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## Trafficking with abolitionism

An examination of anti-slavery discourses

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### *Résumés*

English Français

What do discourses about prisons, trafficking and “prostitution” have in common? This paper analyses the ideological framework of social movements with respect to the rhetorical deployment of abolitionism. Critical to all of these movements is the concept of abolishing slavery. After tracing “the new abolitionism” of trafficking and prostitution back to the 19<sup>th</sup> Century Anglo American temperance movement, this paper will address the following: How are these social movements impacted by considerations of (social) class, religious fervor, gender, sexuality, citizenship, race, and ethnicity? Who is speaking for whom and why does it matter, politically and ethically? In what ways are today’s opponents of “prostitution” reproducing yesterday’s slogans of “white slavery”? It is argued that there are some fundamental differences between contemporary anti-prison movements and the anti-sex industry movement. Prisoners’ rights activists focus on the causes of mass incarceration and explore which demands best lead to overall decarceration; penal critics demand excarceration and a complete transformation of the penal system. Those who condemn “prostitution” rely heavily on the prosecution of “pimps” and “johns” with the goal of freeing the girls and women from “sexual

slavery.” Finally, the paper will explain in detail why it is misplaced to label the movement against the sex industry as abolitionist rather than, say, prohibitionist.

Qu’ont en commun les discours sur les prisons, le trafic des êtres humains et la prostitution ? Cet article analyse le cadre idéologique de ces mouvements sociaux dans le déploiement de la rhétorique abolitionniste. L’abolition de l’esclavage est au cœur de tous ces mouvements, et cet article relie le ‘nouvel abolitionnisme’ du trafic des êtres humains et de la prostitution au mouvement de tempérance anglo-américaine du XIX<sup>e</sup> siècle. Plus particulièrement, cette contribution confronte les questions suivantes : dans quelle mesure ces mouvements sont-ils modelés par des éléments racialisés, ethniques, genrés, ainsi que d’autres liés à la classe sociale, à la ferveur religieuse, à la sexualité et à la citoyenneté ? Qui parle au nom de qui, et en quoi cela importe-t-il politiquement et éthiquement ? Comment les opposants à la prostitution reproduisent-ils aujourd’hui les vieux slogans de l’‘esclavage blanc’ ? Cet article identifie des différences fondamentales entre les mouvements contemporains anti-carcéraux et ceux opposés au travail du sexe. Les militants pour les droits des détenus se concentrent sur les causes de l’incarcération de masse et évaluent quelles demandes conduisent le mieux à un processus généralisé de décarcération, tandis que les critiques de la pénalité réclament l’excarcération et une transformation complète du système pénal. Ceux qui condamnent la ‘prostitution’ utilisent la criminalisation des proxénètes et des clients afin de libérer les filles et les femmes de l’‘esclavage sexuel’. L’article explique en détail ce qui fait problème lorsque le mouvement contre les droits des travailleurs et travailleuses du sexe est présenté comme un mouvement abolitionniste, plutôt que comme un mouvement prohibitionniste.

## ***Entrées d’index***

**Keywords :** slavery, prohibition, abolition, prisons, sex work

**Chronologique :** XIX<sup>e</sup> siècle

## ***Texte intégral***

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# **Introduction**

- 1 Scholars who work on sex workers rights (and critique the mainstream feminist discourse on sex trafficking) have asked me about my defense of the use of abolition in anti-prison movements. That got me to think about the meaning of *abolition* for various controversial movements to date. What of *prohibition*? How are these labels deployed and for what social movements and identities? Does *abolition* resonate with a progressive (human or ecological) rights agenda that

*prohibition* does not? Is prohibition that quaint, old-fashioned terminology that engulfed the failed temperance movement? Indeed, it appears to be the case that the term “prohibition” has fallen out of favor with activists and the rallying cry for diverse causes, from child labor, to animal liberation to hydrofracking, is “abolition.” One may even postulate that prohibition is the very technology of abolitionism.<sup>1</sup>

2 What is in fact common among the sex and licit drug industries is this: despite all the historical or contemporary calls for downsizing them, they are singly on the rise.<sup>2</sup> The old adage “sex sells” rules unabated as sex work is a thriving global illicit industry, and a few countries have gone as far as legalize it (e.g., Germany in 2002). The pornography industry has a different (and very prosperous) history, and it goes beyond the scope of this paper to analyze why the *public* viewing of sexual performances is legal, while the *private* exchange of services is heavily policed. The licensed liquor industry, which emerged victorious after the U.S. prohibitionist campaign in the 20th Century, is today in the news about the problem of how “underserved” population such as women can be enticed to drink more beer. Microbreweries are the latest proud addition to the licit economy, especially in upstate New York counties that are losing populations to other states.

3 So, after this cursory review of legal and criminalized practices, where do we go from here? I am bringing these major discourses into conversation here, because there is great entanglement of at least one of the so-called “abolitionist” discourse with the carceral system. There has been an effort to label the anti-sex industry campaign as carceral feminism (following Bernstein, 2007) while those who critique the criminal justice system are, of course, abolitionists of prisons or of penal systems. This paper critiques the anti-sex industry movement’s positioning as “new abolitionist,” deployed tactically to evoke the great movement against slavery in the 19th Century of the United States and elsewhere. Furthermore, contra Bernstein and others, I question whether their paternalist stance is feminist; after all, these pro-women neo-abolitionists share their passion with the conservative anti-sex, pro-abstinence right-wing Christian “soldiers” for *prohibitionism* (cf. Real Women of Canada; Focus on the Family).

4 Utilizing content analysis of popular, legal, and academic discourses, this paper analyses the ideological framework of social movements with respect to the rhetorical deployment of abolitionism. I concentrate on representative “rescue voices” who appear repeatedly in amici briefs on behalf of victims of sex trafficking. They tend to be international or national Non-government organizations (NGOs) with consultative status at the United Nations (ECOSOC) based in the Global North such as Canada and the United States. The sampling strategy of prison critiques is in part based on my participant-observer perspective in activist, academic organizations, which do not claim official NGO status. Critical to all of these movements is the concept of abolishing slavery. I will trace “the new abolitionism” of trafficking and prostitution back to the 19th Century Anglo-American temperance movement. The paper will address the following questions: How are these social movements impacted by considerations of (social) class, religious fervor, gender, sexuality, citizenship, race, and ethnicity? Who is speaking for whom and why does it matter, politically and ethically? In what ways are today’s opponents of “prostitution” reproducing yesterday’s slogans of “white slavery”? My analysis benefits from postcolonial, feminist writings and is informed by sex workers’ self-representations. Therefore, my critical approach refuses to accept the “neo-abolitionist” charge that these women (and men) are trapped victims.

5 Within “neo-abolitionist” discourses critical of the sex industry, the provocative slogan of “free the slaves” (i.e. girls and women) relies on 19th Century’s Temperance Movement tactics of inciting moral panic through media, juridical,

and political mechanisms, which enforce a carceral surveillance system that now spans globally. By contrast, contemporary penal abolitionists do neither rely on a moral panic rhetoric nor on bolstering the criminal injustice complex when they provide an analysis of penal democracy (James, 2007) or demand for abolition democracy (Davis, 2005). Critics of penalty note the deeply entrenched racist practice of ensnaring people of color in the Prison Industrial Complex, whereas sex work prohibitionists ignore the racist effects of their carceral ideology. Paradoxically, “freedom from prostitution” condemns sex workers to penal captivity or deportation. Apparently, this is the price to be paid, in the interim, to deal with the scourge of the global prostitution industry. (It also means to pay the price of uneasy alliances with “family values” oriented Conservatives and religious extremists.)

6 Therefore, I argue that there are some fundamental differences between contemporary anti-prison movements and the anti-sex industry movement. Prisoners’ rights activists focus on the causes of mass incarceration and explore which demands best lead to overall *decarceration*; critics of all forms of penalty demand *excarceration* and a complete transformation of the penal system (Nagel, Nocella, 2013; Knopp *et al.*, 1976; Mathiesen, 2014). By contrast, those who condemn “prostitution” rely heavily on the prosecution of “pimps” and “johns” with the goal of freeing the girls and women from “sexual slavery.” Finally, the paper will explain in detail why it is misplaced to label the movement against the sex industry as abolitionist rather than, say, as prohibitionist.

7 This paper is directed towards scholar-activists who try to discern between principled opposition and political expediency. Fractures in political alignments become apparent in some of the following practices: developing mission statements, lobbying, grant writing, organizing the community, social media awareness, and the like. Importantly, following feminist postcolonial thinkers Gayatri Spivak (1988) and Linda Alcoff (1991-92), epistemological concerns need to be addressed with respect to the following questions. Do anti-sex industry expert policy makers get to *speak on behalf* of sex workers or do sex workers get to *speak for themselves*? If the former is considered a paternalist (and racist) tactic, to what extent then can the effect their advocacy has still be considered feminist? While there is little unity among feminists about a single definition of feminism, many support that feminism means: a) equality among women and men (cis and transgender) and b) non-hierarchical practice of solidarity. As the following makes clear, sex workers find it oppressive when so-called feminist organizations speak on their behalf with the effect of silencing the self-organized workers.

8 The next section traces the historical continuities between 19th Century temperance and 21st Century anti-sex industry advocates. While a Temperance agenda for sobriety and social purity seems to have little in common with current “new abolitionist” rescue missions of “enslaved” girls and women, there is a common thread of speaking for the oppressed and unwittingly reinscribing villain status upon those who refuse to be rescued and using a racialized script. However, contemporary “new abolitionists” could heed the message of an ally in the Temperance movement, who refused a racialized script: Frederick Douglass.

## I. The specter of temperance in contemporary discourses of sexual slavery abolitionism

9 In 2012, The Woman’s Christian Temperance Union met in my town for its New York state convention. The temperance union is marking its 138<sup>th</sup> year preaching abstinence and education. Two centuries ago, Christian women were also identified with progressive causes such as women’s right to vote, labor and prison reform. The temperance movement began with the industrialization of the United States in the 1820. It caught on with Frederick Douglass, the great orator, who advocated for prohibition of alcohol in Britain, while also noting that he was barred from speechmaking in temperance meetings in antebellum United States due to the color of his skin. So addressing a white temperance audience in Scotland in 1846, he opens with these comments:

I am proud to stand on this platform; I regard it a pleasure and a privilege—one which I am not very frequently permitted to enjoy in the United States, such is the prejudice against the coloured man, such the hatred, such the contempt in which he is held, that no temperance society in the land would so far jeopardise its popularity as to invite a coloured man to stand before them (Douglass, 1846).

10 Douglass is usually identified with two significant 19<sup>th</sup> Century movements, the elimination of slavery and struggle for woman’s rights, especially the right to vote. In fact, he was maligned as *woman’s rights man* and stoically answered: *I am glad to say that I have never been ashamed to be thus designated* (Douglass, 1892, 574). His participation with temperance advocates on the other hand tends to be sidelined in the historical record. *I am a temperance man because I am an anti-slavery man; and I am an anti-slavery man because I love my fellow men. There is no other cure for intemperance but total abstinence* (Douglass, 1846).

11 Here is how he connects temperance with anti-slavery struggle:

In the Southern States, masters induce their slaves to drink whisky, in order to keep them from devising ways and means by which to obtain their freedom. In order to make a man a slave, it is necessary to silence or drown his mind. It is not the flesh that objects to being bound – it is the spirit (1846).

12 Alcohol then becomes a tool of creating compliance among enslaved people.<sup>3</sup> Douglass carries on about the evils of slavery, so that at one point, he apologizes to the Scottish audience that it has become an anti-slavery speech, rather than a temperance speech. Douglass – the radical abolitionist, the woman’s rights advocate, the temperance man. He managed to make a great principled, philosophical case for all three movements despite suffering racist indignities from at least two of them – suffrage for women and temperance. Douglass excoriated the curse of the spirit for colonizing his people and enslaving them, and creating medical conditions (e.g., addiction to a toxic substance) that makes a concerted uprising for liberation challenging for an enslaved people. He focused on the structural impediments that made alcoholism such a potent weapon against enslaved people. Arguably, the same thing can be said about street-based sex workers – the vast majority of whom struggle with addiction and are women of color (especially African American women).

13 The next section focuses on the rhetorical shift from abolition of chattel slavery to “white slavery.”

## 1) “White slavery” – the historical specter of moral panic

14 Recall one of the greatest speeches of the last two hundred years:

What, to the American slave, is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy—a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour. (Douglass, 1852)

15 The great orator Frederick Douglass, a fugitive slave himself, who thought deeply about the meaning of freedom, gives us a taste of *moral outrage*: the crimes committed against an innocent people of African descent who cannot rejoice in freedom from tyranny every Independence Day – till that day finally came in 1865. It is not a speech of *moral panic*. The ruling elites who legitimated chattel slavery have much to answer for, for they are named “savages.” Douglass deftly turns around the hated label that white philosophers and rulers, slavocrats, media moguls, and the like reserved for the oppressed people of color, the first people on Turtle Island, and those who survived the involuntary abduction to distant shores. Douglass did not call for the death penalty of the slave owning class, nor did he call for other forms of criminalization. He called for immediate freedom of his people.<sup>4</sup> Douglass’s complex philosophical analysis never lost sight of the psychic and material brutality of slavery which he and other people of African descent faced. Yet, clearly, Douglass’s insights were sidestepped when the temperance movement shifted gears with the rallying cry of stopping “white slavery,” incredibly enough during the height of indiscriminate lynching of Black men and women (Equal Justice Initiative, 2015).

16 All of the sudden, this new cultural phenomenon enjoyed a moment of a colonial gaze (of a moralizing concern) among elite white temperance activists.<sup>5</sup> They started to conjure up the image of Black or Arab men trafficking innocent white girls or women across borders or from rural areas to the cities (Doezema, 2007). At the turn of the 20th Century “white slavery” was deemed to be so much more hideous than what enslaved Black people ever faced in America.<sup>6</sup> This verdict by social reformers is quite incredible, given the ensuing lynch terror, convict leasing, and other forms of racial and sexual discrimination systematically curtailing freed men and women’s movement as well as access to jobs, education, and land after the Civil War. The cultural myth of “white slavery” emerged when European women emigrated abroad en masse in search of work (Doezema, 2000, 27). Concerns about social purity, evangelical exhortations, nativist captivity narratives, and social hygiene education resonated with the respectable middle class that wished to reign in sexual vices by preaching abstinence during the Victorian era (Keire, 2001).

17 The image of innocent white women sold into sexual bondage created headline news and policy discussions quickly followed from such sensationalist reporting. Contemporary researchers (Doezema, 2000; Bernstein, 2007) have found no evidence for such trafficking. Certainly, there are no first-persons accounts. We find evidence, of course, of women engaged in sex-work, but these are clearly guilty of committing immoral acts and are prosecuted, *not* rescued by white male heroes. Thus, during the Progressive Era until the onset of WWI, the quest for social purity meets the quest for rescue—and the issues became hopelessly muddled. Were working-class, immigrant women caught up in illicit work



“villains” or “victims”? Historical sources note that social reformers labeled the convicts as fallen women, not deserving pity: “Whores and Thieves of the Worst Kind,” according to a US warden in the 19th Century (cf. Dodge, 2006).

18 In a puritan country such as the United States, prohibition of trafficking (or white slavery) would soon become a rallying cry of a vocal minority. Why the emphasis on *white* slavery? Angela Y. Davis’s book *Women, Race, and Class* (1981) investigates why slavery has been coded a synonym for Black men’s abject status – not Black women. American history textbooks on the “peculiar institution” rendered invisible Black girls and women, even as they endured the sexual abuse, rape and other forms of torture from slave masters. Furthermore, post-Civil War, white supremacists conjured up the myth of the Black rapist targeting white women in order to justify horrendous lynchings of Black men. So, the trope of “white slavery” captured whites’ fantasies about the plight of hapless immigrant European girls and women duped by racialized Others. The racist phobia of free, oversexualized Black men taking advantage of white virgins was certainly captured in one of Hollywood’s biggest hit *The Birth of a Nation* (1915), which was a celebration of the KKK based on the novel *The Clansman*. Anti-lynching crusader Ida B. Wells received death threats when she dared to postulate that white women *consented* to sexual unions with Black men. In *The Red Record* (1895), Wells noted that rape accusations were not the cause for lynchings of thousands of Black men by white mobs. For her brazen analysis, she had to escape Tennessee and eventually took her crusade worldwide to stop the lynchings of thousands of innocent Black men and women. To summarize, the myth of the Black rapist meets the myth of white slavery. According to the latter script, these white women were not prostituted; worse, they were “trafficked.” Eventually, the trafficking trope won over because it got rid of the taint of (racist) specificity and found its way into international policy at the League of Nations with the ratification of Convention for the Suppression of the Traffic in Women and Children (1921).

19 I argue that the demand for the abolition of chattel slavery<sup>7</sup> should not be conflated with the racist call for the “abolition of white slavery.” They have very different social histories and to elide the hegemonic context embedded in the latter is quite dishonest and certainly disingenuous. Secondly, the demand for the abolition of slavery did not invoke a discourse of criminalization of any sort. Of course, morally and legally, formerly enslaved people had every right to demand the incarceration of slave masters and the execution of the cruel ones. Instead, they demanded access to land (“40 acres and a mule”), a restorative action and modest request given the ghastly record of genocide. Thirdly, abolition – the discourse – came from the people oppressed by chattel slavery and people who demanded immediate abolition of slavery paid a dear prize: David Walker’s (1829) stirring *Appeal to the Colored People of the World* stopped any demand that it would be best for Black people to abolish slavery gradually. Walker died under mysterious circumstances, and any Black person caught with the contraband of his book was guaranteed to be mistreated. By contrast, the rhetorical gesture of ending “white slavery” was a demand foisted upon a fictitious group of people (white girls and women) and was cynically used bolstering the politically suspect gesture of “speaking for” the oppressed.

## 2) The legacy of “white slavery” in the “new abolitionism” campaign

20 What are some political ramifications of aligning the contemporary discourse of “trafficking” with that of “white slavery” of the 19th and 20th Century? In the following, I argue that today’s critics of the sex industry pursue a

*prohibitionist*, not an abolitionist agenda. Those who today promote the “trafficking” discourse hope to rescue women as victims and demand imprisonment and/or fines for the clients. Such partial decriminalization, also dubbed the “Swedish model,” is the prevailing view today of those who are wedded to the rescue narrative such as the Coalition Against Trafficking in Women, based in New York City. The slavery trope was famously resurrected with Kathleen Barry’s 1979 book *Female Sexual Slavery*. Again, I argue that these self-proclaimed “new abolitionists” do not follow the footsteps of those who fought slavery and Jim Crow, despite their protestations to the contrary:

For these modern-day abolitionists, ending all prostitution is the only solution. As Lina Nealon, director of Demand Abolition, told the gathered participants through tears, “Because of the work you are doing, my 2-year-old daughter and my soon-to-be-born daughter will find the idea of buying people for sex as incomprehensible as separate water fountains are to me” (Thrupkaew, 2012).

21 The goals of *prohibitionist* demands are diametrically opposed to those of penal abolition. First, the rhetoric of prohibition relies on moral panic that is usually about repressing desires and addictions with criminalization and other “get tough” directives. By contrast, the rhetoric of abolitionism (of slavery or of penalty) does not rely on state institutions of repression. One’s cause of liberation is not a substitute for demanding more policing of others *who are not worthy of being called humans* (in the Enlightenment language of Sarastro in the *Magic Flute* by Mozart). In fact, we can turn matters around by questioning the feminist commitment of those who police sex workers and their trade (cf. Flavin, Huss, 2014; International Committee for Prostitutes’ Rights, 1985).

22 Key to the success of the prohibitionists is the deployment of *moral panic* in addition to a good portion of self-righteousness. Looking at political conversations through an abolitionist or prohibitionist lens is no trivial pursuit. Take the hot-button issue of abortion politics. A progressive pro-choice journal would not publish dissenting views, including letters to the editor; and those who call themselves “feminists for life” tend to be discredited as feminists by pro-choice feminists. However, many feminist-leaning journals such as U.S. magazine *The Nation* (May 19, 2014) or feminist books (e.g., Jaggar, 1994) have no qualms publishing prohibitionist letters and articles as “feminist” viewpoints. Well-known anti-sex industry advocates who call themselves feminists may even go as far as requesting program changes at various conferences or symposia (on women’s rights issues) because they do not approve of a sex workers’ rights agenda being publicly aired. Such militant, paternalist, purist stance is caught up in troubling labeling sex workers as duped victims:

Unfortunately, despite their righteous anger, the end-demand crowd is quick to dismiss what many sex workers actually have to say. Some activists have gone so far as to brand those who criticize their campaign as “house slaves” unable to recognize their own oppression (Thrupkaew, 2012).

23 Clearly, it matters how one positions oneself in the discourse on sex work, whether one adheres to feminist principled approaches which are attentive to agency and respecting self-determination of those calling themselves sex workers (cf. Dewey, 2010; Zheng, 2008); it has considerable affects on law, policies, political campaigns and governmental grants, and so on. Bernstein (2007) calls feminists agitating for criminalization of all third parties who contract women for sex work “carceral feminists.” Their goal is to prosecute johns and pimps and to rescue those who are coerced into



prostitution. From their UN conference victory in 1981 *all prostitution is forced prostitution* (cf. Halley *et al.*, 2004, 354) to today's U.S. trafficking courts, it seems that these "feminists" have achieved their goals. My concern is that the label "carceral feminism" gives too much credit to a "women's rights" agenda, when at least in its effects, it is hardly distinguishable from a conservative Christian or temperance ideology of social purity.<sup>8</sup> Therefore, I also take issue with the term *governance feminism* (Halley *et al.*, 2004), an earlier attempt to label those who wish to criminalize and condemn those profiting from sex work.

24 According to prohibitionists, yesterday's "white slaves" (*sic*) and today's "house slaves" (*sic*) do not have a proper voice of their own, especially if they dare to speak as sex workers demanding labor rights. The following example shows a dramatic shift in emotional fervor and attitudes towards sex workers who were first discovered as part of a putative sex slave ring in Toronto:

The day they were arrested ... they were the darlings of the media and a favorite porn fantasy, all wrapped up in one righteous story of salvation. 22 victims of "sex trafficking" liberated from their debasement in Toronto's suburbs by a carefully planned police raid. Everywhere...they were droolingly described as "sex slaves," conjuring up a vision of exotic but helpless beauties. A day or two later, police revealed that the 22 women, mostly Thai or Malaysian, had willingly come to Canada to ply their trade; wiretaps caught them boasting, long distance, about the amount of money they were earning. Public opinion did an instant about-face. Now the women were hardened delinquents, illegal immigrants, tawdry, dismissible, selling their bodies of their own free will. ... No need to fret about their fate (Toronto Star 4/18/98; cited in Doezema, 2000, 36).

25 It seems to me that "carceral feminists" or prohibitionists have little tools of analysis for "speaking for" such self-actualized women, who refuse to put on the mantle of victim. However, penal abolitionists and sex workers rights feminists are able to *speak with* those who refuse to see their status as abject victims. *Speaking for* the oppressed is a particular epistemological injustice (see Alcoff, 1991-92; Spivak, 1988). If one does not check one's privileges (e.g., class, race, caste, gender, sexual orientation, etc.), it is easy enough to silence those who are spoken for. Note the advertisement memes of girls' mouths covered shut with tape and their hands bound: these are the representative images of trafficked persons from the global South and Eastern Europe, to indicate that those who are trafficked can never speak/act for themselves (see [<http://stevechabot.com>]). These photos draw us in emotionally and the nameless victims need "our" rescue.<sup>9</sup> However, organizations who work with sex workers and trafficked persons report that a police raid is far too traumatic; at that moment, they are not considered victims and are treated in humiliating ways, and if they are immigrants, they sometimes report being further threatened (namely, with deportation) (cf. Sex Workers Project, 2009; Dewey, 2008). Thus, we see the paradoxical situation that those who are cast as "sexual slaves" will find themselves further punished – with prison sentences and/or deportation. It is perplexing how those who try to evade such punishment fit the category of "house slave."

## II. Penal abolitionism versus prohibitionism: A case for

# justice?

- 26 A much smaller and more controversial movement that uses the term abolition strategically is one associated with stringent prison devolution. Proponents of the abolition of penal institutions such as prisons, detention centers, court houses, policing, parole management, drug courts, etc. critique a) individualized punishment and b) prisons as the center of punishment. “Doing time” has become the dominant modus operandi, even in countries where indigenous, precolonial practices exist side by side with the colonial and hegemonic justice apparatus (cf. Nagel, 2007).
- 27 To demand abolitionism of penal arrangements that are justified with various dominant ideological defenses (e.g. retribution, deterrence, rehabilitation) is to ask for the impossible. Invariably, one gets the incredulous question invoking horror or outrage: “but what would you do with sex offenders?” Clearly, “sexuality” is the specter and focal point of cultural mythmaking among prohibitionists, and penal abolitionists constantly have to defend our viewpoints on the treatment of so-called sex offenders. However, penal abolitionists have a large range of issues to deal with besides addressing responses to sexual transgressions and violence. Nevertheless, there have been a few considerate responses since the publication of the classic text *Instead of Prisons* (1976). The lead author of that classic, Fay Honey Knopp, devoted her life to working with those who were convicted and labeled as sex offenders, which lead to the Safer Society Project ([<http://www.saferociety.org>]) providing rich resources for social service providers, survivors, and those who have committed violence. Knopp (1994) challenges feminists who endorse stiff sentences for sex offenders to advocate other community-based practices to create a safer society. Her call has indeed been picked up by community justice organizations that advocate penal abolition such as Critical Resistance, the International Conference on Penal Abolition, and Incite! Women of Color against Violence (see discussion below).
- 28 The next section delineates a differentiation between abolitionism and prohibitionism, although abolition (of prisons, etc.) will only be discussed in section 2.2.

## 1) Overview of different political concepts within abolitionism and prohibitionism

- 29 The crucial distinction between the two categories, displayed in table 1 below, is the question of permanently outlawing a practice, which is universally morally and politically condemned. Uncontroversially, state-sponsored (legal) executions are indexed as abolition practices. One can compel a state such as West Germany to stop executing political prisoners or even *genocidaires*. (It is of course another matter whether prisoners die under suspicious or extra-legal circumstances.) Prohibitionist discourses rely on “outlawing” desires: even under the threat of the death penalty or life imprisonment, drug consumption will never cease to exist. New York’s draconian Rockefeller Drug laws (with fifteen-to-life sentences for drug dealers) never stopped the demand. In the last decade, they were eventually “reformed” and decarceration of people with drug convictions has followed. Desires can be policed but never outlawed.

**Table 1**

Abolition (outlaw)	Prohibition (can't outlaw)
Chattel slavery	Sex work (aka "prostitution")
Prison Industrial Complex	Drugs
	Trafficking

30 Controversially, I place the anti-trafficking crusade under the prohibition category. I am, of course, mindful of white radical feminist Catherine MacKinnon's dictum *No one defends trafficking* and she continues, tellingly, *There is no pro-sex-trafficking position any more than there is a public pro-slavery position for labor these days* (2009, 275). The trope of "trafficking" always slips into a "pro-slavery" trope, and in the following I clarify why I object to this position. Most visual displays on protesting trafficking employ sex work artifacts (e.g., the obligatory high heel shoe) or bound brown and white girls, with tape across their mouths. They have been silenced, and therefore, "we," the privileged must speak on their behalf. This is the graphic backdrop to the criminalization of procurers and other third party contractors, usually brown men. The slippery slope of "trafficking and prostitution" is made quite apparent<sup>10</sup>:

The end-demand crusade is premised on the idea that all prostitution is inherently exploitative. Some end-demand advocates came to their position from their work against pornography in the 1980s; others worked with a coalition of conservatives and evangelical Christians during George W. Bush's presidency to abolish prostitution. Not surprisingly, these abolitionists ignore the legal distinctions between prostitution and human trafficking. Federal law states that trafficking for forced prostitution occurs only when a commercial sex act is induced through force, fraud or coercion, or when the person induced to perform it is under 18. Indeed, not all prostitution is trafficking, and not all trafficking — as those exploited and sexually assaulted in homes, fields and factories across our nation know too well — is prostitution (Thrupkaew, 2012, emphasis, MN).

31 As Bernstein reports, the reauthorization of the Trafficking Victims Protection Act (2005) discusses domestic trafficking (the Mann Act resurfaces) being on par with cross-border trafficking, and the act focuses exclusively on sex trafficking, not on other forms of coercive labor practices (2007, 142). It leads me to conclude that trafficking is always already considered sex trafficking.<sup>11</sup> Furthermore, the protection afforded to those who are considered victims of trafficking are minimal, at best. The Sex Workers Project (2009) interviewed sex workers and those who are considered trafficked and found out that raids are ineffective and dangerous: *Our research ... reveals that vice raids and federal anti-trafficking raids are all too frequently accompanied by violations of the human rights of trafficked persons and sex workers alike, and can therefore be counterproductive to the underlying goals of anti-trafficking initiatives.* Interviews with social services reveal the following:

... their clients experiencing symptoms of trauma after raids, and ... that, in addition, raids uproot trafficked persons from their communities, and can effectively render them homeless. Some people picked up in raids, especially people who earned living wages, experienced severe economic hardship as a result. Many trafficking survivors were alienated from law enforcement by their experiences of raids and did not speak about their situations. Others who were trafficked by their husbands or partners did not self-identify as trafficked persons following raids. "I have had

prosecutors shout at my clients to try to bully them into cooperating. When you're dealing with a teenager who has been repeatedly raped and impregnated by her trafficker, this is not the way to behave humanely" (Sex Workers Project, 2009, 5).

- 32 Clearly, the legal (and moral) conflation of trafficking with sex work, leads to further unintended consequences. The Sex Workers Project reports that conflation of trafficking and sex work diverts anti-trafficking resources away from trafficking in other labor sectors, including domestic work, agricultural labor, and service sectors, with no accompanying increase in the identification of trafficked persons" (2009, 6). The recent carceral measure of Human Trafficking Intervention Courts in New York State is supposed to assist defendants (i.e. trafficked women) with *drug treatment, shelter, immigration assistance and health care, as well as education and job training, in an effort to keep them from returning to the sex trade* (Rashbaum, 2013). Again, we see the slippage between sex work and trafficking, as the Sex Workers Project points out, and no attention given to other forms of human trafficking.

## 2) Overview of political movements

- 33 This section contrasts select activist organizations and their ideological commitments to abolition or prohibition.

**Table 2**

<b>Abolitionist Model</b>	<b>Prohibitionist (Carceral) Model</b>
International Conference on Penal Abolition	Woman's Christian Temperance Union
INCITE! Women of Color against Violence	International Bureau for the Suppression of (White Slave Trade) Trafficking in Women and Children
CURB: Invest in People Not Prisons and Jails	Coalition Against Trafficking in Women
	Fight Slavery Now! Human Trafficking is
Safer Society Project	Modern-Day Slavery
Critical Resistance	Demand Abolition
	Women's Coalition for the Abolition of Prostitution

- 34 Only penal abolition is programmatically fulfilling the promise of the abolitionist campaign that U.S. Americans David Walker, Frederick Douglass, Harriet Tubman, and John Brown fought for in the 19th Century. Interestingly, none of the penal abolitionist groups (Table 2) use the rallying cry of "slavery," even though their analysis point out that

prisoners by law share the designation of slaves and indentured servants, at least in the United States. As Angela Y. Davis (2003, 2005), co-founder of Critical Resistance, and others remind us, slavery is codified in the 13th Amendment of the U.S. Constitution and affirmed in the court decision *Ruffin v. Commonwealth of Virginia* (1871), which notoriously determines the status of prisoners as “slaves of the state.” Penal abolitionists tend not to attract strange bedfellows who wish to be involved in the movement for incarceration.<sup>12</sup> There is an exception: the Canadian Association of Elizabeth Fry Societies subscribes to prison abolition. At the same time, as a coalition partner of the Women’s Coalition for the Abolition of Prostitution, it petitioned Canada’s Supreme Court to adopt the “Swedish Model” by arguing:

...criminalizing johns, brothel owners and those who live off the avails of prostitution (“pimps/profiteers”) does not violate the Charter rights of prostituted women. Instead, such laws support prostituted women’s security of the person. It is contrary to principles of fundamental justice to decriminalize men’s prostitution of women in order to protect women from those same men (The Women’s Coalition, 2013, 2).

35 By contrast, beginning with yesteryear’s “white slavery” to “modern-day slavery” sloganeering, all of the above-mentioned prohibitionist groups have in common unprincipled alliances, starting with the KKK, anti-immigrant groups, and others, who were primarily interested in stamping out social vice and dismissing the welfare of working girls and women (cf. Donovan, 2006; Bernstein 2007). In *Women of the Klan*, former KKK women brag about their membership in this terrorist organization and note their activism in equal rights campaigns and economic justice (Blee, 1991/2009).<sup>13</sup> Today’s prohibitionist groups align their goals with “pro-life” evangelical and Catholic organizations who also make use of the “slavery” paradigm, by calling the U.S. Supreme Court decision *Roe v Wade* (1973), which paved the way for legal abortions, the contemporary *Dred Scott* (1857) decision. The infamous landmark decision *Dred Scott v. Sandford* explicitly denies a free Black male Dred Scott constitutional rights; analogously, *Roe* denies the fetus the right to personhood (cf. Guenther, 2012). In addition, their stance on prostitution may backfire, when it is brought up in connection with other social issues such as AIDS educational campaigns. The Soros Foundation (Open Society et al.) brought a successful lawsuit against USAID (*AID v OSI*, 2013) for demanding that recipients sign an anti-prostitution pledge in order to battle HIV/AIDS. It ensnared the government’s own supporter, Coalition Against Trafficking in Women (CATW), since they defend sex-workers’ decriminalization. Ironically, CATW would have been barred from receiving governmental funding (Carpenter *et al.*, 2013, 10-11).

36 Bernstein (2007) first notes the parallels of “abolitionism” and “slavery” memes among prison abolitionists and prohibitionists, the latter she labels “carceral feminists” for a reason; unlike critics of the prison system, predominately women of color, who think it is the prison, not prostitution, that perpetuates slavery, the modern-day *antitrafficking activists have relied upon strategies of incarceration as their chief tool of ‘justice,’ ensuring that increasing numbers of men and women of color who participate in the street-based sexual economy will find themselves there, precisely under the guise of being delivered out of slavery into freedom* (143). And the collective INCITE! Women of Color against Violence (2006) add that trans\* persons and gender nonconforming sex workers of color are also targets of such carceral violence (cf. Mogul *et al.*, 2011).

37 Why frame it as “carceral violence”? Writing about the Canadian experience, Robyn Maynard (2012) notes that

[a]bolitionists, while purportedly having sex workers' best interests at heart, have historically collaborated with carceral prohibitionist approaches towards sex work in the imposition of a particular kind of social and sexual role for women in society, with devastating results lived by sex workers, immigrants and Indigenous women. With respect to the prohibitionists' support for the "Swedish model" (support women, criminalize clients), the Canadian government's own research reports found the following:

...there was a direct link between the criminalization of clients, lowered working conditions and increased violence against sex workers due to rushed negotiations and sex workers' loss of bargaining power. In Montreal in 2001, police conducted massive client sweeps, and Montreal-based sex workers organization Stella documented a threefold rise in violent incidents, and a fivefold rise of incidents with a deadly weapon, over a three-month period at the height of the sweeps (ibid.).

38 The Women's Coalition for the Abolition of Prostitution, which is aligned with the Canadian Association of Elizabeth Fry Societies, a self-described prison abolitionist organization, makes clear that "prostituted" women deserve the courts' support, while male clients do not (The Women's Coalition, 2013). They make a case for selective prison abolition (for women only), rather than a generalized practice, which has been much criticized by sex workers and their advocates, as Maynard convincingly describes (2012). Yet, it has been the reformist agenda of Elizabeth Fry whose work did much to highlight the appalling conditions in women's prisons in England and elsewhere. Unwittingly, it also reinscribed a Cult of Womanhood, which seems to haunt the modern-day Fry Societies and affiliates (cf. Nagel, Nocella, 2013, 76; Dodge, 2006). This abject woman who deserves our pity does not have agency, and thus she must be spoken for by her more empowered, legally employed sisters in front of the court to gain her freedom (cf. The Women's Coalition, 2013).<sup>14</sup>

39 There are of course those, who wish to argue for a middle ground<sup>15</sup>. They do not dispute that a *prostituted woman* (Price, 2012, in *passim*) is fully aware of her agency and wishes to unionize. And they give voice to a sex workers who now consider herself duped or enslaved such as Giobbe who says, *I am a survivor of prostitution and who does not appreciate the word sex industry worker* (cited in Price, 2012, 78). Joshua Price and others who write sympathetically about rescue feminism might be well served to attend to a feminism of solidarity which proposes the following:

Ethical support requires letting sex workers' themselves determine their own needs, and recognizing that each individual has different experiences and is the most capable of determining the course of her life. All sex workers deserve respect, and need to be supported in their choices rather than treated as victims who are incapable of understanding their own oppression. Sex workers not only deserve respect, but also deserve the basic right to security while within the industry, and to improve their working conditions (Maynard, 2012).

40 In the words of a sex workers' organization (SWEAT) in South Africa "Sex Workers demand Rights, not Rescue" (cf. also Crago and Arnott, 2009). It is a dignitarian ethics which supports that sex workers control the conditions of work, own their body and livelihood, and are free from stigmatization, violence and constraints, including border crossings (cf. also Kempadoo *et al.*, 2005). Such ethics stops short of endorsing repressive mechanisms that coerce sex workers to confess that they are trafficked in order to receive governmental or non-governmental services. In the end, defenders of the logic of prohibition have little to say about the real prospect of trafficked persons ending up in penal institutions: in the U.S., this would indeed turn them into slaves (of the state).<sup>16</sup> Ironically, those who wish to "end sexual slavery now!"



consent to the preposterous end of their rescue mission: “legal slavery.” Or, certain death: in the case of HIV positive sex workers in Thailand, they were forcibly repatriated to Burma, where they faced execution (Kempadoo, 2005, 41).

## Some concluding remarks on the logic of abolition

41 I have argued that the term “abolition of prostitution” is a misnomer. What such advocates simply demand is the *prohibition* of a particular type of work. It has nothing to do with the symbolic claim to the abolition of (chattel) slavery and thus the framework of abolitionism is woefully misplaced and has well disguised its sexist, racist, as well as imperialist framing. Furthermore, it might be helpful to look at dualisms; what are the opposite couples or opposing forces within each discourse? Regarding prostitution, when we look at the opposite spectrum, proponents of sex workers, including feminist advocates, are talking about legalized sex work or decriminalized sex work. By contrast, nobody demands the legalization of slavery—a universal discourse prevails proscribing the mis-recognition of humans as mere objects-bereft of bodily integrity and the like.

42 By contrast, the opponents of penal abolitionists do not have to talk about *legalizing prisons*. The popular “harsh justice” sentiment is that prisons have been around for some thousands of years and their existence is sacrosanct – just as it was a matter of course to think that some people are destined to be natural slaves. Aristotle gave a defense of that view, which later was mounted as a defense of the great chain of being, where, magically, white men are at the top of the human hierarchy of beings, enslaving those who are closer to non-human status and thus can be treated as chattel, property. Aristotle’s teacher, Plato, had a clear conception of medical penology: Punishment was meant as medicine and effectively cures the offender from wayward practices. So, in the context of penal policies, the defenders of harsh justice are holding up the scepter of moral panic: they marshal an even fiercer defense of the status quo, of instrumentalizing punishment for the putative public good, which often amounts to what is good for big business that profits from locking up poor people, and poor women of color become a likely target the world over. Penal abolitionists are also mindful of the social construction of crime, as it is apparent in the arbitrary criminalization of privatized commercial sex (prostitution); rarely do anti-sex industry advocates (prohibitionists) critique the imprisonment of poor girls and women of color who are street workers (Kempadoo *et al.*, 2005; Dewey, 2008).

43 On the other hand, a critical view of imprisonment gives a contextual analysis, not one of sweeping generalizations and mystification. In the West and global North for over 2000 years, jails were holding pens before corporal punishment was applied. Critics of the penal system, whether they are reform-minded or abolitionist, take issue with the privatization of prisons and any wholesale policy that supports “throwing away the key” when people, especially sex offenders, are locked up.<sup>17</sup>

44 As Davis (2005) notes, when Douglass and others invoked abolitionism, they meant that the entire institution of chattel slavery had to be destroyed, so that Black Americans could become citizens with all rights and duties befitting of a democratic republic. W.E.B. Du Bois even spoke of “abolition democracy” in this context, namely that all so-called institutions in the American republic had to be borne anew, like Phoenix out of ashes. Abolitionists demanded the right to land and vote, even as both proved to be elusive goals. In fact, Douglass hounded white people’s consciousness in his

late life (1895) and chastised them for the convict-lease system, lynching, and other forms of terrorizing Black people. It is not a hyperbolic statement to say that the white elites reintroduced slavery conditions into the South, from the prison of slavery to the slave system of the prison (cf. Davis, 1998). The 13th Amendment to the U.S. Constitution is the hidden subtext and the slavery legacy that stays with the U.S. today, making the United States the only country in the world which justifies state-sponsored slavery by name.

45 While much of the context presented here is U.S. specific, we can draw general conclusions for global abolition discourses. Moral outrage (about prisons) may not lead us to moral certainty (which, by contrast, engulfs the prohibitionist campaign). Abolitionists have to be cautious about the means used to undo an unjust system – all too often, in the name of decarceration and reform, more carceral intensification has occurred. The proliferation of various specialty courts (drugs, trafficking, veterans, to name a few) rarely bodes well for the persons under surveillance; equally the cost saving ankle bracelet (why is it not called “shackle”?) paid for by people on probation or parole is a case in point. Penal abolitionists need to be tentative about implementation, prudent about alliances, and always be mindful about abolition being an *unfinished project* (Mathiesen, 2014).

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## Notes

1 Thanks to Nicolas Carrier for this insight.

2 Prisons are still built across the U.S., despite some efforts of decarcerating the youth, the addicted, the aged. A jail built a mere 25 years ago in Cortland, New York where I work, is already "full" – female remand prisoners have to be shipped out of the county.

3 Raj Patel (2008) convincingly shows that in British factories the choice drink forced upon the workers was tea. It was used to curb the popular custom of drinking beer soup for breakfast. Tea was one of the first culinary disciplining measure used to encourage speed up work at the factory site.

4 Others in the movement were more realist, preferring the British model of gradual liberation through an apprenticeship program. However, neither the gradualist, nor the colonization movement (sending Americans of African descent "back to Africa") had much success in the U.S.

5 I mention the colonial gaze here, as it is quite similar to the British concern about indigenous practices in their colonies that they thought were barbaric. (Cf. Narayan, 1997)

6 Sometimes "white slavery" was used as a synonym for sweatshop conditions, also implying that the condition the white proletariat faced was far worse than the hostile environment created by slave-owners and slave-drivers against Black people [http://archive.org/stream/whiteslavesorthe06802gut/wtslv10.txt].

7 Light skinned enslaved children who travelled to the North to solicit funds for Black schools during the Civil War elicited outrage by abolitionist Northerners. Selling photos for which the Black and white families posed succeeded in garnering waves of sympathy.

8 Following feminist and critical race theories, it is helpful to differentiate between "intent" and "impact." Arguably, while the intentions can be noble, the effects (impact) can be quite devastating. To reiterate: "freeing the girls" will at first have an undesired effect of incarcerating them—for their own good; even if they end up terrorized by these so-called rescue missions.

9 As Susan Dewey (2008) suggests in a chapter "From 'White Slavery' to National Security,": *donor aid and popular perceptions of*

*the traffic in women continue to be concentrated on white women ... of Eastern Europe* (43). After all, a donor perception is that parents in Africa and Asia are much more willing to sell their young girls into bondage (*sic*), which means that organizations wouldn't have the necessary resources required for rescue (*ibid.*, 44).

10 I attended a workshop on trafficking provided by a U.S. border patrol agent at Cornell Law School, Spring 2014. The agent made quite clear that all sex work is always already “forced prostitution” and “trafficking.”

11 By contrast, *Der Spiegel* (Oct. 13, 2013) reports that sex trafficking comprises only one third of almost one million slave workers in the European Union [<http://www.spiegel.de/wirtschaft/unternehmen/fast-eine-million-sklavenarbeiter-leben-in-der-eu-a-927563.html>].

12 Reformist critics of “mass incarceration” are another matter: Note the new U.S. based initiative between conservatives such as Newt Gingrich, who endorsed the “war on drugs” and is now part of a “Right on crime” group, and prison reform groups working together to downsize the ill-conceived prohibitionist “war on drugs” (Kilgore, 2014).

13 I am grateful to an anonymous reviewer for suggesting this important source.

14 Cf. Linda M. Alcoff, 1991/92.

15 My middle ground concept should not be conflated with those who argue for the Swedish model, which has been dubbed *middle ground feminism* (Halley *et al.*, 2004).

16 I am grateful to Hal Pepinsky for this insight (personal communication 8/3/14).

17 It goes beyond the scope of this paper to discuss the conceptual differences between reform versus abolitionist advocates. For a good discussion of the tension between reform and abolition, see Liat Ben-Moshe (2013).

## ***Pour citer cet article***

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## ***Droits d'auteur***

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