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Oppression or Occupation: An International Analysis of Sex Work and Sex Trafficking

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The term “modern-day slavery” is often employed to describe human trafficking, both in the trafficking of people across borders and in sex trafficking. Sex trafficking occurs all around the world and is estimated to affect millions of people, mostly women and young girls. However, it should be noted that estimates of the number of people affected vary greatly and are generally not based on reliable data. Those opposed to both prostitution and sex trafficking often cite the number of people globally trafficked for sexual exploitation to be between four to five million though there is no clear evidence that “most or even the majority of prostitutes have been trafficked”, and these large estimates “are not based on any reputable research methodology”, but rather on the policy agenda of non-governmental organizations or government agencies that equate prostitution with sexual slavery (Raphael 2). Similarly, those who defend sex work claim that “the majority of women make an active choice to engage in exceptionally lucrative work for a time”, and people associated with this position forward low estimates of the number of individuals who are victims of sex trafficking (Raphael 2). Such estimates also suffer from unreliable methodology and do not include victims of trafficking within countries and sex workers whose initial participation may have been voluntary but whose working conditions became abusive or coercive (Raphael 2-3).

This disagreement is just one example of the perpetual debate on sex trafficking and prostitution. Advocates on one side of the ongoing debate argue that global sex work exploits women and reduces their autonomy, constituting a modern form of slavery, while the other argues that the real harm to women’s autonomy and free will is the attempt to abolish a consensual and legitimate labor opportunity for women who can freely choose to participate. It is important to understand the logic behind both sides of the debate, and the ways in which these

arguments have influenced international protocols on trafficking as well as national policies on prostitution.

In this paper I will address several key points in order to provide an analysis of the international context of sex trafficking and prostitution policy. First, I will define different terminology that is used and how different terms and definitions reflect distinct stances in the debate over sex trafficking. Second, I will analyze contrasting positions in the debate over sex trafficking, distinguishing between those who equate trafficking with forced prostitution that exploits vulnerable women and children, on the one hand, and others who distinguish between forced and voluntary prostitution, considering the latter to be a legitimate form of sex work, on the other. Third, I will examine the evolution of international agreements on sex trafficking, with a particular focus on the most well-known international effort to address human and sex trafficking, the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, also referred to as the Palermo Protocol. Finally, I will offer a brief case study of French debates over laws to regulate prostitution and sex trafficking.

I. The Difference Terminology Makes

The terms human trafficking and sex trafficking are often conflated with one another but even though the term trafficking usually connotes exploitation and criminal activity, it can also refer to the “movement of people, either across international borders or within a country” (Bertone 203) or the “consensual facilitation of illegal migration” (Simm). Under international law, trafficking is defined as coerced or forced movement, while according to U.S. law, trafficking does not need involve movement but arises out of an exploitive situation (Bertone 203). Anti-slavery International states that human trafficking has roots in exploitation, and

“involves recruitment, harboring or transporting people into a situation of exploitation through the use of violence, deception or coercion and forced to work against their will” (“What is Human Trafficking”). This can manifest in many different types of exploitation, such as “as forced prostitution, forced labor, forced begging, forced criminality, domestic servitude, forced marriage, and forced organ removal” (“What is Human Trafficking”). Human trafficking does not always involve sex work, but can in the form of sex trafficking, which primarily involves forced prostitution and exploitation via sexual coercion. Sex trafficking is more specific than human trafficking, as it concerns forced sexual labor, whereas human trafficking encompasses all forced labor in a broader lens.

More definitional confusion arises out of the fact that sex trafficking is often used interchangeably with sex work and prostitution, although many policymakers and advocates insist that there are significant differences between them. Positions vary even among those who consider themselves feminists, ranging from liberal feminists who insist that most women should have the right to work as prostitutes, to radical feminists who argue that prostitution is equivalent to sexual slavery (Simm).

II. The Debate Between Abolitionists and Preservationists: Sexual Slavery vs. Sex Work

These differences are reflected in debates over the proper approach to take toward sex trafficking. According to abolitionists, sex trafficking objectifies women and girls and victims are enslaved and exploited by their traffickers, almost always men who have tricked and coerced them into dangerous situations by promise of a money or a better life. Ranita Ray, author of “Sex Trafficking: In Our Backyard?” writes that “sex trafficking – arguably a form of slave trade – essentially treats women and children as objects or commodities to be traded and sold” (214).

Sex trafficking is a form of modern-day slavery, where women and girls are forced to submit to acts of sexual violence with no means of escape, which is a clear violation of human rights.

Abolitionism, on one end of the spectrum, is focused on the complete eradication of the exchange of sex or sexual favors in all cases, including sex trafficking, prostitution, and sex work. Gill Allwood, author of “Prostitution in France” states that debates surrounding prostitution are “highly polarized” with two contrasting perspectives. Abolitionists see prostitution, which include those who are trafficked and those who choose to engage in sex work, as “an inherent act of violence towards women, an attack on their human dignity and right to bodily integrity” (Allwood 47). Abolitionists often hold the majority within the debate over prostitution and are made up primarily of a “powerful coalition of Catholics, advocates of traditional family structures, many feminists and large sections of the left” (Allwood 47). Not all abolitionists are religious or conservative. Some abolitionists are in the party to advocate for an end to prostitution to fight the patriarchal system completely, but other abolitionists are motivated quite differently. More traditional, religious advocates of abolitionism aim to defend the patriarchy by fighting prostitution because they believe in defending traditional values that align with a patriarchal system. One traditional value that sex work threatens is the presence of sex in non-nuclear family situations, which ultimately threatens family values and undermines the patriarchy, which these conservative, religious supporters commend and seek to protect (Raphael 4). Despite these differences, abolitionists share the belief that the very existence of prostitution, whether it be forced or voluntary, is oppressive and violent towards women. Since abolitionists view “all prostitution as an inherent act of violence and violation of human rights”, they adopt a particular perspective on prostitutes and have “a tendency to construct prostitutes as victims who need to be saved and reintegrated into society” (Allwood 48).

Abolitionists often cite *Le Livre Noir de la prostitution*, a French book published by La Fondation Scelles, an abolitionist NGO. This foundation insists that prostitution is “not an expression of women’s freedom, but of their profound misery, the tragedy of destiny, a descent into hell” (Allwood). Prostitution, according to abolitionists, is: “the alienation and destruction of women, men and children reduced to the state of sexual objects, of commodities in a global market, an attack on the integrity and the dignity of the human being, a negation and violation of human rights, neither ‘inevitable’ nor a ‘necessary evil’” (Coquart and Huet 9).

This strong stance towards the eradication of sex work in any context is clearly intended to liberate women and devictimize them, but not all women engaged in prostitution consider themselves victims, which is a key argument that preservationists hold. Preservationists see prostitution as a woman’s choice and argue that “what is wrong with prostitution is the stigma attached to it and the poor living and working conditions that women in prostitution endure” (Allwood 47). Preservationists criticize abolitionists for limiting women’s autonomy under the guise of protection. Preservationist-leaning Laura Agustín, author of “Snake Oil”, details the elitist attitudes that many abolitionists seem to hold. In contrast to her experience observing how sex workers “try to take control of their lives, others were denying them any part in their fate. In the process of defining women who sell sex as victims, all differences in experience were being erased” (222). This belief system often works against instead of for women who sell sex, eliminating their ability to exercise autonomy over their own lives.

Preservationists typically advocate for more protections, rights, and social services for sex workers instead of full abolition of prostitution. Preservations (who are sometimes referred to as libertarians) take the position that “the majority of those in the sex-trade industry are there voluntarily”, and their positions “rest on a benign view of the sex-trade industry, focusing as they

do on the rights of the sellers”, rather than the complete abolition of all sex-trade related work (Raphael 3-4). Preservationists believe in the human right to sell sex, arguing that “individuals have the right to enter an occupation of their own free choice”, and believe that while there is violence and trafficking, it is nowhere near as relevant or severe as abolitionists argue (Raphael 4). A common analogy referenced is the carpet analogy: “Don’t eliminate demand for carpets in order to address forced labor in the carpet industry”, meaning that the idea that the entire sex industry is at fault for instances of trafficking is irrational, and one shouldn’t eliminate consensual and voluntary sex work because trafficking exists within that industry (Raphael 4). This foundational idea for preservationists is rooted in a human rights argument, with the example that “anti-prostitution measures are a violation of individuals’ human rights and civil liberties to enter an occupation of their own free choice”, with two leading assumptions: “that trafficking for sexual exploitation is not a large part of the sex-trade and is not an indispensable practice for the industry” which is a direct rebuttal to the abolitionist claim that the majority of sex work is violent and non-consensual, and that “trafficking for sexual exploitation needs to be addressed but the idea that the entire commercial sex market should be eradicated in order to tackle the problem of trafficking for prostitution is as draconian and wrong-headed as the idea it is necessary to eliminate demand for carpets in order to address the problem of forced and child labor in the carpet industry” (Raphael 5). This intentional differentiation of trafficking versus voluntary sex work is integral to the platform of preservationists, as well as the way these advocates claim there is an overrepresentation of violence and trafficking within the sex industry.

Additionally, preservationists advocate for a new view of sex, one that can easily be found in the sex trade. According to preservationists, abolitionists focus on the traditional family structure, and they wish to eliminate this new form of contemporary sex, described as “a new and

positive recreational sexual ethic-sex without commitment, anonymous, and promiscuous”, and instead are in favor of “formerly bedrock ideas of marriage and monogamy” (Raphael 5). This more personal values-based agenda that abolitionists stand by clearly shows that they advocate for the elimination of prostitution as an industry not because they care primarily about women’s rights, but rather because prostitution permeates the “normal” fabric of society and disrupts traditional values. These attempts by abolitionists to “criminalize or regulate prostitution are viewed as the exercise of the state’s powers to control and punish those who do not ascribe to conventional ideas of love, relationships, and family (Raphael 5). This emotion-based reaction to an insubordination of family values is one of abolitionists’ platforms. The opposing viewpoint, which is the freedom to define sex and relationships in a modern context, is one of preservationists’ agendas in a parallel debate of traditionalism versus modernism.

Another concern of preservationists is the existence of anti-trafficking campaigns themselves. These campaigns that focus on the rescue industry are seen as “targeting women and girls of color who need ‘rescue’ from the sex-trade industry” (Raphael 6). This is highly problematic because these rescue efforts have “generated more laws and the criminalization of greater areas of human life and an intensification of policing and surveillance, including more prosecutions, detentions, and incarcerations” while the “system that generates such inequality, servitude, and exploitation remains untouched” (Raphael 6). Essentially, this means that women and girls of color are more often the target of more severe consequences put in place by the state, such as an augmentation of “policing and surveillance”, which infringes on personal liberties and rights. This all occurs while the system which causes these ideas of rescue to continue. Preservationists thus criticize anti-trafficking campaigns for assuming that “slavery can be eliminated without fundamentally changing how our societies and economies are organized,

including a radical shift in the distribution and exercise of economic and political power” (Raphael 6). This ignorance of how the global economy and individual states’ economies and societies are set up and profit off of exploitation is naïve at best. The idea that trafficking can be eliminated without the structural change in societies that would encourage and support the end of trafficking and violence is unreasonable. Preservationists tend to focus on the structural factors and socio-economic issues that lead individuals to engage in sex work and create demand for human trafficking. They therefore advocate for structural changes rather than supporting policies such as criminalization of the buying or selling of sex.

III. International Law and Conventions on Human and Sex Trafficking

This debate has influenced the way in which political leaders, activists and academics have sought to frame national and international policy on sex trafficking, beginning with a late-nineteenth century movement in the United States and Western Europe against “white slavery” – a term used to describe the abduction of white women and girls who were forced into prostitution (Bertone 205). Though the problem was sensationalized and exaggerated, it led to several international conferences and agreements. The first international conference related to trafficking in women was in 1895, with the first international convention following in 1904, aptly titled as the “International Agreement for the Suppression of the White Slave Traffic” (Bertone 206). A series of conventions followed, some of which “regarded prostitution as a human rights violation only when it involved overt coercion or exploitation,” and others which reflected an abolitionist perspective by making an explicit connection between traffic in women and all forms of prostitution (Bertone 207). In 1949, the Convention for the Suppression of the Traffic in Persons

and of the Exploitation of the Prostitution of Others consolidated earlier treaties and equated prostitution with trafficking, as in the opening paragraph to the Preamble:

Prostitution and the accompanying evil of the traffic in persons for the purposes of prostitution are incompatible with the rights and dignity of the human person and endanger the welfare of the individual, the family and the community.

With increasing global support for women's rights as human rights in the 1980s and 1990s, international negotiations began to review and strengthen previous efforts to combat trafficking for sexual exploitation, culminating in the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, commonly referred to as the Palermo Protocol. Negotiations leading up to the Palermo Protocol reflected some entrenched debates and disagreements within the anti-trafficking and women's rights movements. During the discussions on the Palermo Protocol, "unresolved issues about the relationship between trafficking and prostitution that had been percolating since the late 1970s finally came to a head" and the resulting compromise reflected "only a weak international consensus on this transnational problem", with much of the much debated topics resulting in a dissatisfactory compromise (Bertone 209).

Critics argue that the Palermo Protocol has been used to focus narrowly on people forcibly trafficked and forced into prostitution, justifying in turn an emphasis on cracking down on criminal traffickers rather than on the human rights of those who are trafficked. As such, "the Trafficking Protocol risks being used as a tool of anti-immigration policies of rich countries attempting to prevent migration flows under the rubric of border protection, rather than protecting the human rights of would-be migrants by facilitating labour migration, and making it legal and safer, thereby reducing the demand for the services of human traffickers" (Simm). Agustín writes that after the Palermo Protocol was published, "trafficking became a big-time

crime issue not because of its truth but because it served governments' purposes" (223). Essentially this mandate allowed the USA to "go after bad men of the world on the excuse of saving innocent women", the EU to strengthen their borders against migrants, and the UK to act like the "new leader of anti-slavery campaigning", when their colonial empire had just fallen (223).

During the process of debating what should be considered as trafficking and what should be considered as voluntary prostitution, one side that consisted of certain states and non-governmental organizations adopted the abolitionist perspective that "viewed any distinction between forced and voluntary prostitution as morally unacceptable" and vehemently "opposed any definition of trafficking that would include a coercion requirement and argued that the definition should encompass all migration for sex work" (Bertone 209). This is consistent with the abolitionist desire to abolish all forms of sex work, whether considered legally as trafficking or not, because of the belief that all sex work enables the existence of violence against women. Preservationists, conversely, opposed this viewpoint and made that clear during the deliberation over the definition of trafficking in the Palermo Protocol, advocating for the position that "including non-coerced migration for sex work would make the trafficking definition over-broad and divert scarce resources away from the real problem" (Bertone 209). This separation of sex trafficking with consensual, voluntary sex work is also consistent with the preservationist position that voluntary prostitution is sex work, not sexual slavery, and this belief is what continues to divide the two groups on this topic.

The text of the Palermo Protocol ultimately represented a compromise between the two positions. Abolitionists were able to secure specific mention of prostitution and the inclusion of the term "sexual exploitation" in the definition of trafficking, while preservationists were able to

achieve a broader definition of exploitation that included non-sexual practices as well (Simm). The term sexual exploitation was left undefined since this allowed states to decide for themselves whether prostitution can be voluntary or is always exploitative (Simm). The very title of the convention also represented a compromise, insofar as preservationists were able to change the title from “Trafficking in Women and Children” to its final form of “Trafficking in Persons, Especially Women and Children.” As Gabrielle Simm explains, the final formulation avoided an effective equivalence between prostitution and trafficking, better reflecting the fact that men and transgender persons are also trafficked and people are trafficked into a wide range of occupations, not all of which are sexual. At the same time, the inclusion of the phrase “women and children” acknowledged the gendered reality that most trafficked persons are female (Simm).

Preservationists criticize the tendency to associate adult women with children, suggesting that they both are vulnerable and need protection. This so-called protection of women is furthered in the Palermo Protocol through language which lumps together “*womenandchildren* ... as special victims in the trafficking protocol, while men exercised agency in the smuggling text” (Agustín 223). Agustín makes a clear choice here when labeling women and children as “*womenandchildren*” because she wants to denounce the conflation of consenting, adult women who are aware of the choices they make with children, who often have no knowledge of how their choices will affect them in the future. This grouping of women and children as one single unit ultimately furthers the infantilization of women as incapable of thinking through and making decisions for themselves and their own lives.

By specifically highlighting women and children in the title of the protocol, as abolitionists successfully advocated, the document encouraged the further infantilization of

women, reinforcing this idea that women could not possibly know what they were getting themselves into, and that they must be rescued (even if it is against their will). This is often referred to as the “voice for the voiceless” school of thought. Preservationists insisted that there is no true need to provide a voice for women, because consenting adult women are not voiceless, and suggesting otherwise further infantilizes women and strips them of their ability to make autonomous choices. Insofar as abolitionism encourages the idea that women are uninformed, even about things that permeate their everyday lives, and are incapable of making their own choices, it juvenilizes them and prevents them from holding full agency over their own lives. However, those who disagree with the rescue point-of-view are often faced with hostility by abolitionists who insist that prostitution and sex trafficking place women into a position of vulnerability, whether they realize it or not.

Elżbieta M. Goźdiak and Kathleen M. Vogel argue that the Protocol was a product of years of disagreements between “religious and feminist organizations, on the one hand, and human rights advocates, on the other”, with negotiations as the target of their disagreements (109). The Human Rights Caucus represented preservationists, as they believed that prostitution is “legitimate labor”, whereas the Coalition Against Trafficking in Women (CATW), “representing religious and feminist activists, saw all prostitution as a violation of women’s human rights” (109). Part of their disagreement lies in what can and should be considered trafficking versus self-determining sex work. The CATW favored abolitionism and argued that “trafficking should include all forms of recruitment and transportation for prostitution, regardless of whether force or deception took place”, which the preservationist Human Rights Caucus did not agree with (109). The addition of “whether force or deception took place” is an attempt at total abolition for all forms of sex work, not just trafficking. The Human Rights Caucus

maintained their support in the view of “consensual prostitution as work, and argued that force or deception was a necessary ingredient in the definition of human trafficking”, and added that “the term “human trafficking” should include trafficking of women, men, and children for different types of labor, including forced sweatshop labor, agriculture, and prostitution” (109). This broadening of terms allowed for a more liberal understanding of trafficking without an underlying attempt to criminalize all forms of sex work. A third party in this debate during the formation of the Palermo Protocols, the Global Alliance Against Traffic in Women (GAATW), agreed that there should be a distinction between “forced prostitution and voluntary sex work”, also calling for decriminalization of sex work and arguing that “anti-trafficking efforts must focus on forced prostitution and other forms of abuse and exploitation”, rather than using an anti-trafficking stance to further a personal agenda of total abolition (109).

Additionally, the CATW further attempted to infantilize women, arguing that “prostitution is never voluntary because women’s consent to sex work is meaningless because they do not realize the exploitation they will experience”, which the Human Rights Caucus pushed back on firmly (109). In the end, the Palermo Protocols did not favor the abolitionists’ definition of trafficking, and instead went with a more preservationist stance, defining human trafficking as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” (UN Protocol 2000, 42).

The emphasis on force and coercion separates human trafficking from consensual, voluntary sex work, which conflicted greatly with the abolitionists’ point of view, and the significance of exploitation identifies the presence or absence of consent. This definition was modified to

include children, and the *Protocol* “stated that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if no force or coercion was used”, thus eliminating the consent factor in those under the age of 18 (110). This definition goes against what the abolitionists wanted and set a precedent for countries within the European Union to institute more policies that appear to be more preservationist-leaning.

IV. National Policies on Human and Sex Trafficking

In the 2000s and early 2010s, countries in Western Europe began to adopt a model of trafficking and prostitution law dubbed the “Nordic model”. This model was based on a new law, introduced in Sweden in 1999, which criminalized those who buy sex rather than sell sex. The Act Prohibiting the Purchase of Sexual Services, which went into effect in Sweden in 1999, overturned the traditional view of sex workers as manipulative and promiscuous women, and changed the narrative to blame men who perpetuate the industry by purchasing sex (Svanström 67). This new law also aimed at reducing the level of prostitution and sex trafficking by criminalizing the purchaser and thereby reducing demand (Svanström 67). This law appears to keep the sex worker’s best interests in mind by decriminalizing the selling of sex, but in reality, continues to take away a sex worker’s right to work autonomously. This law appeases abolitionists because the end goal is lowering prostitution overall, not just sex trafficking, by severely limiting buyers’ access to the service provided. Despite criticism from some progressives, this model spread quickly among Western European nations, and France adopted this policy in 2016.

France had traditionally adopted an approach that conflated human trafficking and prostitution but it increasingly came to think of these problems in the context of migration, as migrants increasingly turned to smugglers once Europe strengthened its borders in the 1990s and migrant sex workers became increasingly visible in French cities (Calderaro and Giametta 156). In 2003, France policymakers were debating how to best address the problem of prostitution through a series of restrictive laws that directly targeted sex workers. Introduced by the Minister of the Interior at the time, Nicolas Sarkozy, the Law for Internal Security (*Loi pour la sécurité intérieure*, LSI), was “included in a broader series of measures concerning public order and security and it directly targeted sex workers” by increasing “the penalty for soliciting from a fine (*contravention*) to an offense (*délit*)” (Calderaro and Giametta 156). While this law was not created intentionally to eradicate prostitution, the restrictive nature of these domestic security measures impacted sex workers. The specific topic of prostitution was not addressed until a few years later, in 2011, when two deputies “produced a detailed report on prostitution in France and presented it to the National Assembly for parliamentary debate”, where the report was positioned as a question of women’s rights (Calderaro and Giametta 157). The report was “grounded in a repressive stance on sex work that articulated the ‘fight against the prostitution system’”, supporting the abolitionists’ argument that all sex work should be eliminated because it is inherently oppressive against women (Calderaro and Giametta 157). This report became significant because of its defense of women’s rights as a key argument, and the Nordic model was introduced as an option for policy in France (Calderaro and Giametta 157). The authors, Danielle Bosquet and Guy Geoffroy, argued that because the system of prostitution inherently oppresses women and infringes on women’s rights, “sex workers should not be penalised but the

onus should be placed on clients, as they must account for the fact that their demand for paid sexual services fostered exploitation and trafficking” (Calderaro and Giametta 157).

This proposal was enthusiastically welcomed by French policymakers and became law in April of 2016. This law, claiming to help women and sex workers, was instead quite harmful to those it aimed to assist, and “recent research shows that client penalisation has been even more detrimental to sex workers than the previous anti-soliciting measures, which had already resulted in the deterioration of sex workers’ living and working conditions” (Calderaro and Giametta 157). The detrimental effects of this new law impacted poorer communities much more than affluent communities, and the goal of advancing women’s rights achieved the opposite for those most affected by the new policy, in part by taking away an autonomous method of work and income for women.

The implementation of restrictive laws, culminating in the 2016 law, also had serious ramifications for the religious and ethnic minorities who disproportionately lived in poor neighborhoods (*quartiers populaires*). It is important to note that “the construction of prostitution as a social problem ought to be seen in light of broader political anxieties over sexism in poor neighbourhoods and immigration control”, as those are the populations most affected by the restrictive law. This does not appear to be an accident either; for decades, tension rising in the *quartiers populaires* has given way to more restrictive policies which target poorer communities and neighborhoods (Calderaro and Giametta 158). Racial conflicts, Islamophobia and negative attitudes towards “otherness” are directly related to anti-sex work arguments. French politics began focusing more on racial tension and sexism at the beginning of the 21st century, when gender and sexuality started to be explicitly linked to race” (Calderaro and Giametta 160). The political scene and the media began to emphasize a series of acts of sexual

based violence against women perpetrated by “young men of North African origin”, all committed in the suburbs of Paris (les banlieues), populated almost exclusively by low-income residents, immigrants, or French people of color (Calderaro and Giametta 160). The government drew on racist and Islamophobic arguments to fight sexism, justifying a series of racist anti-Islam laws on the basis of women’s rights. Examples of this new platform included “the bans on passive soliciting and the hijab, as well as the focus on sexual violence in the banlieues”, thus targeting Muslim women, migrant sex and racialised non-migrants living in France” (Calderaro and Giametta 160). This direct attack on immigrants and communities of color in France created a deeper rift between the already divisive debate between abolitionists and preservationists, leading to tension and animosity.

The growing tension between racism and sexism resulted in the consolidation of a new form of “carceral feminism” or “femonationalism,” which “relies heavily on state forms of power, such as law enforcement and legal institutions, to fight patriarchy” and implement anti-immigrant policies. These types of feminists tend to only work towards equality for white women, not women of color or immigrant women, as they continuously “have promoted laws and attitudes stigmatizing the Muslim population in France, thus strengthening anti-Islam positions in the name of women’s rights” (Calderaro and Giametta 161).

Femonationalists, or “femocrats” as they are also dubbed, believe that the real problems lie in particular demographics and certain geographic areas. Their argument is that “the problem of misogyny and patriarchal domination is all too often relegated to specific (poor) areas in French cities where many racialised people live”, and so they target those “problem areas”, as they see fit (Calderaro and Giametta 161). Racialized minorities are targeted by these “women’s rights” laws, as the “poor and working-class clients of sex workers are pathologised as ‘bad’

sexual subjects who have no place in the civilised space of the Republic”, since they are presumed to have regressive views about women and gay men, whom they buy sex from, pimp or traffic (Calderaro and Giametta 161). Meanwhile, women from these communities are presumed to be helpless victims who need to be rescued, whether from prostitution or from being forced to wear a hijab. The absence of the minority women’s and sex workers’ voice in these debates and dialogue is not an accident or omission, but rather an intentional move to further infantilize women who are more than capable of making their own decisions, under the guise of acting for the rights of women while simultaneously taking them away from the communities that sexism and the patriarchy targets the most.

Although some of the abolitionists who supported laws aimed at ending prostitution were religious or conservative, others reflected a leftist, anti-capitalist perspective. Radical feminists on the left advocated for an end to prostitution not only to fight the patriarchal system but also to end the commodification of women’s bodies, as part of a necessary shift away from a capitalist mode of production (Calderaro and Giametta 165). More traditional, religious advocates of abolitionism aim to defend the patriarchy by fighting prostitution because they believe in defending traditional values that align with a patriarchal system. One traditional value that sex work threatens is the presence of sex in non-nuclear family situations, which ultimately threatens family values and undermines the patriarchy, which these conservative, religious supporters commend and seek to protect.

Whether conservative or leftist, the coalition of abolitionists who supported restrictive sex laws such as the criminalization of the purchase of sex in 2016 deny agency to the victims they claim to protect. In the case of France, this appears to be especially true for migrant sex workers, who are denied the right to speak for themselves. On the one hand, laws that target

migrant sex workers makes them vulnerable to punishment if they come forward; on the other hand, sex workers are not believed if they claim to have chosen their line of work (Calderaro and Giametta 167-168). Ultimately, the 2016 law that purports to benefit sex workers was overwhelmingly opposed by its supposed beneficiaries and may actually make their lives worse, as the Nordic model appears to have done elsewhere a similar it (Calderaro and Giametta 170).

V. Conclusion

The debate surrounding sex trafficking and voluntary prostitution is a polarized one, with many different actors advocating for opposing actions, often forced to compromise. Distinct language within the debate is used to exhibit how the two parties, abolitionism and preservationism, advocate for different agendas. Abolitionists believe that sex trafficking and voluntary prostitution are both violent expressions of the patriarchy, regardless of whether it is voluntary or forced. In fact, they believe that true consent is impossible, because women cannot consent to the violence they will be subjected to as sex workers, and that since sex workers cannot possibly know what they are getting themselves into, their consent means nothing. Preservationists find this to be highly infantilizing of women and argue that women are fully autonomous beings who can and should be able to make their own choices and understand consequences and should therefore not be considered like children. Preservationists also believe in bettering conditions for sex workers, since it is a legitimate form of work that many women choose to participate in freely. These disagreements between the two groups lead to disagreements in international policymaking, both between individual actors and larger groups of people, like certain states and non-governmental organizations. The compromises made between the two groups in the Palermo Protocol are nuanced, mostly found in small language differences,

but are significant in meaning. International conventions often translate into national domestic policies, which is evident in the case of France adopting the Nordic model to regulate prostitution. The intersection of race, gender, and socioeconomic status should not be overlooked in national policies, as it targets those who are already burdened by anti-immigration policies, racist policies, and policies which affect poor communities the most.

In future investigation of this topic, I plan to research how these policies specifically impact certain types of women. I will examine how anti-prostitution policies in different European countries tend to disproportionately affect immigrant women, women of color, and women who live in poorer communities, and whether that impact is intentional. Continuing case studies in France and Switzerland will be particularly helpful to me while researching these questions because of the foundation I have observed within the French 2016 law which drew from the Nordic model. I will also research how abolitionists position a “perfect victim” as the ideal example of those affected by sex trafficking, while ignoring transgender sex workers, sex workers of color, and immigrant sex workers, none of whom fit the model of the perfect victim that is so often used to create sympathy for the abolitionist cause.

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