

“This industry is supporting a lot of people.”

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In 2011, Texas Attorney General Greg Abbott labeled the Super Bowl “the single largest human trafficking incident in the United States.” Since then, an annual flurry of media stories suggest a strong link between the national sporting extravaganza and an increase in forced prostitution. Responses to this perceived increase include awareness campaigns and heightened enforcement. Yet few people in the vicinity of the Super Bowl are identified as actual trafficking victims.

Advocates for consensual sex workers find this sort of awareness push troubling. They seek to distinguish their own work from that of coerced trafficking victims, and they urge caution when encountering claims about trafficking rates. While researching my recent *Century* article “[Sex, Love and Commerce](#),” I reached out to Chicago’s Sex Worker Outreach Project, knowing that no discussion of sex work could responsibly exclude the people who engage in it. I was never able to get an interview, but after the story ran I heard from SWOP on Twitter and was able to arrange a conversation with “Serpent,” one of the organization’s leaders.

It surprises some people to learn that SWOP exists, since prostitution is still illegal in Illinois (though no longer a felony). Starting on the west coast in the 1990s, the SWOP movement of mostly small, decentralized and volunteer-driven local groups has sought to advocate for a broad array of workers in the sex industry: prostitutes, escorts, exotic dancers, pornography performers, phone sex operators and dominatrixes. Serpent told me that they emphasize community, peer, and legal support--everything from tax tips to rights training to accessing nonjudgmental medical, legal and social service professionals.

Serpent said that “the voices of consenting individuals in the sex trade get silenced” in public discussion of human trafficking and prostitution. She explained that sex worker advocates think of their constituents in three groups: they work by choice, out of coercion or because of circumstance. This last group accounts for the majority of people in the sex industry, Serpent believes—people who were not trafficked into prostitution by fraud or force but who also didn’t seek it out as a vocation. Instead,

they accepted it as a measure of necessity.

A singular focus on trafficking, Serpent argues, does not address those who are in the sex trade because they choose to be or because circumstance makes it seem like the best available option. “This industry is supporting a lot of people,” she pointed out. “Eliminating it without providing viable job options won’t help anyone.” Even actual victims of sex trafficking, after being “rescued,” are often given less lucrative work in some other industry. “How many people have that many great [job] opportunities?” she asks.

The ideal approach, Serpent told me, is New Zealand’s decriminalization regime, enacted in 2005. It allows workers to work independently or in brothels. Juvenile prostitution isn’t allowed, though juveniles aren’t charged with a crime for engaging in it. Immigration for the purposes of sex work isn’t allowed, either.

SWOP also doesn’t “support anything that criminalizes clientele,” said Serpent. She was referring to the Swedish model—praised to me by Traffick Free’s communications director—in which buyers of sexual services are subject to arrest and prosecution, but sellers aren’t. “That actually makes it more dangerous for workers,” she explained, because it gives clients the power, as the ones taking a legal risk, to dictate terms.

Serpent makes it clear that trafficking should be illegal. But despite all the emphasis on trafficking, she told me, very few trafficking victims are swept up in prostitution stings. And despite a stated shift in policy in Illinois toward ending demand, law enforcement “is still arresting female prostitutes in much higher numbers than they are johns.” Serpent is wary of groups that work with law enforcement. “Often times law enforcement are the exploiters and the abusers,” receiving a sex worker’s services and then arresting her. And arrests and convictions, even for a misdemeanor, make it even harder for a sex worker who wishes to get out of the trade to do so.

On December 21, Canada’s high court ruled that laws prohibiting the commercial framework of prostitution (though not the act of exchanging money for sex itself) violate the nation’s constitution, moving Canada toward a de facto regime of decriminalization. A contrast between the U.S. and Canadian sex industries could become clear soon. It’s possible that such a contrast, along with the tourism dollars that may soon flow from south to north will make a similar reform more plausible

here.

It's a reform that ought to be weighed carefully. Like the war on drugs, the law-enforcement approach to restraining prostitution imposes heavy costs on individuals for the sake of benefits that are unclear at best. At the same time, it's hard to envision what a return to a fully-functioning marketplace for sexual services would look like in modern America. As Serpent points out, lots of people's job prospects are grim. But a world in which sexual labor imposed by circumstance is a widely available option may hold a grimness of its own.

*This article has been corrected to reflect that SWOP now stands for the Sex Worker Outreach Project, not the Sex Worker Organizing Project.*