



The Campaign Against Sex Work in the United States: A Successful Moral Crusade

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Abstract

Sex work was not a prominent public issue in the USA a generation ago. Law and law enforcement were fairly settled. Over the past two decades, however, a robust campaign has sought to intensify the stigmatization and criminalization of the participants involved in all types of sex work, which are now conflated with human trafficking. These efforts have been remarkably successful in reshaping government policy and legal norms and in enhancing penalties for existing offenses. The article analyzes these developments within the framework of a modernized version of moral crusade theory that includes both instrumental and expressive arguments against sex work.

Keywords Moral crusade theory · Polymorphous paradigm · Sex work · Sex trafficking · Symbolic politics

Introduction

The past 70 years have witnessed worldwide liberalization of sexual relations, driven by the larger forces of secularization and individualization (Frank et al. 2010). Against this backdrop, two more recent and competing trends have been documented regarding the sex industry in the USA and many other nations. The first is a growing mainstreaming and quasi-normalization of certain types of erotic commerce. Economic mainstreaming is evident in the spread of adult content into businesses that previously had no connection to the sex industry, and in the sheer abundance of and expanding market for pornography, sex toys, escort websites, strip clubs, and commercial webcam performances online (Bretners and Sanders 2010; McNair 2002). Growing cultural tolerance is evident in some representations of sex work in popular culture and in public opinion polls.¹

Recent national polls reveal that the proportion of Americans who consider pornography “morally acceptable” grew from 30% in 2011 to 43% in 2018 (Gallup polls).

¹ Some notable television shows, for example, highlight some of the potential benefits of this kind of work. They include *Diary of a Call Girl* (Showtime, 5 seasons), *The Girlfriend Experience* (Starz, 2 seasons), *Gigolos* (Showtime, 7 seasons), and the A&E documentary *Sex For Sale* (2019).

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Support for legalizing prostitution increased from 38% in 2012 (YouGov poll) to 44% in 2015 (YouGov poll) and 49% in 2016 (Marist poll), and sizeable majorities support legalization in several other Western nations (Weitzer 2012:78).² In 2008, residents of San Francisco, California voted on Proposition K, a ballot measure that would have de facto decriminalized prostitution in the city by discontinuing arrests. The measure was endorsed by 41% of voters. At the state level, decriminalization bills or legislative task forces have appeared recently in New Hampshire, New York, Maine, Massachusetts, Rhode Island, and Washington DC. And a recent court case challenged the constitutionality of California’s prostitution laws—asserting that such laws violate rights to freedom of association, freedom of speech, earning income, and sexual privacy.³ These public opinion trends and legal initiatives break with the conventional American approach to prostitution policy, which avoided even discussing legalization. As a municipal commission in Buffalo, New York, reasoned two decades ago, “Since it is unlikely that city or state officials could ever be convinced to decriminalize or legalize prostitution in Buffalo, there is

² In a recent California poll, 51% of registered voters favored legalization and 47% said they would definitely or probably vote for legalization on a ballot measure. Democrats, independents, young people, men, whites, and high-income persons were significantly more likely than their counterparts to say they would vote yes on such a ballot question. Goodwin Simon Strategic Research poll, January 2019, $N = 695$.

³ United States Court of Appeals for the Ninth Circuit, No. 16-15927, January 17, 2018. The district and appeals courts rejected each claim, but this remains a unique example of the larger trend.

nothing to be gained by debating the merits of either” (Prostitution Task Force 1999:29).

Parallel to these indicators of liberalization is a clear counter-trend: the growing stigmatization and criminalization of the individuals and businesses involved in sex work. Over the past two decades, an influential moral crusade has vigorously targeted prostitution, pornography, commercial stripping and, to a lesser extent, erotic webcam performances and “sugar-dating” websites (Weitzer 2007).⁴ The neo-prohibitionist trend in the USA and elsewhere can be viewed as a reaction to the liberalization trend. The steadily growing availability and mass marketing of sexual services and the perceived “sexualization” and “pornification” of society are viewed by activists and their political allies as threats to highly cherished traditions (Attwood 2006; McNair 2002). This backlash is part of a broader symbolic politics in which social forces have fought other signs of hedonism and permissiveness in Western societies, such as gambling, recreational drug use, and “hook-up” culture.

The moral crusade examined in this article is not confined to passionate pronouncements. It has engaged in public shaming and has successfully lobbied for enhanced criminalization and punishment of the individuals and businesses involved in sexual services and performances. The article presents evidence regarding the claims and policy preferences advanced by crusade groups and their allies in the state. Rather than focusing solely on one dimension of this phenomenon, it provides a panoramic perspective covering the crusade’s main targets and the key legal innovations resulting from its efforts. The specific examples discussed here are intended to be illustrative and representative of the overall logic of this moral crusade.

Moral Crusades

A *moral crusade* is a movement dedicated to preserving cherished moral values by mobilizing against a particular condition or practice. The target is defined as “totally evil with no qualifications” and crusaders are typically “fervent and righteous,” believing that “their mission is a holy one” (Becker 1963:148). Moral crusades have both symbolic and instrumental goals (ratifying traditional normative boundaries, shaming participants, new legislation, increased law enforcement). They may be motivated by altruistic and humanitarian goals or primarily interested in imposing their values on others (Becker 1963). Like moral

panics, moral crusade discourse has distinctive characteristics:

- *Disproportionality*: inflation of the magnitude and severity of a problem with claims that go well beyond the available evidence;
- *Categorical conviction*: crusaders insist that the problem exists precisely as they portray it, reject all counterclaims, and deny the existence of gray areas;
- *Horror stories*, in which the worst cases are privileged, described in detail, and presented as representative;
- *Hostility* toward at least some of the actors involved in the targeted activity, branding them as “folk devils”; and
- Framing of the problem as *symptomatic* of larger threats to the mores or to cherished institutions (Cohen 1972; Garland 2008; Goode and Ben-Yehuda 1994).⁵

In the absence of a compelling counter-narrative, these features are conducive to achieving a crusade’s short- or long-term goals: eliciting favorable media coverage, alarming the public, justifying public shaming or carceral treatment of culprits, and generating new legislation.

Some leading analysts argue that moral crusades are fuelled by status discontent. Crusade actors mobilize against targets that they associate with a decline in their group’s prestige, with the goal of redeeming and bolstering their threatened way of life (Gusfield 1963). They are “symbolic crusades” not reducible to material interests and “important for what they symbolize about the style or culture which is being recognized or derogated” (Gusfield 1963:11). The status discontent framework has been applied to anti-pornography campaigns headed by conservative Christian groups in the late 1960s and radical-feminist groups in the 1980s:

The rural, old middle class Christians, whose life-style does tend to dominate the right wing antipornography crusades, are trying to protect and conserve a life-style based on sobriety and sexual repression . . . from a hedonistic life-style based on pleasure, sexual promiscuity, or moral lapses with drugs, alcohol, and sexual activity. The left wing antipornography crusader, the feminist, is engaged in a similar status struggle. She desires to raise the status of women and perceives the submission of women to nude photography as a ceremonial degradation of the status of women. . .

⁴ Sugar-dating sites, such as Seeking Arrangement, allow mostly older individuals to connect with young women and men and enter into agreements to support them financially, with the understanding that sex is likely.

⁵ Moral crusades are conceptually distinct from moral panics. Some of the hallmarks of moral panics can be of limited relevance to any given moral crusade: e.g., the panic indicators of widespread popular *consensus* regarding the behavior under scrutiny and *volatility* in the sense that panics tend to erupt suddenly and subside suddenly (Goode and Ben-Yehuda 1994:33–41). Moral crusades are ongoing, organized campaigns that may lack public consensus and volatility but overlap with moral panics in other ways, as indicated in the bulleted list above.

[Crusaders on the right] generally strive to preserve the status of a sexless life except within marriage. In the case of the feminist left, we are dealing with an attempt by women to raise the status of women as a group by demanding that they no longer be required to submit to rituals of degradation portrayed in or involved in the production of pornographic materials. (Kirkpatrick and Zurcher 1983:4; cf. Zurcher and George Kirkpatrick 1976)

The more recent crusade against sex work echoes these status anxieties, but I argue that the ingredients of status discontent have been *modernized*. In addition to its struggle against a “hedonistic life-style” and the “ceremonial degradation” of women, the contemporary crusade also denounces the material victimization that it associates with sex work; the contribution of commercial sex to the broader sexualization of the culture; and the impact of both on the quality of gender relations and the larger normative order. The problem is increasingly framed as producing both symbolic and instrumental harms to the well-being of the actors involved and to society. The contemporary crusade thus reflects a larger trend in which “moralizing discourses [have] increasingly linked immorality to utilitarian claims about the personal or social harm associated with the wrong” (Hunt 1999:411).

The contemporary movement against sex work in the USA consists of a coalition of the religious right and abolitionist feminism (O’Brien et al. 2013; Weitzer 2007).⁶ The religious right considers sexual commerce perverse and sinful, a source of moral decay in society, and a threat to marriage and the family. The core abolitionist feminist tenet differs from this, defining the sex industry an institution of male domination over women. Because it is deemed inherently objectifying and abusive of women, it must be eradicated completely. This position is not necessarily shared by mainstream women’s rights organizations, which have largely avoided the issue of sex work.⁷ But abolitionist feminism has clearly established itself as a force to be reckoned with in policy debates on the sex industry.

⁶ The religious and feminist coalition members tend to hold opposing views on other social issues but they largely agree on sex work. The single-issue focus of abolitionist feminist groups—targeting the sex industry exclusively—trumps all other issues and explains their willingness to work with rightwing groups in order to legitimize their efforts as a bipartisan enterprise. Groups on the right include Concerned Women for America, Focus on the Family, National Association of Evangelicals, Catholic Bishops Conference, National Center on Sexual Exploitation, International Justice Mission, Shared Hope International, and numerous others. Feminist groups include the Coalition Against Trafficking in Women (CATW), Demand Abolition, Equality Now, Stop Porn Culture, Prostitution Research and Action, and Standing Against Global Exploitation.

⁷ However, the National Organization for Women passed a resolution in 1973 (Resolution 141) that endorsed decriminalization. The resolution declared that NOW “opposes continued prohibitive laws regarding prostitution, believing them to be punitive” and “therefore favors removal of all laws relating to the act of prostitution.”

The focal concerns of the religious right and abolitionist feminism thus differ, with each offering a set of principles that appeals to its respective constituency. Still, although critiquing sexual commerce on different grounds, their focal concerns are quite *complementary*.

The crusade has enjoyed a striking degree of success in influencing policymaking from the late 1990s to the present. Core crusade claims have been embraced by key legislators and incorporated in official government policies, as shown below. I argue that there are three main reasons for the crusade’s success:

- First, the extreme stigma attached to sex work and the widespread presumption of universal exploitation and victimization in sexual commerce (what I call the *oppression paradigm*) are conducive to a prohibitionist policy approach (Weitzer 2010, 2012). The oppression paradigm is so “obviously” valid and compelling for most policymakers that it pre-empts even considering alternative perspectives (Prostitution Task Force 1999). Totally missing in this process—in the USA and most other countries—is the alternative *polymorphous paradigm*, which highlights “a constellation of occupational arrangements, power relations, and worker experiences,” and treats “victimization, exploitation, choice, job satisfaction, self-esteem, and other dimensions” as factors that *vary significantly* between types of sex work, geographical locations, race and gender, third-party involvement, and other structural conditions (Weitzer 2010:8). The minority of policymakers who are cognizant of polymorphism may be less likely to accept the claims of this moral crusade.
- Second, a robust counter-discourse and sustained lobbying by sex-work advocates has been lacking. And when the dominant discourse has been challenged in public, those who make such counterclaims have been either ignored or denounced as apologists for pimps and traffickers (e.g., Grant 2014; Porth 2018).⁸ This dynamic contrasts with that of some other moral contests—abortion, drugs, gay rights—where crusaders’ claims have been vigorously countered by organized opponents. Media representations are crucial here. The mainstream news media has been complicit in its reporting on both trafficking and sex work. Content analyses of newspaper coverage, for example, find that journalists typically invoke stereotypes about sex work and have rarely questioned the dominant discourse on human trafficking (Gulati 2011; Johnston

⁸ It remains to be seen whether some recent attempts to decriminalize prostitution will be successful, given the inevitable intense counter-lobbying by crusade operatives and the broader stigmatization of sex work. Similar bills failed in Hawaii in 2007 and 2017. Over the past 30 years, decriminalization bills have been presented in the South Australian Parliament 13 times, to no avail (Puddy 2019).

et al. 2014; Koster and Roth 2016; Marchionni 2012; Van Brunschot et al. 1999).

- Third, activists have successfully conflated sex trafficking with all types of sex work.

The following sections explore this crusade's assumptions, claims, and policy outcomes regarding key aspects and types of sexual commerce.

Conflating Sex Work with Sex Trafficking

The oppression paradigm presents a one-dimensional portrait of sex work as inherently abusive and exploitative.⁹ The coupling of sex work with sex trafficking adds a fairly new pillar to this paradigm. Here, the crusade's central claim is that most, if not all, sexual commerce involves trafficking,¹⁰ and the standard script regarding both sex work and sex trafficking centers on innocence, trickery, exploitation, and violence (O'Brien et al. 2013; Porth 2018). The dominant narrative on labor trafficking is much less sensationalized.

When a moral crusade achieves its foundational objective, it may begin to target other problems that it associates with its original concern (Becker 1963:153). Such *domain expansion* is quite apparent in the human trafficking arena: the initial, singular focus on trafficking has steadily expanded over time. Chuang (2014:625) calls this conflation of distinct problems and corresponding net-widening "exploitation creep": she documents the fusion of "the previously distinct legal concepts of forced labor, trafficking, and slavery" in official pronouncements and policy trends. A parallel pattern is evident in activists' twin interests in attracting attention to the trafficking problem *and* eradicating sex work by equating it with sex trafficking (Brennan 2017; Weitzer 2007). In the past decade, types of sex work that were not previously considered hotbeds of trafficking are now being so defined (e.g., strip clubs, pornography, erotic webcam performances). In addition, the focus has shifted to "the demand"—the customers, who are

⁹ Denise Brennan offers an insightful comparison of sex work and other kinds of work:

"In what other labor sector are workers *told* that they are exploited? In what other industry do we ascribe widespread false consciousness and ignore workers' own testimony? What other workers are told they need 'rehabilitation'? While acknowledging that exploitation—including extreme conditions of abuse—exists in, for example, domestic work or farm work, there is no call to rescue *all* workers. Nor are there efforts to eliminate these industries outright" (Brennan 2017: 486).

¹⁰ The Trafficking Victims Protection Act of 2000 (TVPA) defines sex trafficking as "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of labor or commercial sex if it involves the use of "force, fraud, or coercion" against an adult, or if the individual is under 18 years of age and involved in commercial sex, whether or not coercion is involved (22 U.S.C. Public Law 106–386, §103(8)[A], 9). All 50 states subsequently enacted trafficking laws. For a discussion of the interest groups and principal legislators involved in the process leading up to the enactment of TVPA, see Stolz (2005).

increasingly demonized, shamed, and subjected to harsh punishment.

Indeed, prominent anti-trafficking activists have pressed the government to crack down on the entire commercial sex trade, and this paper documents growing success in achieving this goal. One example of this universalizing trend is the 2005 *End Demand for Sex Trafficking* bill (H.R. 2012), whose purpose was to "combat commercial sexual activities" in general, because they "have a devastating impact on society. The sex trade has a dehumanizing effect on all involved" (§2[a][1]). This statement also appears in each of the annual *Trafficking in Persons* reports published by the State Department during the final years of the George W. Bush regime (2005–2008). The *End Demand* bill targeted customers, pornography, lap dancing in strip clubs, operators of "sex tours," and legal brothel prostitution in Nevada. Parts of the bill were included in the reauthorized human trafficking statute in 2005 (TVPA), which contains a section (§201a) that repeatedly refers to the need to investigate and combat "trafficking in persons and demand for commercial sex acts in the United States"—seemingly melding the two. Each subsequent reauthorization bill has included new mechanisms to combat both trafficking and sexual commerce as a vector for trafficking.¹¹ These bills as well as pronouncements in government reports have steadily stretched the domain of trafficking.

Pornography

The contemporary anti-pornography movement had a predecessor in the USA in the 1980s, when the religious right and abolitionist feminists succeeded in accomplishing several key goals: i.e., passage of anti-porn ordinances in two cities; the formation of a presidential commission on pornography (the Meese Commission); creation of a new anti-porn unit in the Justice Department; and increased prosecutions of major producers and distributors of pornography, who were depicted as quintessential folk devils (Department of Justice 1988; McGee 1993; Vance 1986). This crusade differed, however, from the contemporary one in that the groups on the right and left did not collaborate and had almost no direct interaction. They differed in their core grievances regarding pornography and they operated in parallel universes, even as some of their key goals overlapped (Whittier 2014). This movement became essentially defunct during the Clinton administration in the 1990s but resurged in the 2000s with the election of

¹¹ A provision in a recent bill seeks to combat trafficking by "ending government partnerships with the commercial sex industry": "No Federal funds or resources may be used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that (1) has the primary purpose of providing adult entertainment and (2) derives profits from the commercial sex trade." U.S. Senate, *Abolish Human Trafficking Act of 2017*, S.1311, §19.

George W. Bush. In its new iteration, feminist and religious organizations became close partners—interacting frequently, co-sponsoring events, and using some identical language. Their main focal concerns still differ (traditional morality, women’s equality), but these differences have been suspended in their shared commitment to abolish pornography. Unlike the 1980s, these groups now comprise a fairly tight coalition. The exponential growth of the pornography market over the past two decades heightened anxieties among both branches of this coalition.

Pornography is legal in the USA (an expression of free speech) provided that a particular work is not deemed *obscene*. The 1973 Supreme Court decision *Miller v. California* stipulated that local “community standards” dictate whether a work is obscene. In the typical court case, prosecutors ask a jury to determine whether a work is obscene according to that community’s standards. If so, the work is declared obscene and purveyors are liable to punishment. Whereas there were few prosecutions of adult obscenity during the Clinton years and child pornography was the central focus, the Bush regime expanded prosecutions for both. For the Clinton years 1994–2000, the number of defendants facing obscenity charges in federal court totaled 76. For the Bush years 2001–2008, the respective figure was 409.¹² This record did not satisfy activists. Anti-porn groups expected Bush to launch a much more vigorous crackdown. Two years after Bush took office, a leading evangelical organization, Concerned Women for America, complained that the authorities were prosecuting the purveyors of only the most extreme kinds of pornography:

Until the DOJ [Department of Justice] vigorously and consistently targets the major hard-core porn producers and distributors of prosecutable but less deviant material, the industry will continue to make billions exploiting women, addicting men, exposing children, destroying marriages, and polluting the culture while laughing all the way to the bank. (LaRue 2003)

The former chief of DOJ’s obscenity unit (and later legal counsel for the Family Research Council and for the National Center on Sexual Exploitation), Patrick Trueman, agreed:

The few cases that have been prosecuted involve extreme pornography, depicting violence, defecation, or animals. . . . By only pursuing extreme obscenity, the mainstream porn industry is given a green light. There’s this perception that anything other than extreme pornography is legal, and it’s not. The fact that it’s not being prosecuted does not make it legal. . . . *Most porn violates*

community standards; that makes it illegal, and it’s easy to prove. (quoted in Laugesen 2007, emphasis added)

A letter to President Bush, signed by over 50 activists, expressed alarm at the “explosive increase” in the availability of pornography, which they associated with a cluster of harms related to the oppression paradigm. The letter argues that “trafficking in women and children” is “linked to the spread of obscenity” and that pornography “corrupts children, ruins marriages, contributes to sex crimes against children and adults, and undermines the right of Americans to live in a decent society.”¹³ Although the Attorney General had created a new Obscenity Task Force in May 2005, activists remained unsatisfied with the Justice Department’s enforcement record and demanded that President Bush “make fighting obscenity one of your top priorities.”

The proliferation and perceived normalization of pornography is a driving force behind activists’ efforts to criminalize its production, distribution, and possession. As the leader of Morality in Media stated,

If we could just send a message to people that this is not what sex is all about, we will have won more than half the battle. Whether you’re a creationist or a Darwinist, sex is linked to something greater than masturbating to depictions of other people having sex. It’s linked to a person. We have a capacity to love. (Robert Peters, quoted in Beato 2004)

Former DOJ official Trueman agrees:

The mainstream porn industry has been left to do pretty much whatever it wants. Porn is now so pervasive that our college students don’t even know how to date, because pornography has conditioned young men to believe that they’re entitled to sexual services from women without the need for relationship. They’re on such a steady diet of porn that they can’t distinguish between love and sexual desire. (quoted in Laugesen 2007)

If government anti-pornography efforts under Bush were underwhelming in the opinion of activists, the latter claimed that such efforts all but evaporated under Obama (e.g., DeLong 2012; Reilly 2013). In July 2009, a coalition of

¹² Bureau of Justice Statistics figures based on data from the Administrative Office of the U.S. Courts.

¹³ “Appointment of New U.S. Attorney General and Other Matters Regarding Vigorous Enforcement of Federal Obscenity Laws,” September 10, 2007. Available at: http://www.moralityinmedia.org/obscenityEnforcement/Letter-Regarding-Appointment-of-New-U.S.-Atty-General_10Sep2007.pdf (accessed February 10, 2008). The letter was signed by, inter alia, Morality in Media, Family Research Council, Concerned Women for America, Focus on the Family, American Family Association, American Decency Association, and Citizens for Community Values.

organizations sent the following letter to Attorney General Eric Holder:

Since the advent of the Internet, illegal pornography has flooded homes, businesses, public libraries, and even schools. The results have been devastating to America. Pornography addiction is now common among men, women, and even many children. Children are creating cell phone pornography, in a new trend called “sexting.” Pornography use is now a significant factor in divorce. Hotels, motels, cable and satellite companies, and other businesses are making tremendous profits by offering illegal, obscene pornography. America is becoming a “pornified culture.” . . . We are compelled to write to you and ask for an expansion of the Administration’s efforts against the scourge of pornography.¹⁴

The Southern Baptist Convention echoed this sentiment: “To America’s shame, the growth of obscene material online has been like a rapidly metastasizing cancer. . . . Christians should petition President Obama to start enforcing the laws dealing with the production and distribution of obscene material” (Schwarzwalder 2014). In reality, the number of prosecutions under Obama did not decline, as activists claimed, and were instead on a par with those initiated under Bush. The number of individuals prosecuted for adult obscenity in federal courts during the Obama years (2009–2016) was 393—almost identical to the number (409) prosecuted during the Bush years (2001–2008).¹⁵

Insofar as the fraying of traditional mores is insufficient to generate popular concern and tangible success for a crusade, secular harms may resonate more powerfully with the public and policymakers (Hunt 1999). The present crusade has indeed attempted to expand and modernize its discourse with two new arguments: pornography’s link to trafficking and the threat it poses to public health.

Pornography and Trafficking

A prominent abolitionist equates pornography with the trafficking of persons in an article boldly titled “Pornography as Trafficking”:

In the resulting materials, these people are then conveyed and sold for a buyer’s sexual use. . . . Each time the pornography is commercially exchanged, the trafficking continues as the women and children in it are transported and provided for sex, sold, and bought

again. Doing all these things for the purpose of exploiting the prostitution of others – which pornography intrinsically does – makes it trafficking in persons. (MacKinnon 2005:993)

The conflation here of “materials” and “persons” is even more striking in the bizarre statement that “the pornography industry, in production, creates demand for prostitution, hence for trafficking, because it is itself a form of prostitution and trafficking” (MacKinnon 2005:1004).

These arguments are not merely academic. Activists have seized on the porn-as-trafficking trope. For example, Concerned Women for America has a webpage entitled “Pornography and Sex Trafficking: The Links.” The site claims that “pornography is used to train sex slaves” and that traffickers “take pornographic pictures of victims to coerce them into making films and/or prostituting.”¹⁶ Apart from the fact that only a few anecdotes are offered to support these sweeping claims, the reasoning itself suffers from a fatal fallacy: inferring the nature of an industry from the actions of some individuals, who may be entirely outside the industry.

A leading opponent of sex work goes even further, in a report funded by a \$108,000 grant from the State Department:

Production of pornography and Internet sex shows [e.g., webcam performances] are markets which *often* rely on trafficked victims. . . . In some parts of the world, centers of trafficking are also centers for the production of pornography. An example is St. Petersburg, where representatives from NGOs report that they have *heard* of many cases of women being forced to make pornography. . . . Budapest has also become the pornography production capital of Europe. American and European pornography producers moved to Budapest because of the cheap, available victims. . . . It is likely that *at least some* of the women used in the production of these videos are victims of trafficking, yet few people think of production of pornography as a way that victims of trafficking are exploited. (Hughes 2005:26, emphasis added)

Two problems stand out here. First, the claims are supported by anecdotal evidence at best. Staff at a single NGO (not “NGOs”) are one source and their comments are hearsay (“heard of”), while most of the other claims in this two-page section of the report are entirely lacking in sources. Second, the author switches between decisiveness (“often rely on trafficked victims”) and qualified claims (“likely,” “at least some of”). The notion that production companies moved to Budapest in order to exploit “cheap, available victims” is left undocumented in the report.

¹⁴ Letter from Alliance Defense Fund to Attorney General Eric Holder, July 15, 2009.

¹⁵ Bureau of Justice Statistics figures based on data from the Administrative Office of the U.S. Courts.

¹⁶ Available from http://concernedwomen.org/wp-content/uploads/2013/11/CWA_Pornography-and-SexTrafficking.pdf (accessed June 4, 2018).

The state has begun to link pornography and trafficking as well. One striking example is Congress's recent definition of child pornography as a type of trafficking. The Justice For Victims of Trafficking Act of 2015 modified the 1990 federal law on child abuse by declaring that "child pornography producers are human traffickers" (Public Law 114-22, §104, §111). Indicative, again, of domain expansion, a recent Justice Department report on trafficking now includes figures on prosecutions for producing child pornography; such prosecutions comprised *one-third* of the total "trafficking" cases from 2011 to 2015 (Motivans and Snyder 2018). Other than inflating the magnitude of the trafficking problem, it is not clear why it was necessary to define child pornography as trafficking, given that producing and possessing it were already serious offenses under federal and state laws.

A Public Health Crisis

Another way in which the perils have been secularized is *medicalization* of the problem as a public health crisis. According to one analyst, "shifting the debate away from 1st Amendment rights and toward porn's public health impacts could be a smart way to modernize their arguments" (Phillips 2016). The public health idea was advocated a few years ago by the National Center on Sexual Exploitation (NCSE), a leading anti-porn organization whose name change (formerly Morality in Media, founded in 1962) itself reflects modernization: from morality to exploitation .

In the past few years, sixteen state legislatures have passed resolutions, some unanimously, that blame pornography for a litany of social problems. Utah was the first to do this, and NCSE helped draft its resolution (Phillips 2016). The preamble declares that "pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms" and calls for action to curb "the pornography epidemic that is harming the citizens of Utah and the nation" (Utah 2016). The resolution claims that pornography

- is "biologically addictive";
- interferes with healthy brain development in young people;
- "can have a detrimental effect on the family unit";
- "is linked to lessening desire in young men to marry, dissatisfaction in marriage, and infidelity";
- creates "a sexually toxic environment";
- contributes to the "hypersexualization of teens, and even prepubescent children";
- "normalizes violence and abuse of women and children";
- "equates violence towards women and children with sex and pain with pleasure";
- causes "low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages,

and an increased desire among adolescents to engage in risky sexual behavior"; and

- "increases the demand for sex trafficking, prostitution, child sexual abuse images, and child pornography."

Prior to this resolution, Utah had taken the lead in promoting the idea that pornography endangers public health. The state appointed a "pornography complaints ombudsman" in 2000, and Utah is the site of the largest annual anti-porn conference in the country, attended by about 3000 people in 2017 (LaPlante 2018: A11). It is also the headquarters of the Mormon-founded anti-porn group Fight the New Drug, which associates porn with addiction, drug use, changes in the brain, sex trafficking, ruined love relationships, violence, and other perils. In March 2017, the state legislature passed a bill that allows parents to sue pornography distributors under certain conditions if their children view sexual content intended for adults.¹⁷ The bill was supported by 57% of state residents.¹⁸ Finally, the alleged threats to public health are taken for granted by the Mormon Church. As one church elder proclaimed, "We do need to see this like avian flu, or cholera, or diphtheria, or polio" (quoted in LaPlante 2018: A11).

The fifteen other state resolutions replicate Utah's, with mostly identical language. But there are some intriguing additions as well. Virginia included the idea that "use of pornography, by either partner, is linked to an increased likelihood that girls will engage in group intercourse," without explaining how this is related to public health (Virginia 2017). Equally baffling, in the unanimously passed Arkansas resolution, is the public health relevance of the idea that "pornography is a multibillion-dollar industry, and the influences are reaching the highest levels of society and government" (Arkansas 2017). This part of the resolution instead reflects the pornification-of-society trope. South Dakota's resolution declared that "excessive users" may develop "emotional, mental, and medical illnesses" and "deviant sexual arousals," while Kansas blames pornography for the "rise in the occurrence of erectile dysfunction in young men" (South Dakota 2017; Kansas 2018). Idaho includes men, along with women and children, as the victims of porn, in terms of objectification, abuse, and violence (Idaho 2018). And Louisiana medicalizes the problem by referring to a "pornography epidemic" and "cancer on society" (Louisiana 2017). Finally, it should be noted that the public health frame is not limited to these states; at the national level, the 2016 Republican Party's platform branded pornography "a public health crisis that is destroying the lives of millions. We encourage states to continue to fight this public menace."

¹⁷ Distributors are legally protected if they include warnings on their products and make a genuine effort to verify the age of consumers who access their websites.

¹⁸ The bill was favored by 73% of staunch Mormons, 69% of Republicans, and 36% of Democrats. Poll fielded January 9–16, 2017, $N = 605$ registered voters (Wood 2017).

There are many problems with this construction of pornography. First, the claims are made by *fiat*, with no supporting evidence provided.¹⁹ Second, none of the proclamations define pornography. How it differs from non-pornographic but erotic images or performances is not specified. Third, the term “pornography” is monolithic—presented in a crude, unqualified manner, rather than recognizing the tremendous diversity in content. Fourth, porn is assumed to be an extremely potent behemoth: it has a universally devastating effect on those exposed to it and their loved ones. Fifth, there is a failure to recognize multiple sources of influence on audience perceptions and behavior, influences that are not reducible to one’s exposure to pornography alone. Media scholars have long abandoned the notion that exposure to any given content (e.g., video games, music lyrics, movies) will, by itself, result in corresponding audience attitudes or behavior. Sixth, there is a failure to grapple with testimony from consumers themselves. Research documents the myriad ways in which they interact with and decode sexual content; the kinds they like, dislike, and choose to view; and positive outcomes such as physical pleasure or sex education (e.g., Loftus 2002; McKee et al. 2008; Weinberg et al. 2010). Finally, public health framing is consistent with one of the hallmarks of moral panic theory: disproportionality. During moral panics, the intensity of alarm is substantially “in excess of what is appropriate if concern were directly proportional to objective harm” (Goode and Ben-Yehuda 1994:36). There is no doubt that some consumers experience problems with their use of pornography, but this occurs at the individual level and does not constitute a larger *public health* crisis. It is noteworthy that no global health agency endorses the claims advanced in the state resolutions.

Prostitution

For decades, most American police departments focused their enforcement efforts on street prostitution. Some paid little or no attention to indoor prostitution, as long as it remained discreet and did not generate complaints from the public (Pearl 1987). As a blue-ribbon commission in San Francisco reasoned in 1971, “Keeping prostitutes off the streets may be aided by tolerating them off the streets” (San Francisco Committee on Crime 1971:44). In keeping with the polymorphous paradigm, the authorities in some cities distinguished street and indoor prostitution in their de facto policies and enforcement practices (Pearl 1987).

Today, all types of prostitution are being robustly targeted. CATW’s website proclaims that “all prostitution exploits women, regardless of women’s consent. Prostitution affects

all women, justifies the sale of any woman, and reduces all women to sex.”²⁰ Portrayed as intrinsically harmful, under no conditions can it ever qualify as a conventional commercial exchange. As activist and former government official Laura Lederer insists: “This is not a legitimate form of labor . . . It can never be a legitimate way to make a living because it’s inherently harmful for men, women, and children . . . This whole commercial sex industry is a human-rights abuse” (quoted in Jones 2002).²¹ Activists on the religious right agree that prostitution can never be a legitimate practice, because it threatens marriage and the family and contributes to moral decay in society. For both coalition partners, the twin central premises are that *prostitution is inherently evil* and that *prostitution is inseparable from sex trafficking* (Leidholdt 2004; O’Connor and Healy 2006). The two phenomena are isomorphic.

The Bush regime fully embraced this oppression-paradigm framing. A major State Department publication, *The Link between Prostitution and Sex Trafficking*, proclaimed that prostitution is “inherently harmful and dehumanizing”; “brutal and damaging to people”; “the oldest form of oppression”; “fuels trafficking”; “leaves women and children physically, mentally, emotionally, and spiritually devastated”; and legal prostitution “creates a safe haven for criminals who traffic people into prostitution.”²² The sources for these claims were the writings of five leading feminist abolitionists.

The equation of prostitution with trafficking raises the question of whether the definition of trafficking in the TVPA should be changed. Currently, to be prosecutable, trafficking of adults must involve the use of “force, fraud, or coercion.” (see footnote 10 above). If all prostitution qualifies as trafficking, removal of these criteria would seem to be justified. Indeed, the House of Representatives removed “force, fraud, and coercion” from the bill reauthorizing the TVPRA in 2008, thus rendering all prostitution as trafficking. This domain expansion was rejected by the Senate and the language was stripped from the reauthorized statute.

What is missing from this kind of framing is recognition that trafficking and prostitution differ qualitatively and operate independently: trafficking involves the process of accessing a market and prostitution is a type of labor that may or may not result from trafficking. The Obama regime recognized these distinctions in one of its annual trafficking reports, stating, “Prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized, or criminalized” (Department of State, 2010:8). This important distinction had

²⁰ Available from www.catwinternational.org.

²¹ Lederer was a leader in the anti-porn movement in the 1980s. Between 2001 and 2009, she was a senior advisor in the State Department’s Trafficking in Persons office. In 2009, she became Vice President of Global Centurion, an organization fighting sex trafficking.

²² Department of State, Fact Sheet, *The Link between Prostitution and Sex Trafficking*, 2004 (webpage now defunct).

¹⁹ The one exception is Montana, whose resolution cites writings critical of pornography, some by prominent anti-pornography activists.

no effect, however, on the government's overall approach to trafficking, which continues to fuse the two in both discourse and law enforcement practices.

Customers as Folk Devils

“Moral discourses impute blame and assign responsibility” (Hunt 1999:411), and the identification of “folk devils” is a staple of moral crusades (Cohen 1972). Initially focused on pimps and traffickers as the obvious folk devils in sexual commerce, the crusade now gives equal attention to customers (“the demand”), who are portrayed as the root cause of sex trafficking (but, importantly, *not* trafficking in other industries). Crusade members now label both traffickers and customers as predators and sex offenders. One writing, for example, proclaims that “prostitution is best understood as a transaction in which there are two roles: exploiter/predator and victim/prey”; the authors advocate putting customers “in the same category as rapists, paedophiles, and other social undesirables” (Macleod et al. 2008:30, 27). This is just one example of the blanket and hyperbolic stigmatization that is abundant in crusade discourse.

A sizeable body of research contradicts the folk-devil stereotype, showing that customers vary substantially—demographically, motivationally, and behaviorally (e.g., Birch 2015; Monto and Milrod 2014; Sanders 2008). Many are looking for companionship and intimacy in addition to sexual activity, and those who act abusively are in the minority (e.g., Brooks-Gordon 2006; Lowman and Atchison 2006; Milrod and Weitzer 2012; Monto 2010).²³ Research on indoor sex workers has found that they are less likely than street workers to experience abuse (e.g., Church et al. 2001), and some studies find that significant proportions of indoor workers have *never* experienced violence while at work.²⁴

Nevertheless, customers are increasingly vilified and targeted for punishment. The 2005 TVPRA (§204[1b,1c]) authorized \$25 million per year to be distributed to police departments to increase arrests of those who purchase sexual services. More importantly, this statute added the following to the official set of minimum standards for reducing trafficking: “measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country” (§104[(b)(1)(A)]). That these twin aspects of demand reduction have been elevated to official government policy is further borne out in the State Department's recent *Trafficking in Persons* reports. In 2015, for the first time in its 16 years of annual reporting, the Department added a demand criterion to its

list of measures for assessing and ranking other nations' performance in the anti-trafficking sphere.²⁵ Countries must now demonstrate “serious and sustained efforts to reduce the demand for commercial sex acts and participation in international sex tourism by nationals of the country” (State Department, 2015:50). This requirement is not only a splendid example of domain expansion but also disregards the fact that prostitution is legal in several nations (discussed below). In these countries, it appears that these legal actors are not officially regarded as folk devils who contribute to sex trafficking. The State Department's template is designed to pressure other governments to take a punitive approach to legal participants in sexual commerce.

Curbing Internet Facilitation

Another target is Internet facilitation of indoor sex work. Crusade groups insist that certain websites allow pimps and traffickers to advertise sexual services, and they have long lobbied for outlawing these sites (Levy 2017). The 2008 TVPRA (§237[c]) provided new resources for police investigation of “the use of Internet-based businesses and services by criminal actors in the sex industry” and for the dissemination of best practices for apprehending those who use the Internet for prostitution purposes. But this was just the beginning. The following decade culminated in a full-scale suppression of websites that advertise erotic services or provide forums for participants to discuss their experiences. The rationale for the crackdown was the assumption that “Online advertising . . . has contributed to the explosion of domestic sex trafficking,” as a Senate report declared (U.S. Senate 2017:5). The alleged “explosion” of online trafficking is not verified in the report, and it should be obvious that an increase in the number of advertisements does not qualify as evidence of skyrocketing trafficking.

Craigslist.org was the first website targeted. Its Adult Services section contained ads for both legal and illicit erotic services (exotic dancing, escorts, webcam exchanges, phone sex, massage), which attracted the attention of the authorities. In November 2008, the website reached an agreement with 40 state attorneys general to institute measures to reduce the use of the site for unlawful purposes, including cooperating with law enforcement to identify illegal activity on the site. By mid-2009, however, the authorities had determined that the content of the ads had changed little and, as a result of continuing pressure to remove its Adult Services

²³ Monto (2010: 244, 243) concludes that “most clients do not hold views that justify violence against prostitutes” and that there is “no evidence to suggest that more than a minority of customers assault prostitutes.”

²⁴ This was the case for 78% of indoor workers in a British study ($N = 135$) and 77% in Belgium ($N = 83$) (Sanders and Campbell 2007; Europap 2001).

²⁵ Nations that perform poorly on the compliance measures are subject to economic sanctions under the law. This has convinced some nations to introduce new policies in order to conform to the State Department's demands.

section, Craigslist did so in September 2010. Many of these advertisements then relocated to [Backpage.com](#). Crusade leaders and their political allies, at the state and national levels, were stymied in their efforts to force Backpage to close its adult ad section. The main obstacle was the 1996 Communications Decency Act, under which Internet service providers and platforms cannot be held responsible for user-generated content.²⁶

In 2015, a US Senate investigation requested documents from Backpage regarding its ad policies and revenue. The company's CEO refused, but the investigation proceeded and culminated in a Senate report in January 2017 that accused Backpage of intentionally facilitating sex trafficking.²⁷ On January 9, 2017, Backpage relented and removed its Adult Entertainment section, but in March 2018, seven company officials were charged with conspiracy to facilitate prostitution, and a week later, the FBI shut down the entire website. This victory, however, did not affect other sites' advertisements for erotic services or discussion forums for participants. To make it easier for prosecutors to target these sites in the future, Congress amended the Communications Decency Act by removing liability protections for Internet companies that allow content that facilitates either prostitution or sex trafficking. The legislation—known by its acronyms FOSTA and SESTA—was justified with the claim that “websites that promote and facilitate prostitution have been reckless in allowing the sale of sex trafficking victims and have done nothing to prevent the trafficking of children and [adult] victims” (H.R. 1865 §2[2]). Depending on the prostitution-related offense, those convicted under this law can face up to 10 or 25 years in prison. As a result, several websites (e.g., Cityvibe, The Erotic Review) shut down completely on the day the law was signed (April 9, 2018).

The statute's claim that such websites have “done nothing to prevent” trafficking is false. For years, both Craigslist and Backpage worked closely with service providers and law enforcement to identify ads suspected of featuring minors. The National Center for Missing and Exploited Children even revealed that Backpage had supplied “nearly three-quarters of all reports of online child sex trafficking” that the center receives.²⁸ As one analyst concluded,

Even though some traffickers make use of these platforms, there is neither an empirical foundation for the assumption that the platforms cause trafficking, nor any evidence that shuttering them would reduce trafficking. To the contrary, allowing Internet platforms on which sexual services are brokered to thrive may be key to apprehending traffickers and recovering victims. (Levy 2017:404)

Many law enforcement officials have used these websites in precisely this way (Baskin 2017; Levy 2017).

A key crusade assumption is that blocking these avenues will result in a major depletion of both demand and supply. Regarding the latter, it is incontestable that such actions make it more difficult for sex workers to screen clients and share “bad date” information with other workers, thus rendering their work more hazardous. Such adverse effects have been documented in other instances of enhanced criminalization (e.g., Krúsi 2014; Levy and Jakobsson 2014), and a 2018 survey of 262 online sex workers found that the vast majority experienced “decreases in income, available clients, screening practices, and worker bargaining power [and] increases in risk taking, contact from predators preying on desperation, and demands for cheaper services” (Peterson et al. 2019:191). Due to an increased fear of arrest for advertising sexual services, some who advertised on Backpage and worked indoors have felt pressured to shift to street selling, where screening is more difficult (Anderson 2018; Villarreal 2018). Moreover, the statute immediately affected the ability of sex-worker rights organizations to promote themselves online and to operate offline: since the law was enacted, they have been blocked on social media, called off a planned conference, and suspended some street-outreach programs (Lennard 2018).

The closure of these websites is a major crusade victory.²⁹ Even if their demise serves to reduce supply and demand only slightly, it certainly qualifies as *symbolic politics* by interrupting the trend toward the normalization of sexual commerce. The well-publicized removal of these websites leaves a significant cultural footprint, reinforcing the stigma already associated with sex work. It thereby helps to reestablish conventional normative boundaries, a key goal of this moral crusade.

²⁶ Nevertheless, in June 2014, the FBI shut down another website where sex workers advertised, MyRedBook. The owner was later convicted of promoting prostitution, sentenced to a year in prison, and forfeited \$1.28 million in property and cash (Rocha 2015). In 2016, the male-oriented escort site [RentBoy.com](#) was also shut down by the authorities.

²⁷ Backpage was also accused of money laundering, conspiracy to facilitate prostitution, and modifying the terms used in certain ads in order to avoid the appearance of impropriety (U.S. Senate 2017).

²⁸ Available from <https://www.facebook.com/missingkids/posts/10156506459006988> (accessed June 5, 2018).

²⁹ A major player in the crusade, Shared Hope International, for example, declared that “anti-trafficking advocates and survivors of sex trafficking and their families celebrate this long awaited progress in the effort to combat online sex trafficking.” Regarding FOSTA-SESTA's symbolic benefits: “Indeed, recognizing the harm caused by online platforms as facilitators of trafficking and exploitation is a critical step in shifting the broader narrative to recognize the scope of exploitation that occurs in the commercial sex industry” (Smith 2018).

Legal Prostitution Regimes

Because a well-functioning legal prostitution system would clash with the interests of this crusade, it is imperative that the very idea of legalization be discredited. At Congressional hearings and elsewhere, organizations such as the Protection Project, International Justice Mission, and Shared Hope International have claimed that legal prostitution systems foster trafficking (O'Brien et al. 2013). In its mission statement, CATW seeks to “challenge acceptance of the sex industry, normalization of prostitution as work, and to de-romanticize legalization initiatives in various countries.”³⁰ Legalization allegedly increases trafficking by removing the constraints on a formerly illegal and marginalized enterprise. According to CATW's former co-director, “legalized or decriminalized prostitution industries are one of the root causes of sex trafficking” (Raymond 2004:317), a claim echoed by Concerned Women for America: “legalizing prostitution does not remedy the problem of sex trafficking but rather increases it.”³¹ The fact that organized crime thrives under conditions where there is strong demand for an illicit good or service is simply ignored by this crusade. The lessons of alcohol and marijuana prohibition, for example, do not resonate.

The legislative debate on the TVPA bill in 1999 and 2000 and the first three annual *Trafficking in Persons* reports did not critique legalization—a flaw that activists vociferously complained about in their testimony in Congress between 2001 and 2003 (O'Brien et al. 2013:149–150). These concerns were quickly addressed. The 2004 *Trafficking in Persons* report proclaims:

The United States Government takes a firm stand against proposals to legalize prostitution because prostitution directly contributes to the modern-day slave trade and is inherently demeaning. When law enforcement tolerates or communities legalize prostitution, organized crime groups are freer to traffic in human beings. . . . Legalized prostitution is therefore a trafficker's best shield, allowing him to legitimize his trade in sex slaves, and making it more difficult to identify trafficking victims. (Department of State 2004:22)

Activists also succeeded in convincing Congress to adopt a measure denying funding to non-governmental organizations that either favor or take no position on legalization. Since 2003, to be eligible for US funding, any foreign NGO working on the trafficking front must declare its opposition to prostitution and to legalization.

³⁰ Available from www.catwinternational.org.

³¹ Available from www.cwfa.org. See also <https://concernedwomen.org/is-decriminalizing-prostitution-the-new-trend/> (accessed June 2, 2018).

Similarly, the 2003 Global AIDS Act requires that any international organization working to curb AIDS must have a policy explicitly opposing prostitution if it wishes to receive US funding. This applies to American groups insofar as they work with or subcontract work to international organizations (Masenior and Beyrer 2007), as well as any group or individual who applies for funding from the Trafficking in Persons Office. The Justice Department extended this requirement to anyone who applies for funding to conduct research on trafficking—an apparent violation of free speech.

In this section, I describe the crusade's efforts against legalization—in discourse and activism. I begin with the state of Nevada—the only site in the USA where prostitution is legal and regulated by the government. In 1971, the state legislature passed a bill that allows rural counties to license and regulate brothels. (Street or escort prostitution is illegal throughout the state and all types of prostitution are outlawed in the counties where Las Vegas and Reno are located.) Currently, 21 legal brothels are operating in seven rural counties. In a 2011 poll, 56% of Nevadans believed that prostitution should be legal throughout the state.³²

Brothel owners are screened by county or municipal officials and are ineligible if they have ever been convicted of a felony. Condom use is mandatory under state law. Since the state began to require monthly testing for HIV and sexually transmitted infections in 1986, not one legal brothel worker has tested HIV-positive. Local governments impose additional regulations, governing the location of brothels, licensing, and participants' conduct. The brothels employ a number of safety precautions designed to prevent or respond to an altercation, and an in-depth multi-year study reported that none of the women interviewed had ever felt the need to press a panic button and that the police are rarely called to deal with problem customers (Bretns et al. 2010:129, 130, 227). The researchers also found that the brothels are not associated with drug use, violence, crime, or trafficking, and do not employ minors (Bretns et al. 2010:233). Another study observed that the “insulated nature of the brothels offers prostitutes near foolproof protection from theft, fraud, or crime” and that Nevada's model advances the larger “objectives of health, safety, welfare, and morals” (Snadowsky 2005:229, 226). The workers themselves are generally satisfied with the system. In her interviews and observations in the brothels, Alexa Albert found the workers to be “self-aware professionals there of their own free will. . . . The women had found a genuine sense of purpose and meaning in their work” (Albert 2001:30, 100).

Nevertheless, the legitimacy of the brothels has been contested on occasion. Voters in Lincoln County passed a

³² Public Policy Polling, July 28–13, 2011, $N = 601$ registered voters.

ballot measure in 1978 that outlawed the county's existing legal brothels. More recently, brothel-closure measures were rejected by 63% of voters in Churchill County in 2004 and by 81% of voters in Lyon County in 2018. Although these two measures failed to pass, they reflect the ongoing efforts of local activists to chip away at Nevada's legal regime.

The groundwork for statewide criminalization began a decade ago, in the form of a State Department-funded investigation of Nevada's brothels by anti-prostitution activist Melissa Farley. I describe this report in some detail here because it was given a stamp of credibility when co-published as an official State Department report.

The report claims that trafficking is rife in the brothels, but offers no evidence to support the claim:

Women are trafficked from other countries into Nevada's legal brothels. . . . In Nevada, twenty seven percent of our forty five interviewees [or just 12 women] in the Nevada legal brothels *believed* that there were *undocumented immigrants* in the legal brothels. Another eleven percent said they were uncertain, thus as many as thirty eight percent of the women we interviewed *may have known* of internationally trafficked women in Nevada legal brothel prostitution. (Farley 2007: 118, 119, emphasis added)

In other words, as many as 62% did *not* believe that women were trafficked into the brothels, while the remainder either had no opinion (11%) or believed that undocumented immigrants were present (27%). Note that the question asked about undocumented immigrants, which Farley recasts as trafficked persons.

When interviewees responded in ways that challenged her views, Farley simply discounted them: "I knew that they would minimize how bad it was" (Farley 2007: 22). This technique is a staple of abolitionist discourse: refusing to accept sex workers' testimony if it contradicts the oppression paradigm (Brennan 2017; Grant 2014). If respondents did not describe brothel work negatively, Farley pressured them to do so during her interviews: "we were asking the women to briefly remove a mask that was crucial to their psychological survival" (Farley 2007: 22). In response to another study's finding that Nevada's legal brothels "offer the safest environment available for women to sell consensual sex acts for money" (Bretns and Hausbeck 2005:289), Farley counters with a tenet of the oppression paradigm: "safety is relative, given that all prostitution is associated with a high likelihood of violence" (Farley 2007: 20). Evidence contradicting her position, including studies mentioned above, is routinely dismissed or ignored in Farley's report.³³ The fact that the State Department funded and co-published the report

suggests a congruence of activist-government interests during the Bush years.

In every other place where prostitution is either officially legal or de facto tolerated, activists have intensified their lobbying for criminalization policies over the past two decades. Moreover, when one branch of government initiates a more tolerant approach, its action may be negated by another branch. For example, when Canada's Supreme Court invalidated the country's three prostitution laws in 2013, on the grounds that they interfered with the liberty and safety of sex workers, abolitionists quickly mobilized and convinced Parliament to criminalize the act of purchasing sexual services the following year (Krúsi 2014; Sampson 2014). Similarly, legalization bills in places where prostitution is currently illegal have been staunchly opposed by abolitionists on the right and left.

As noted above, the official position of the US Government is that legalized prostitution fosters sex trafficking. This, despite the fact that the State Department's annual *Trafficking in Persons* reports have consistently rated nations where prostitution is legal (e.g., Austria, Australia, Germany, the Netherlands, New Zealand, Switzerland) as being in *full compliance* with the agency's minimum standards for curbing trafficking.³⁴ This does not necessarily mean that legalization helps to reduce the incidence of trafficking, but it may indeed have that effect.

³³ Farley's views have been roundly criticized. For example, during the successful constitutional challenge to Canada's prostitution laws in 2010, Farley was among those who testified in favor of retaining criminalization. The judge downgraded her testimony due to concerns about bias:

I found the evidence of Dr. Melissa Farley to be problematic. . . . [H]er advocacy appears to have permeated her opinions. For example, Dr. Farley's unqualified assertion in her affidavit that prostitution is inherently violent appears to contradict her own findings that prostitutes who work from indoor locations generally experience less violence. Dr. Farley's choice of language is at times inflammatory and detracts from her conclusions. For example, comments such as, "prostitution is to the community what incest is to the family" and "just as pedophiles justify sexual assault of children . . . men who use prostitutes develop elaborate cognitive schemes to justify purchase and use of women" make her opinions less persuasive. Dr. Farley stated during cross-examination that some of her opinions on prostitution were formed *prior to her research*, including "that prostitution is a terrible harm to women, that prostitution is abusive in its very nature, and that prostitution amounts to men paying a woman for the right to rape her." Accordingly, for these reasons, I assign less weight to Dr. Farley's evidence.

Bedford v. Canada (2010), 102 O.R. 3d 321, paras. 353–57 (Ontario Superior Court).

³⁴ This finding conflicts with the State Department's recently added requirement, noted above, that other governments must make efforts to "reduce the demand for commercial sex acts," because countries with legal prostitution are generally not involved in demand-reduction efforts. As the State Department's recent country narrative on New Zealand stated, "The government did not make efforts to reduce the demand for commercial sex acts" (Department of State 2017: 300).

The Ministry of Justice in the Netherlands, for example, concluded that, since legalization in 2000, “it is likely trafficking in human beings has become more difficult, because the enforcement of the regulations has increased” (Daalder 2007:84),³⁵ and even the U.S. State Department reported that Dutch authorities have seen a “decrease in trafficking in the legalized sector” (Department of State, 2005:164). Official statistics in Germany show a consistent decline since 2002 (the year of legalization) in the number of persons officially certified as sex trafficking victims and the number of persons convicted of trafficking. The former decreased from 1197 in 2000 to 524 in 2014, and the number of convictions decreased from 148 to 77 (Federal Ministry of the Interior 2015). This does not necessarily mean that trafficking has decreased, but we might expect an increase in these figures if legalization indeed causes an increase in sex trafficking. Underscoring the complexity of this issue, a 2006 study by the International Labour Organization concluded, “We have not found any correlation between legalized prostitution and trafficking” (quoted in O’Brien et al. 2013: 158). The USA offers a contrasting case: Under the country’s prohibitionist system, the number of trafficking cases investigated at the local, state, and federal levels increased from 708 cases in 2011 to 802 in 2015 (Attorney General 2016: 57–58). Interestingly, the Obama administration’s first *Trafficking in Persons* report contains a sentence that suggests that *criminalization*, not legalization, contributes to unfree labor practices: “As commercial sex is illegal in most countries, traffickers use the resulting illegal status of migrant women that have been trafficked into commercial sex to threaten or coerce them against leaving” (Department of State 2009 : 36).

Like the Nevada findings presented earlier, legalization in other countries has the potential to enhance sex workers’ safety, health, and job satisfaction. A unique comparative study of three diverse state systems in Australia provides evidence that legalization can be superior to alternative policies. The study focused on the capital cities in three states: Perth (brothels illegal), Melbourne (brothels legal if licensed), and Sydney (brothels decriminalized and unregulated). Based on interviews with 605 brothel workers and site observations across the three cities, Melbourne’s brothels were more likely than the other two to supply free condoms to workers, to have security cameras on the premises, and to have rooms equipped with alarm systems. In addition, field observers rated the workplaces on how worker-friendly they were. Melbourne’s were most likely to receive the maximum 5-star rating. Because it puts a

premium on regulating and monitoring brothels, Melbourne’s legalization model was found to be superior to criminalization (Perth) and *laissez-faire* decriminalization (Sydney) (Harcourt 2010; cf. Sullivan 2010).

These findings are not unique to Australia. There are parallels in other nations. In comparing these cases, a key finding is that outcomes for sex workers and other stakeholders are strongly correlated with the *kinds* of regulation in place and the extent to which they are *implemented and enforced* by the authorities. Legal prostitution systems vary considerably on both measures, and thus differentially impact management practices, workers’ health and safety, and public order (e.g., Remick 2014; Wagenaar et al. 2017; Weitzer 2012). *Some legal models are consistent with measures of best practices, while others are flawed or counterproductive* (Weitzer 2012). In other words, legal prostitution is far from monolithic. Space limitations prevent a full discussion of the complexities of prostitution policy in places where it is legal and state-regulated, but it is clear that the sweeping claims of crusade operatives are contradicted by in-depth research in these settings. Criminalization policies, by contrast, generate a host of problems inherent in other black markets and have well-documented adverse effects on sex workers’ health and safety (e.g., Krüsi 2014; Levy and Jakobsson 2014; Vanwesenbeeck 2017).³⁶

Conclusion

The evidence presented here shows that crusade forces and their allies in the US government have been involved in an unprecedented campaign against sexual commerce over the past two decades. Although some of the distinct components of crusade ideology have been described by other researchers, the article offers a more comprehensive portrait of the core claims and discourse as well as its institutionalization in recent policy and law.

What began as a concern about human trafficking in the late 1990s has widened to encompass sex work in all its forms. Evidence of this domain expansion can be found in crusade and official pronouncements, legislation, and law enforcement practices. The overall trend is a splendid example of rapid incorporation of a social movement’s demands in state policy and practice (cf. Weitzer 2007).

³⁵ In the Netherlands, an anonymous hotline receives reports from customers regarding possible cases of abuse of a sex worker (Vanwesenbeeck 2017).

³⁶ Analysis of surveys administered to 4,559 sex-trafficking victims in Europe, at field missions run by the International Office for Migration, concluded: “These results confirm results of many other studies that have looked at the consequences of criminalization policies. Whenever sex work has been criminalized, sex workers have been moved to more secluded places with the consequences of being more exposed to different kinds of risks: assault, fraud, control, and lack of freedom” (Di Tommaso et al. 2009: 155).

The campaign has all the hallmarks of a moral crusade:

- Its discourse makes bold assertions about the magnitude, severity, and nature of the problem—claims regarding sex trafficking that are disproportionate to the available evidence and claims regarding sex work that are based on the essentialist axioms of the oppression paradigm;
- Crusade leaders and their state allies operate with categorical conviction that the evils that disturb them are precisely as they depict them;
- Atrocity tales privilege the most shocking cases and portray them as representative and generalizable;
- A variety of actors are branded folk devils: traffickers, customers, website owners, legal brothel owners, and pornography producers and distributors; and
- Sex work is depicted as symptomatic of wider threats to traditional sexual mores, to the family, to gender relations, to public health, and more.

The growing sexualization of Western culture is an important macro-level factor that is viewed with alarm by both the religious right and abolitionist feminists. Sex work is seen as an integral part of this trend, along with sexting, skimpy attire, pole-dancing classes, sex addiction, erotic advertising, and what some call the “pornification” of society.

There are other important patterns in the data analyzed here. First, the five core pillars above appear *uniformly and consistently* throughout crusade discourse, irrespective of the particular type of sex work under scrutiny. The specific content of this discourse may change somewhat over time, but these innovations are variations on the same theme and novel ways in which the danger can be secularized or medicalized. Modernization may help to sell crusade claims to members of the public who are not swayed by arguments confined to immorality. At the same time, moralizing discourse clearly has not been abandoned; that sex work poses a danger to traditional morality remains a vital pillar in this crusade. It has not been replaced with utilitarian claims but instead is *linked* to them (Hunt 1999), as illustrated in the anti-porn resolutions’ fusion of public health with marital dissatisfaction, infidelity, sexualization, group sex, etc. Second, this moral crusade has been *unencumbered*: it benefits from the extreme stigma attached to sex work, a presumption of endemic exploitation and victimization (the oppression paradigm), and the lack of a robust counter-narrative (Weitzer 2018). When sex-worker rights groups and supportive organizations (e.g., Amnesty International) have challenged crusade and government positions, they have been belittled or condemned (Grant 2014; Porth 2018). In addition, the mainstream news media has presented both sex work and human trafficking monolithically, essentially echoing the views of crusade leaders and the authorities. Alternative portrayals are rare in the news media. Third, the campaign has consistently made *sensationalized*

and sweeping generalizations about sex work—assertions that conflict with a long tradition of research supporting the polymorphous paradigm and documenting substantial variation across time, place, sector, and gender (Harcourt and Donovan 2005; Vanwesenbeeck 2001; Weitzer 2012). The blanket accusations regarding the public health effects of pornography or the characteristics of Nevada’s legal brothels illustrate this hyperbolic pattern well.

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