Princeton, N.J.: Princeton University Press.
- Friedman, Marilyn. 1993. *What are friends for? Feminist perspectives on personal relationships and moral theory*. Ithaca, N.Y.: Cornell University Press.
- Held, Virginia. 1993. *Feminist morality*. Chicago: University of Chicago Press.
- Hoagland, Sarah Lucia. 1991. Some thoughts about “caring.” In *Feminist ethics*, ed. Claudia Card. Lawrence: University of Kansas Press.
- MacIntyre, Alasdair. 1981. *After virtue: A study in moral theory*. Notre Dame, Ind.: Notre Dame University Press.
- . 1984. *After virtue: A study in moral theory*. 2nd ed. Notre Dame, Ind.: Notre Dame University Press.
- Nelson, Margaret K. 1990. Mothering others’ children: The experiences of family day care providers. In *Circles of care: Work and identity in women’s lives*, ed. Emily K. Abel and Margaret K. Nelson. Albany: SUNY Press.
- Noddings, Nel. 1984. *Caring: A feminine approach to ethics and moral education*. Berkeley and Los Angeles: University of California Press.
- Ruddick, Sara. 1983. Maternal thinking. In *Mothering: Essays in feminist theory*, ed. Joyce Trebilcot. Totowa, N.J.: Rowman & Allanheld.
- . 1989. *Maternal thinking: Toward a politics of peace*. New York: Ballantine.
- Tronto, Joan C. 1993. *Moral boundaries: A political argument for an ethic of care*. New York: Routledge.
- Uttal, Lynet. 1996. Custodial care, surrogate care, and coordinated care: Employed mothers and the meaning of child care. *Gender and Society* 10 (3): 291–311.

**Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights.** Edited by KAMALA KEMPADOO with JYOTI SANGHERA and BANDANA PATTANAIK.

*Rebecca Whisnant*

This anthology was “initially inspired,” Kamala Kempadoo writes, by a series of workshops held in 2000 and 2001 by the Global Alliance against Trafficking in Women (GAATW), with which most contributors have some past or current

affiliation. In the early 1990s, GAATW, which advocates the normalization of prostitution, emerged as a competitor to the Coalition against Trafficking in Women (CATW), which advocates abolition of prostitution.<sup>1</sup> Although Kempadoo asserts that the book does not only represent GAATW's perspective, most contributors endorse its central elements. The introduction sets out the collection's main themes, which the articles then variously repeat and elaborate. They are as follows:

- There are many kinds of trafficking for different forms of labor; it is therefore misguided to focus predominantly on trafficking for "sex work." There is nothing especially harmful about—or indeed any importantly distinct dynamics of—trafficking for prostitution.<sup>2</sup> Relatedly, we should avoid suggesting that most "trafficked persons" are women and girls, as this ignores the trafficking of men and boys.
- Trafficking occurs *only* when coercion or deception is employed in order to transport a person to "a situation of forced labor, servitude, or slavery-like practices" (Sanghera, 14). All cases lacking coercion and deception are simply "migration" for work of various kinds, including prostitution.
- The "core issue" of trafficking is migration (Ditmore, 107): people moving in order to seek better lives and economic opportunities. A major anti-trafficking priority should be to remove barriers to safe, legal migration.
- There are no reliable estimates of the true incidence of trafficking, and many commonly cited statistics are manipulated and overblown.
- Because "it is not prostitution *per se* that is harmful to women" (Kempadoo, xxii), we should "conceptually separate the traffic of women from prostitution" and define prostitution as "a legitimate form of work" (xii).

Contributors to the volume more often presume or assert these central contentions than they provide evidence or arguments in their defense. Although most of the authors clearly share the editor's view that prostitution *per se* is not harmful to women, no contributor mentions (let alone refutes) the substantial evidence of the devastating effects prostitution has on women's physical and emotional well being.<sup>3</sup> Similarly, they assert that migration is the "core issue" of trafficking without considering and rejecting other core issues such as men's demand for commercial access to the bodies of women and children (or even, more broadly, the demand of wealthy consumers for cheap labor and consumer goods). Finally, most contributors treat their highly restrictive definition of trafficking as if it were a settled and indisputable fact, when in fact it is based in a particular and highly contested ideology about prostitution.<sup>4</sup>

Certain rhetorical devices frequently serve to mask the paucity of argument. One such device is to characterize one's own approach as nuanced and complex in contrast to what is presumed to be the rigid ideology and totalizing simplicity of competing views. Another is the use of catchphrases, such as "global justice"

and “rights-based approach,” to which well-intentioned progressives can be expected to respond positively, while competing approaches are tagged with such progressive bugaboo terms as “policing,” “state power,” and “moral panic.” To distort and dismiss contrary feminist views as antisexual hysteria, veiled conservatism, and “imperialist bourgeois logic” (Kempadoo, xi) is inexcusable at this stage of the debate.

Particularly significant in many of these essays is their authors’ rejection of the term “victim” in favor of “trafficked person.” (Similarly, they eschew “slavery” to refer to debt bondage and forced labor, preferring the Orwellian “slavery-like practices.”) Kempadoo sounds this theme in the introduction, criticizing “the dominant trafficking discourse [for] the idea that those who are subject to violence and slavery-like practices are ‘victims’” (xxii). Such a characterization, she explains, objectifies such persons, portrays them as “helpless and pitiful” (xxiv), and “sustains an image of women as pure, unblemished, and innocent prior to the trafficking act” (xxiii). (The assumption that only the pure and innocent can be victimized is a wild leap of logic, one that echoes any number of screeds against “victim feminism.”) Many “affected women,” Kempadoo points out, do not identify as victims, but rather see themselves as having made poor choices; that the same is true of many rape victims seems not to occur to her.

Here, as in many other contexts, the preferred frame to replace victimization is “agency.” While agency is a useful concept, it is not incompatible with victimization, and it is deployed here in a simplistic and naïve way. To give just one example, several authors point out that some trafficked women return to their “employers” (pimps) even after undergoing programs of rescue or counseling; we are expected to respect this as a manifestation of prostitutes’ “agency.” To anyone familiar with the range of threats and manipulative techniques that pimps use to control women, what is surprising is that most women manage *not* to return. For example, Nigerian women and girls trafficked to Italy frequently endure forced “juju rites” in which they swear never to report to the police and to pay off their (as yet unspecified) debts to the traffickers. According to Esohe Aghatise, who has worked with many such women, “These rites have great significance for the victims because they strongly believe that harm will come to them or their families if they do not repay their debts.”<sup>5</sup> To interpret such a woman’s return to her pimp as an expression of her “agency” displays stunning ignorance at best, and at worst, deliberate collaboration with the interests of exploiters.

Some issues the essays raise are worth taking seriously. As several contributors observe, many countries treat “trafficked persons” as criminals and deport them back to their home countries. Often, these women are vulnerable to re-trafficking or to whatever family-based abuses may have partially motivated them to leave in the first place. The authors are also critical of antitrafficking methods

such as police raids on brothels—and of “rescue” efforts more broadly—which, they claim, harass and traumatize the women. We can all agree that, however trafficking is defined, its victims should not be treated as criminals; and there are legitimate questions to be raised about the costs and benefits of various police tactics. Yet the contributors to this collection distort via omission the position of their feminist opponents who, virtually without exception, support the decriminalization of all prostituted and prostituting persons, but not of pimps or buyers.

Another prominent theme of the collection is that antitrafficking efforts should not focus excessively on preventing trafficking in source communities—at least not in ways that restrict women’s movement or that unduly discourage them from migrating. The tension between women’s safety and women’s freedom of movement is familiar to feminists; if some antitrafficking efforts incorporate protection-racket dynamics, then they should be challenged and revised. But there is more to this complaint than meets the eye. Jyoti Sanghera emphasizes that efforts to prevent trafficking in source communities risk treating “migrant subjects” as if they are or might become “victims” (thus discounting their agency) and treating “chaperones” as actual or potential traffickers. The suppressed premise is that it is better to cast the antitrafficking net too narrowly than too widely: that is, better that we fail to prevent some trafficking cases than that we impede anyone’s free choice to migrate, to “chaperone,” or to prostitute. A similar concern underlies the complaint about brothel raids, which, in addition to their other evils, are said to interfere with the agency of brothel residents who choose to prostitute. In combination, these two criticisms suggest that we should (at least) be extremely cautious in efforts both to prevent trafficking and to rescue its victims once it has occurred. What, then, should we do to combat trafficking (even accepting their scrupulously delimited conception thereof)?

Their answer is that we should ensure “legal rights to mobility,” opposing xenophobic border closings and supporting people’s rights to live and work where they choose. This is a laudable goal, whether or not we see migration as the “core issue” in antitrafficking work. Note, however, that emphasizing legal migration falls far short of a radical approach to global economic inequality and mass destitution, and to the regime of neoliberal globalization that upholds and exacerbates them. Simply allowing people to leave poor countries to provide dirt-cheap labor in richer countries, while certainly benefiting richer countries’ employers, is hardly a promising strategy for challenging inequality itself, let alone the systems that produce it.

The other key proposal here, less defended than presupposed in most contributions, is the legalization of prostitution. Despite their complaints about others’ shaky data, these authors seem blithely oblivious to the need for evidence that suggests legalizing prostitution would decrease trafficking (again, even accepting

their limited definition of trafficking). Legalization has occurred in a number of countries, and we can observe its results. Because legalization makes pimping both more lucrative (because of skyrocketing demand) and legally risk free, it creates a magnet for traffickers, while making it nearly impossible to prosecute them successfully.<sup>6</sup> These facts are so clearly and multiply documented that we must take with a grain of salt the words of those who claim that fighting trafficking is their main interest but who advocate legalization. Either they have not bothered to investigate the matter or they are intentionally ignoring contrary evidence; in either case, we may fairly conclude that legalizing prostitution is higher on their agenda than preventing trafficking.

Also noteworthy in this respect is the glaring absence of the one legal strategy that *has* met with significant success in reducing trafficking: the text includes not a single mention of Sweden's innovative legal approach, in which prostituting women, men, and children are decriminalized (and offered extensive services) while pimps and buyers remain criminally liable.<sup>7</sup> By studiously ignoring this option, the authors encourage the invalid inference that, in order to stop criminalizing vulnerable people who have enough problems as it is, we must also treat pimps as legitimate employers and johns as legitimate consumers.

Let me describe two articles whose rhetoric and politics are especially telling in light of my foregoing critique. Toward the end of Jyoti Sanghera's essay, she undertakes to "complicate the discussion on 'consent' and autonomy with respect to young people" (20). Although she cautions readers against assuming that she supports child prostitution, the text does not easily yield an alternative interpretation. Sanghera criticizes the widely accepted view that—because children cannot consent to commercial sexual exploitation—the criminal trafficking of children (unlike that of adults) need not involve coercion or deception. Pointing out that conceptions of childhood vary culturally and historically, and that "many countries allow sexual activity and recognize sexual agency in young people" (19), she hints at the lurking inference without quite drawing it: if children may have sex for free, then why not for money?<sup>8</sup> (Since she doesn't specify, we may further assume that she has in mind not only sex between juveniles, but sex between juveniles and adults.) She observes that street children with no means of legitimate employment often have little choice but to prostitute; they are then criminalized, she complains, for "exercising autonomy in the economic and sexual spheres" (20). Having thus stretched the notion of autonomy beyond recognition—and without explaining why she does not advocate treating these children as the sexual abuse victims that they are—she reiterates in closing that, appearances notwithstanding, she is not defending child prostitution.

In her contribution, Jan Boontinand reports on a GAATW-coordinated research project on the trafficking of Cambodian and Vietnamese women. Employing "feminist participatory action research," GAATW partnered with

NGOs in the affected countries to document the trafficking situation and to develop “appropriate strategies to address the problems and support the women concerned” (175). A problem emerged early on, however, as it became clear that the local NGOs doing the legwork did not understand trafficking in the GAATW-approved way: it “was often associated with the crime of harboring or facilitating prostitution” (177). Boontin and describes as an “evolving discussion” with the local NGOs what was clearly, even by her own account, a process of imposing on them GAATW’s superior conceptual understanding of trafficking: the proper view of trafficking was “explained to the [local] researchers,” carefully correcting their “conceptual conflation” of trafficking and prostitution. Throughout the project, the Vietnamese NGOs displayed a stubborn tendency to focus on prostitution and the severe economic deprivation driving women into it; thus, Boontin and reports, “developing conceptual clarity . . . with the local partners in Vietnam was a challenging and interesting process” (181). The fact that researchers often found it difficult to talk with the women research subjects because of the “strict supervision” of the “brothel owners” (186) does not shake Boontin and’s conviction that trafficking (bad) is wholly distinct from prostitution (fine); nor does she explain the role of arrogantly imposing one’s own conceptual framework in “feminist participatory action research.”

Despite my best attempt at objectivity, my own commitment to an abolitionist perspective on prostitution has no doubt contributed to my harsh assessment of this book. I am confident, however, that my charges of shoddy argumentation and intellectual sleight of hand are independent of my opposition to the authors’ political agenda. In fact, I would welcome a book or collection that presents a systematic, coherent, and fair argument against the abolitionist view; like most philosophers, I value a worthy adversary. For now, however, the wait for such a book continues.

## NOTES

1. For an illuminating if polemical account of the origins of both CATW and GAATW, see Leidholdt 2004. The GAATW website contains (as far as I can see) no parallel account of this history from their perspective. For a useful philosophical account of the debate between normalizing and radical feminist (abolitionist) points of view, see Anderson 2002.

2. Lin Chew articulates this point of view as follows: “there has been an evolution in the public response to trafficking—from moralistic outrage at the physical (sexual) violation of women’s bodies to a more ‘ethical’ concern for the poor conditions of work, especially of migrant women” (78). Why concerns about work conditions are “ethical,” whereas concerns about physical/sexual violation are mere “moralistic outrage,” remains unexplained.

3. Melissa Ditmore, unlike other contributors, briefly addresses some views of abolitionist feminists, but she does not consider the empirical evidence they have advanced in support of those views (for example, Farley 2003).

4. The relevant United Nations convention in 1949 defined trafficking simply as the cross-border exploitation of the prostitution of others. Fifty years later, in the debate over defining trafficking that accompanied the drafting of the Trafficking Protocol to the Transnational Convention against Organized Crime, GAATW (unsuccessfully) opposed abolitionist feminist groups that supported—as a bare minimum—the inclusion of trafficking by means of abusing a position of power or a situation of vulnerability.

5. See Aghatise 2004.

6. See, among others, Aghatise 2004; Bindel and Kelly 2003; Raymond 2003; and Jeffreys 2002.

7. For a description and analysis of the Swedish approach, its justification, and its consequences, see Ekberg 2004.

8. This note is sounded even more clearly in the article by Josephine Ho, who adopts a curiously sarcastic tone in discussing these matters (“so-called underage prostitutes,” “the evil doings of heartless traffickers”). For example, she complains that under a certain piece of proposed Taiwanese legislation, “various state agencies . . . would be bound by law to actively seek, inform, investigate, place in protective custody, and provide medical care and consultation for those girls suspected of doing sex work” (92). Ho seems horrified by this modest attempt at care and protection—after all, the girls might be doing such work *willingly*.

## REFERENCES

- Agathise, Esohe. 2004. Trafficking for prostitution in Italy: Possible effects of government proposals for legalization of brothels. *Violence against women* 10 (October): 1126–55. <http://tinyurl.com/znjea>.
- Anderson, Scott. 2002. Prostitution and sexual autonomy: Making sense of the prohibition of prostitution. *Ethics* 112 (4): 748–80.
- Bindel, Julie, and Liz Kelly. 2003. A critical examination of responses to prostitution in four countries: Victoria, Australia; Ireland; the Netherlands; and Sweden. Report for the Routes Out Partnership Board, Child and Woman Abuse Studies Unit, London Metropolitan University. <http://tinyurl.com/k3h75>.
- Ekberg, Gunilla. 2004. The Swedish law that prohibits the purchase of sexual services. *Violence against women* 10 (10): 1187–218. <http://tinyurl.com/h5hdx>.
- Farley, Melissa, ed. 2003. *Prostitution, trafficking, and traumatic stress*. Binghamton, N.Y.: Haworth.
- Jeffreys, Sheila. 2002. Australia and the traffic of women into sexual exploitation. *Arena Magazine*, April. <http://tinyurl.com/hozh8>.
- Leidholdt, Dorchon A. 2004. Demand and the debate. <http://tinyurl.com/zo2cs>
- Raymond, Janice. 2003. Ten reasons for not legalizing prostitution. *Journal of Trauma Practice* 2: 315–32. <http://tinyurl.com/qb4u>.