Sex Trafficking and Worker Justice: Insights from Catholic Social Teaching

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What insights can Catholic social teaching bring to ongoing debates regarding the definition of sex trafficking? In this essay, I suggest that the dualistic conception of work in Catholic social teaching – most notably in John Paul II’s *Laborem Exercens* – may provide a bridge between otherwise deeply divided views on this matter. The essay begins with a review of debates regarding sex trafficking at the United Nations and identifies two distinct perspectives that continue to inform these debates: the free labor and feminist abolitionist perspectives. The essay then draws upon the insights offered by Catholic social teaching on the nature of work, in an attempt to resolve conflicts between these two perspectives (or perhaps, at least, to turn down the heat somewhat). Finally, the essay considers fundamental differences in the feminist abolitionist and Catholic perspectives on sex trafficking and prostitution, and offers some hope for concluding that such perspectives, while distinct in important ways, are not irreconcilable.

Debating Sex Trafficking

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was a watershed moment in the fight against sex trafficking for a number of reasons, not least of which is the fact that it marked the first time an agreed definition of trafficking in persons was adopted at a global level in a legally binding instrument. Prior to adoption of the U.N. Trafficking Protocol,

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while there was widespread agreement that trafficking was a serious problem, there was little agreement as to what trafficking was — and this lack of clarity surrounding the definition of trafficking was particularly acute with respect to the issue of sex trafficking. Not surprisingly then, the negotiations leading up to the drafting of the U.N. Protocol took place behind a backdrop of very heated debates regarding the nature of the problem the anti-trafficking community sought to address and, concomitantly, how to articulate the problem precisely in a legal definition.

On the one side of these debates were those who wanted to define sex trafficking very narrowly, as involving only forced prostitution. This coalition wanted to ensure that the woman’s consent to being recruited or transported or, ultimately, her consent to being prostituted, would negate any finding that she had been trafficked. Put another (perhaps more cynical) way, those who endorsed this narrow definition of trafficking wanted to let traffickers off the hook provided they could plausibly claim that the victim consented. The other side of the debate wanted to adopt a much broader definition of sex trafficking — one that would recognize trafficking as an “umbrella concept that encompassed all practices of buying and selling women’s and children’s bodies.” This side of the debate urged the U.N. delegates to adopt a definition of trafficking that was consistent with the spirit of 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which made no distinction between forced prostitution and voluntary prostitution and considered the victims’ consent to being trafficked wholly irrelevant.

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2 This lack of agreement, within both international and domestic law, is illustrated in the fact that while the negotiations for the U.N. Trafficking Protocol were ongoing, the United States was (that same year) agreeing to a definition of trafficking in its domestic law which did not track the elements of the U.N. definition. Rather, the U.S. domestic law definition of trafficking includes two distinct concepts: “sex trafficking” and “severe forms of trafficking.” Sex trafficking (simpliciter) is defined “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act,” while the “severe form” of sex trafficking requires the further element of “force, fraud, or coercion.” Trafficking Victims Protection Act of 2000 (TVPA) Pub. L. No. 106-386, div. A, 114 Stat. 1466 (codified as amended in scattered sections of 8, 18, and 22 U.S.C.). (Note that this account of sex trafficking and its international and domestic definitions addresses cases involving adults and does not address the issue of child sex trafficking.)


4 See, e.g., UN General Assembly, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1949, A/RES/317, which condemned “traffic in persons . . .for purposes of prostitution. . .even with the consent
In the end, those seeking a broad definition of trafficking prevailed.\(^5\) As such, trafficking is now recognized according to international law to include any instance of “recruitment, transportation, transfer, harbouring or receipt of persons” for the purpose of “exploitation of the prostitution of others or other forms of sexual exploitation” whenever the recruitment, etc. is accomplished “by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or [an abuse of the trafficked person’s] position of vulnerability. . .”\(^6\) Most crucially, the definition of trafficking in the U.N. Trafficking Protocol explicitly states that “the consent of a victim. . . to the intended exploitation set forth [above]. . .shall be irrelevant where any of the means set for [above] have been used.”\(^7\) As Kaethe Morris Hoffer has observed, the U.N. Trafficking Protocol stands as the “modern-day high-water mark of global efforts to internationally criminalize pimping and to shift attention away from the ‘choices’ of the prostituted to the actions of those who profit from the sexual consumption of girls and women.\(^8\)

While the UN Trafficking Protocol does not logically equate all prostitution with sex trafficking, it is clear that the broad array of illicit means listed in the definition encompass nearly all of the means by which persons actually are recruited into or maintained in prostitution.\(^9\)

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\(^6\) U.N. Trafficking Protocol, Art. 3 (a).

\(^7\) U.N. Trafficking Protocol, Art. 3 (b). As the former U.N. Special Rapporteur on Trafficking in Persons, Especially Women and Children, has explained in her elaboration of the definition of trafficking, Art. 3(b) renders the consent of the victim irrelevant in all cases of trafficking, since the requirement that the “means set out [above] have been used. . . will be satisfied in 100 percent of adult trafficking cases because it is a logical prerequisite to establishing that a case of adult trafficking has occurred.” Huda, supra at para. 39.


\(^9\) The interpretive notes (traveaux preparatoires) to the U.N. Trafficking Protocol confirm the lack of a logical connection drawn between sex trafficking and prostitution in the definition insofar as they state that the Protocol is “without prejudice to how States Parties address prostitution in their respective domestic laws.” Ad Hoc. Comm.
The point is well stated by Sigma Huda, a feminist abolitionist and the former UN Special Rapporteur on Trafficking. In her 2006 thematic report, she writes:

For the most part, prostitution as actually practised in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person’s experiences within prostitution do not involve, at the very least, an abuse of power and/or an abuse of vulnerability. . . . Put simply, the road to prostitution and life within “the life” is rarely one marked by empowerment or adequate options.10

While there were clearly two sides in the debates regarding the U.N. Trafficking Protocol definition, there were (at least) three distinct perspectives that informed the debates.11 The first, which I will refer to as the free labor perspective, calls for the recognition of prostitution as “sex work” and advocates unionizing prostituted-people in an attempt to eradicate sex trafficking.12 According to the free labor perspective, international sex trafficking is best understood as an “occupational hazard” faced by “migrant sex workers” and as such the problems of exploitation and violence endemic to prostitution are thought to be best addressed through traditional workers’ rights protections such as collective bargaining.13

10 Huda, supra at para. 42.
The second perspective, typically referred to as feminist abolitionism, rejects the free labor approach and instead favors eradicating prostitution altogether. Feminist abolitionism is an approach to sex trafficking that seeks to abolish both sex trafficking and prostitution generally. What makes this form of abolitionism particularly feminist (and thus distinct from conservative or reactionary forms of abolitionism) is the fact that its normative prescription for abolition is grounded in a larger set of feminist commitments and goals. Specifically, feminist abolitionists want to abolish sex trafficking and prostitution because these practices “harm women in ways that tend to sustain and perpetuate patriarchal structural inequality.” In terms of political goals, feminist abolitionists typically encourage a four-fold approach to prostitution and sex trafficking: providing social-welfare programs that assist people in avoiding and exiting prostitution, public education campaigns aimed at raising awareness regarding the harms prostituted-people suffer, the abolition of criminal laws that penalize prostituted-people, and the enforcement of criminal laws that penalize traffickers and prostitute-users.

The third perspective is that of Catholic social teaching. Undoubtedly, the Catholic Church’s actions in the fields of international law and diplomacy regarding the issue of sex trafficking have been closely aligned with the practical goals sought by feminist abolitionists. Indeed, in my own experience as a lobbyist in Vienna during the United

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15 Dempsey at 1730.

16 Id.

17 Id at 1733.

Nations negotiations regarding the drafting of the U.N. Trafficking Protocol, it was clear that many feminist abolitionist non-governmental organizations (NGOs) were able to work productively with representatives of the Permanent Observer Mission of the Holy See to the United Nations in influencing the drafting of the document and encouraging voting members of the United Nations to support a broad definition of trafficking.\textsuperscript{19} Moreover, since the adoption of the U.N. Trafficking Protocol, feminist abolitionists and representatives of the Catholic Church have continued to work in coalition to support and defend this definition, and further share a commitment to condemning the “demand” side of the prostitution market.\textsuperscript{20} This alignment is exemplified not only in the joint political activism of Catholics and feminist abolitionists, but further in the work performed “in the trenches” by many Catholic organizations that share a commitment with feminist abolitionists to condemning prostitute-use and oppose the legalization of prostitution.\textsuperscript{21} Finally, the perspectives of feminist abolitionism and Catholic social teaching find parallels in the writings of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, which has recognized that “[i]n many cases, relationships between men and women are not on an equal footing, because violence, or the

\textsuperscript{19} See, Janice Raymond, \textit{The Guide to the New U.N. Trafficking Protocol} (Coalition Against Trafficking in Women, 2001) http://action.web.ca/home/catw/attach/un_protocol.pdf (detailing the members of the abolitionist International Human Rights Network, a 140 member coalition of NGOs including leading feminist abolitionist organizations such as the Coalition Against Trafficking in Women International (CATW) and the Movement for the Abolition of Pornography and Prostitution (MAPP), along with Catholic organizations such as Pax Romana ICMICA-IMCS (International Catholic Movement for Intellectual and Cultural Affairs).)

\textsuperscript{20} See, e.g., \textit{Statement on the 2nd Annual Report of the Special Rapporteur on the Human Rights Aspects of Victims of Trafficking in Persons, Especially Women and Children, Sigma Huda}, (September, 2006), available at <http://action.web.ca/home/catw/readingroom.shtml?x=92105&AA_EX_Session=9de713cb3ea9ecaed2cb4b4b9b77d284> (in which feminist abolitionist organizations such as the Coalition Against Trafficking in Women and Equality Now joined with Catholic organizations such as Sisters of the Good Sheppard and UNANIMA in a 125 member coalition to support the Special Rapporteur’s focus on “demand” and her clarification that consent is irrelevant to the definition of trafficking).

\textsuperscript{21} UNANIMA International is a coalition of congregations of Roman Catholic sisters that defines its mission with regard to trafficking as grounded in the belief that “buying and selling of human persons, especially women and children for sexual exploitation is today’s most common form of slavery.” Following from this belief, UNANIMA International has undertaken a campaign “to counter human trafficking through efforts to stop the demand for the purchase of women and children...” A primary mission of the Sisters of the Good Shepherd, established in its origins, is to work with women in prostitution. <http://www.goodshepherdssisters.org/trafficking_archive.html>.
threat of it, gives men privileges and power that may make women silent and passive."22

However, despite the areas of coordination in political activism and mutual support in working with trafficking survivors, there are just as certainly many ways in which the Church’s understanding of prostitution and sex trafficking are in tension with feminist abolitionism. These tensions and the extent to which the feminism can be reconciled with Catholic social teaching will be explored further below. First, however, this essay will explore these three perspectives on the relationship between sex trafficking and worker justice by way of addressing the differences between the free labor perspective and feminist abolitionism, and considering what insights can be drawn from Catholic social teaching in reflecting on these differences.

The Free Labor Perspective

The free labor perspective, as I employ the term here, refers to a conceptual and methodological model that identifies practices which violate the human rights of workers and attempts to remedy these violations through, endorsing the unionization of workers, holding abusive employers accountable, guaranteeing workers a fair wage, providing working conditions that respect the dignity of workers, and reforming immigration laws that disadvantage migrant workers and make them particularly susceptible to exploitation by abusive employers.23

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22 Guidelines for the Pastoral Care of the Road (May 24, 2007) <http://www.catholicculture.org/culture/library/view.cfm?recnum=7616>. It is interesting to note that a far more explicitly feminist approach was adopted in an earlier draft of this document, yet was cut from the final report. In June 2005, the Pontifical Council for the Pastoral Care of the Migrants and Itinerant People convened an International Meeting of Pastoral Care for the Liberation of Women of the Street in Rome, where it was concluded that “[T]he relationship between men and women is unequal...” (leaving aside the modifying language, “in many cases...”) and that “[t]he link between violence and ‘patriarchy’ and the effect of both on women need to be explored and reflected on at every level of society.” Final Document of the International Meeting of Pastoral Care for the Liberation of Women of the Street (June 20-21, 2005) available at: <http://www.catholicculture.org/culture/library/view.cfm?recnum=6529>. In the final published Guidelines, the explicitly feminist concerns raised in the meeting’s final document are deleted, and the topics of prostitution and trafficking are addressed as merely one subsection of a larger set of Guidelines that are principally concerned with pastoral care of travelers (that is, people traveling on the road in the sense of addressing the pleasures and dangers of driving automobiles and the moral responsibilities of road users to abide by traffic regulations, etc.).

23 These goals are commonly sought through the instrumentality of unionization of workers. See, James T. Bennet and Bruce E. Kaufman, WHAT DO UNIONS DO? A
free labor perspective offers both a conceptual model and normative prescription for how best to approach sex trafficking. The conceptual claim is that we should “apply a labor lens to prostitution” and understand prostitution as “sex work.”24 As Berta Hernandez-Truyol and Jane Larson have argued, “a labor paradigm is the proper . . . model for the study of prostitution” because it avoids what they perceive to be the necessary alternatives of “denying women agency or moralistically condemning all commercial sex.”25 A “labor lens” is the most appropriate perspective from which to view prostitution, according to Monica Moukalif, because “people who perform erotic or sexual service in exchange for payment are workers in the truest sense of the word. . .[since] prostitutes are grappling with many of the core labor issues common to other marginalized-organized labor groups.”26 Failure to recognize prostitution as sex work, as Shelly Case Inglis argues, “implicitly reinforce[s] the social stigma attached to women who work in the sex industry.”27

Conceptualizing prostitution as “sex work” and sex trafficking as “migration for sex work” is, however, only the first step in the approach advocated by a free labor perspective.28 The next step is a move toward protecting “sex workers’” rights through establishing collective bargaining groups – specifically, sex workers unions. As Jo Bindman and Jo Dozema, writing on behalf of the Network of Sex Work Projects, have explained it, the conceptual model is a necessary underpinning which directly leads to the normative remedy advocated by those who share this perspective.29

TWENTY YEAR PERSPECTIVE (New Jersey: Transaction Publishers 2007): “All sides agree that the objective of unions is to advance the interest of their worker members, and toward this end they exert pressure on employers and governments for improved terms and conditions of employment.” Ibid at 1.

26 Moukalif, supra n. 24 at p. 253-254, 274.
29 Jo Bindman and Jo Doezema, Redefining Prostitution as Sex Work on the International Agenda (London: Anti-Slavery International and the Network of Sex Work Projects, [1997]) “[W]e first need to identify prostitution as work, as an occupation. . .then sex workers can be included and protected under the existing instruments that aim to protect all workers from exploitation. . .”
The argument in favor of adopting a free labor perspective on human trafficking has recently been defended by James Gray Pope, who employs an analogy to pest control to illustrate the point.

In theory, an unwanted thing or condition can be eradicated by the negative means of attacking it directly, or the positive means of nurturing a nemesis, or a combination of the two. In the field of pest control, for example, a given pest can be attacked directly with pesticides, or a nemesis species can be introduced into the environment. In the latter case the nemesis species does the work of extermination either by attacking the pest or by out-competing it for food and other resources.30

According to Pope, where labor trafficking is the “pest,” free labor practices of collective bargaining and unionization are the “nemesis species” that can exterminate the problem. “Human trafficking and slavery can be attacked not only negatively, through legal prohibition,” he argues, “but also positively, by nurturing the free labor system as a nemesis to slavery.”31 It follows then, on Pope’s argument, that if sex trafficking is the “pest,” then the “nemesis species” is to unionize sex workers. This goal might be accomplished, he suggests, by supporting already existing movements toward collective bargaining in some areas of the commercial sex industry, in hopes that those who are unionized “can help to identify and liberate enslaved individuals in the sex industry.”32

The Feminist Abolitionist Response

The free labor perspective presents a significant challenge to feminist abolitionism, for, as Berta Hernandez-Truyol and Jane Larson have correctly observed, “abolitionists have always been wary of any compromise that might suggest the legitimation of prostitution or trafficking.”33 As feminist abolitionist, Mary Sullivan, notes in her critique of the unionization of sex workers in the State of Victoria, Australia, a core element in the feminist abolitionist’s reluctance to view prostitution as “sex work”, sex trafficking as “migration for sex work”, and to the unionization of “sex workers” is the fact that “from this perspective, the human rights violations experienced by prostituted women [are reduced to mere] labor abuses, having nothing to do with gender violence or male power.”34

31 Id. at 1875.
32 Id. at 1873.
33 Hernandez and Larson, supra note 25, at p. 401.
34 Sullivan, MAKING SEX WORK: A FAILED EXPERIMENT WITH LEGALISED PROSTITUTION (Spinifex Press 2007) at p. 118.
Rather, from feminist abolitionist perspective, an understanding of gender-as-hierarchy, the role of violence perpetrated to maintain that hierarchy, and the resulting systemic power imbalances between men and women, are all salient to understanding the human rights violations experienced by prostituted women.\textsuperscript{35} This perspective is thus notably distinct from a free labor perspective, which tends to view the human rights violations suffered by prostituted-women as, principally, harms to individuals living under a market economy rather than harms to women living under patriarchy.\textsuperscript{36}

Clearly then, the feminist abolitionist perspective is somewhat in tension with the free labor approach to the commercial sex industry. In a pointed critique, Janice Raymond, former co-executive director of the feminist abolitionist NGO, the Coalition Against Trafficking in Women, challenges the naiveté that informs the free labor perspective on sex trafficking and prostitution, and issues a clarion call for abolition over mere attempts at reform:

We hear too little about the role of the sex industry in creating a global sex market for women and children. Instead, we hear that prostitution could be made into a better job for women through regulation and/or legalization, through unions of so-called sex workers. . . We hear much about how to keep women in prostitution but very little about how to help women get out.\textsuperscript{37}

From a feminist abolitionist perspective, prostitution is viewed not as work, but rather as a form of violence against women – and as such, abolition of the commercial sex industry altogether is preferred over attempts at reforming the industry through unionization (or otherwise).\textsuperscript{38} There are two key sets of considerations underlying this feminist abolitionist perspective on prostitution as violence against women and, relatedly, the frequent parallels drawn in feminist abolitionist literature between prostitution and sex trafficking.\textsuperscript{39} First, from feminist abolitionist perspective, conceptualizing prostitution as sex work

\textsuperscript{35} For a discussion of the theoretical groundings of much feminist abolitionist thought, see Dempsey, supra at 1733-1739.
\textsuperscript{36} Ibid.
\textsuperscript{37} Janice G. Raymond, Prostitution on Demand: Legalizing the Buyers as Sexual Consumers, 10 Violence Against Women 1156, 1177 (2004).
\textsuperscript{38} For methodological debates regarding the feminist abolitionist claim that prostitution is violence against women, see Ronald Weitzer, Flawed Theory and Method in Studies of Prostitution, 11 Violence Against Women 934 (2005); Melissa Farley, Prostitution Harms Women Even if Indoors: Reply to Weitzer, 11 Violence Against Women 950 (2005); Dempsey, supra note 14 at 1747-1749.
\textsuperscript{39} See, eg, Morris Hoffer, supra at 1832.
suggests an implausibly high degree of free choice being exercised by people who find themselves being prostituted. As Catharine MacKinnon has put the point:

Women’s precluded options in societies that discriminate on the basis of sex, including in employment, are fundamental to the prostitution context. If prostitution is a free choice, why are the women with the fewest choices the ones most often found doing it?40

Moreover, even if we put aside the question of choice, it is evident from the empirical research that women suffer tremendous harms in prostitution.41 No one has done more to document these harms than Dr. Melissa Farley, who has made it her life’s work to study the harmful effects of “working” in the commercial sex industry. Her research ranges across a variety of countries and details the harms endemic to both outdoor (“street”) prostitution and indoor (brothel or “call girl”) prostitution. In one study, Farley and her co-researchers documented that 71% of respondents had been physically assaulted while in prostitution, 63% had been raped, and 68% met the criteria for post-traumatic stress disorder.42 Echoing back as well to the previous point about the lack of free choice exercised by the overwhelming number of prostituted people, Farley found that 89% of women in prostitution want to escape.43 In light of these realities, the feminist abolitionist perspective resists any move toward legitimating the commercial sex industry.

**Insights from Catholic Social Teaching**

In some respects, we might conclude that the perspective of Catholic social teaching regarding the relationship between sex trafficking and worker justice is closely aligned with the perspective of feminist abolitionism.44 As noted above, in terms of its role as an actor in the realm

40 MacKinnon, supra at 28.
41 There is, of course, a great deal more to say regarding the issues of choice and the validity of consent in the context of prostitution and trafficking. For two particularly insightful and clear analyses of puzzles regarding consent, see Peter Westen, THE LOGIC OF CONSENT: THE DIVERSITY AND DECEPTIVENESS OF CONSENT AS A DEFENSE TO CRIMINAL CONDUCT (Ashgate Publishing 2004) and Alan Wertheimer, CONSENT TO SEXUAL RELATIONS (Cambridge University Press 2003).
43 Id. at 34.
44 It is precisely this sort of alignment that is posited by those who critique feminist abolitionism for making “strange bedfellows” with the Church. See, e.g., Julia
of international political diplomacy and international law, the Catholic Church has supported many of the concrete policy goals sought by feminist abolitionists. Upon closer reflection, however, we gain insights into the extent to which Catholic social teaching may lend support to the free labor perspective on prostitution and sex trafficking. An examination of Catholic social teaching regarding the nature of work is particularly revealing in this regard.

Catholic Social Teaching on the Nature of Work

As Bishop Jose Gomez has observed, “there is no institution or school of thought today that offers a more compelling and integrated understanding of the meaning of work and its relationship to human nature than the Catholic Church.” In this section, I draw upon insights cultivated from this rich understanding of the nature of work, in hopes that it might illuminate the apparent differences between the free labor and feminist abolitionist perspectives regarding the relationship between sex trafficking and worker justice.

While the topic of work has formed the focus of much Catholic social teaching, the insights upon which I shall draw are developed primarily in Pope John Paul II’s teachings on the nature of work in his encyclical, Laborem Exercens. Specifically, there is much to be gained from an understanding of the distinction John Paul II draws between “work in the objective sense” and “work in the subjective sense.” As John Finnis has noted in his commentary on the fundamental themes of Laborem Exercens, this distinction “has nothing whatever to do with the distinction between ‘objective’ ‘truth’ and (mere) ‘subjective’ ‘opinion’. Rather it reflects the fact that work has two aspects, two dimensions.” The first dimension of work (work in its subjective sense) is the subject of work, meaning, the person who carries out the work; while the second dimension of work (work in its objective sense) is the object of that

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45 See text and notes at 6 above.


48 Id. at ch 2.
subject’s work, meaning that which is carried out by the subject. This distinction animates John Paul II’s understanding of the nature of work throughout *Laborem Exercens*:

However true it may be that man is destined for work and called to it, in the first place work is “for man” and not man “for work.” Through this conclusion one rightly comes to recognize the pre-eminence of the subjective meaning of work over the objective one. Given this way of understanding things and presupposing that different sorts of work that people do can have greater or lesser objective value, let us try nevertheless to show that each sort is judged above all by the measure of the dignity of the subject of work, that is to say, the person, the individual who carries it out.49

In order to understand how *Laborem Exercens* illuminates the conflict between the free labor and feminist abolitionist perspectives on the question of whether prostitution can properly be characterized as “sex work”, we first need to appreciate that the call to characterize prostitution as sex work is principally a claim of dignity. By making prostitution into “sex work,” one can trade on the good name and dignity of work, thus lending dignity to prostitution. Generously interpreted, I think the call to conceptualize prostitution as “sex work” can be understood as a call for recognizing the dignity of the person selling sex: the prostituted-person, or the “sex worker.”

Undoubtedly, the dignity of prostituted-persons has certainly not been well-respected throughout history.50 Indeed, even in the context of seeking to protect prostituted-persons, it has often been the case that the dignity of these human beings has been erased. Take, for example, the 1949 UN Trafficking Convention, “...prostitution (is simply) incompatible with the dignity and worth of the human person. . .” Note that this formulation does not merely state that prostitution does not enhance human dignity, or is not supportive of the dignity of the people involved, or even that it violates or does “injury” to the dignity of the human person (as the Catechism of the Catholic Church states). Rather, the claim of the 1949 Convention cuts deeper – by claiming that prostitution is incompatible with the dignity and worth of the human person: “incapable of existing together in the same subject.”51

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49 Id. at ch 2, sec. 6.
One obvious reading of this language is that being a prostitute is simply incompatible with possessing human dignity, and in light of such a reading, it is understandable why prostituted-persons would want to claim the language of “work,” so as to claim their own dignity as workers and thus as human beings.

While John Paul II’s distinction between “work in the objective sense” and “work in the subjective sense” in *Laborem Exercens* is clearly important to understanding the nature of work and its relationship to human dignity in general, it is also particularly relevant to resolving the differences outlined above between the free labor and feminist abolitionist perspectives regarding the matter of “sex work.” For, *Laborem Exercens* builds upon this distinction in declaring that the dignity of work is primarily subjective rather than objective. That is, the dignity of work is grounded in the dignity of the worker rather than the objective value of work being performed.

The basis for determining the value of human work is not primarily the kind of work being done, but the fact that the one who is doing it is a person. The sources of the dignity of work are to be sought primarily in the subjective dimension, not in the objective one.52

If I am right in thinking that the call to conceptualize prostitution as “sex work” can be understood as a call for recognizing the dignity of the prostituted-person – then it is simply a call for recognition of the dignity of sex work in its subjective sense – or, in other words, it is a call for recognition of the dignity of the “sex worker.” Framed in these terms, there is little for the feminist abolitionist to object to in the conceptualization of prostitution as sex work. For, surely, the very basis of the feminist abolitionist’s critique of prostitution is grounded in a recognition and respect for the human dignity of the prostituted-person. Once we acknowledge the truth of the distinction between work in its subjective sense and work in its objectives sense, and appreciate that the true measure of the dignity of work is the dignity of the worker – then to call prostituted-persons “sex workers” is simply to acknowledge the dignity of those prostituted-persons. This account is, I think, the most generous way of understanding the call to conceptualize prostitution as “sex work.”

There remains, of course, at least one rather significant problem with characterizing prostitution as sex work – and that is the risk that doing

52 *Laborem Exercens* at ch 2, sec. 6.
so will normalize prostitution – thereby increasing demand and thus increasing the number of women harmed in prostitution. Normalization in this context, as defined by the feminist abolitionist Mary Sullivan, “is a process whereby actions, behaviors or beliefs are accepted in society through repetition or propaganda to the extent that they are never questioned but are considered by most people with a society as natural.”

The concept of normalization plays a key role in the thesis of Sullivan’s book criticizing the prostitution as sex-work experiment ongoing in Victoria, Australia. “Inevitably,” she writes, “the normalization of prostitution as legitimate commercial activity has also meant the...significantly increased...open marketing and selling of women for sex.”

Indeed, her research demonstrates the extent of normalization of the “sex industry” in Victoria: the Victorian Government, she reports, has joined forces with Australia’s mainstream financial institutions to encourage the prostitution industry through tax incentives – and, in 2003, a brothel named The Daily Plant, became the first brothel to be openly traded on the stock exchange.

Concerns regarding normalization of prostitution are grounded in the fact that normalization typically leads to an increase in prostitution, and concomitantly, an increase in the harms of prostitution. Moreover, feminist abolitionists remain concerned (and rightly, I believe) that legitimization of prostitution as sex work will remove whatever political will there might be to expand women’s employment opportunities in other market sectors, leaving prostitution as a “good enough job for poor women.” As Janice Raymond expresses this set of concerns:

If women in prostitution are counted as workers, pimps as businessmen, and the buyers as consumers of sexual services, thus legitimating the entire sex industry as an economic sector - then governments can abdicate responsibility for making decent and sustainable employment available to women.

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53 Sullivan, supra at 348.
54 Sullivan, supra at 333.
55 Id. at 146-152.
56 The experience in Australia is illustrative of this point. As Sullivan reports, “[f]rom 1984, when Victoria first introduced the concept of prostitution as work, to 2004, the number of licensed ‘sexual services providers’ increased from 40 to 184. Of these, 49 are brothel licenses and 34 escort agency licenses. A further 101 licenses have been granted for operating a brothel and escort agency simultaneously.” Adding to this is the tremendous growth in illegal prostitution which occurs alongside the expansion of the legitimate sector. Sullivan estimates that the growth in illegal prostitution during this timeframe was “at a minimum four times the size of the regulated sector.” Sullivan, supra at 137.
57 Sullivan, supra at 24.
Thus, it seems that even if both the free labor and feminist abolitionist perspectives could possibly be reconciled on the question of using the term “sex work,” there would still remain a deeper issue to be resolved – namely, whether prostitution is something that should be celebrated, tolerated, or discouraged. From the feminist abolitionist point of view, the answer is surely to discourage prostitution. This perspective is grounded in the feminist abolitionist’s understanding of the nature of prostitution. For the feminist abolitionists, what makes prostitution wrong is the harm it does to prostituted-people and the fact that it tends to sustain and perpetuate structural inequalities, including patriarchal structural inequalities. This understanding brings us to the final issue to be examined: the ways in which the Church’s understanding of prostitution and sex trafficking are in tension with feminist abolitionism.

Catholic Social Teaching on the Nature of Prostitution

What insights does Catholic social teaching offer regarding how best to understand the wrongness of prostitution? The official position, as we might call it, can be found in the Catechism of the Catholic Church. Tellingly, in explaining the Church’s teaching against prostitution, the Catechism categorizes prostitution as an “offence against chastity”:

Prostitution does injury to the dignity of the person who engages in it, reducing the person to an instrument of sexual pleasure. The one who pays sins gravely against himself: he violates the chastity to which his Baptism pledged him and defiles his body, the temple of the Holy Spirit. Prostitution is a social scourge. It usually involves women, but also men, children, and adolescents.

There are a few things worth noting about the Catechism’s account of the nature of prostitution. First, the Catechism clearly separates “the person who engages in prostitution” from the person “who pays.” This account of prostitution makes it seem as if prostitution were something that the prostituted-woman does to herself – as if she reduces herself to an “instrument of sexual pleasure.” Sharply distinct from “the person who engages in prostitution”, we find “the one who pays” - standing somehow, somewhere outside of the practice of prostitution. The prostitute-user is erased from the picture, for he does not even “engage in prostitution.” Moreover, if we ask what, if anything, this

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59 Catechism of the Catholic Church, para. 2355.
60 In this regard, I am reminded of my mother’s way of characterizing the plight of girls who got pregnant in high school: “she got herself pregnant!”.
person does wrong, we find that his wrong lies in sinning against *himself* – his act is a sin against chastity – against his own body. Nowhere on this account of the wrongness of prostitution is there a recognition of the fact that prostitution is also overwhelmingly a grave sin by “the one who pays” against the prostituted-woman. Instead, according to the account offered in the Catechism, there is an equality of wrongdoing in prostitution: she sins against herself, by reducing herself to an instrument of sexual pleasure – and he sins against himself, by violating his chastity.

Consider as well, Pope John Paul II’s account of the wrongness of prostitution in his Letter to Women. In a paragraph that is concerned to condemn sexual violence against women, he admirably declares that “the time has come to condemn vigorously the types of sexual violence which frequently have women for their object and to pass laws which effectively defend them from such violence. . .” Yet, perplexingly, the letter quickly segues into a somewhat different set of concerns when it comes to issue of prostitution. We should, he writes, “condemn the widespread hedonistic and commercial culture which encourages the systematic exploitation of sexuality and corrupts even very young girls into letting their bodies be used for profit.” Again, as with the Catechism, we see that Catholic teaching promotes an image of prostitution as a wrong which its victims do to *themselves*: “letting their bodies be used for profit.”

Why not, the feminist abolitionist wonders, condemn the widespread discriminatory, sexist, and misogynist culture which encourages the systematic exploitation of female sexuality and subjects women and even very young girls to being sexually violated by prostitute-users, typically for the profit of pimps and traffickers? Why approach the question of prostitution principally as a sin against chastity rather than a sin against the *life, health and dignity of the prostituted-human being*? Understood in this way, the Catechism would better address the wrongness of prostitution in the context of discussing the fifth commandment rather than the sixth.

There is clearly a tension between feminist abolitionism and Catholic social teaching regarding what are the most salient aspects of prostitution. On the question of what most adequately explains why prostitution is wrongful and thus worthy of abolition - that is, the question of

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62 *Letter to Women*, para. 5.
which aspects of prostitution should be given analytic and normative priority in understanding and responding to it – Catholic social teaching and feminist abolitionism offer sharply contrasting answers. From the perspective of Catholic social teaching, it seems as if the most salient aspect of the wrongness of prostitution is grounded in concerns of chastity and the immorality of non-marital sex. For feminists, however, the answer lies in the harms suffered by prostituted women and the tendency prostitution has to sustain and perpetuate patriarchal structural inequalities.

This tension highlights yet another “hard part. . .of the Catholic tradition in relation to the roles of women.” 63 Indeed, some might go so far as to claim that the tension is irreconcilable and stands as further evidence that the notion of a Catholic feminist is oxymoronic. But is such pessimism warranted? Are Catholic social teaching and feminist abolitionist perspectives genuinely irreconcilable on these questions? 64 Not surprisingly, perhaps (given that I’m both a self-identified feminist abolitionist and practicing Catholic), I think the answer is no, these views are not irreconcilable. This conclusion is, I think, justified by two considerations. First, there are already signs within the Catholic Church of a bridging of the gap between traditional Catholic teaching on prostitution and a more feminist understanding of prostitution. Catholic organizations such as the Congregation of the Sisters of the Good Shepherd and UNANIMA International (a congregation of Roman Catholic Sisters) have worked closely with feminist abolitionist organizations and are very much focused on targeting prostitute-users and characterizing prostitution as violence against women. The vibrancy of these organizations offers hope that there is a movement afoot in Catholic social justice to recognize that prostitution is not best understood principally as an offence against chastity – but is instead best understood as an offence against the prostituted-person. 65

63 Lisa Sowle Cahill, On Being a Catholic Feminist, SANTA CLARA MAGAZINE (Fall 2004) 1.
64 I will limit myself here to considering whether Catholic social teaching and feminism are reconcilable on questions of sex trafficking and prostitution, without delving into the more difficult tensions identified by Lisa Stowe Cahill and Susan Stabile, such as the Church’s refusal to ordain women and its teachings on homosexuality. See, Cahill; Susan J. Stabile, The Challenges of Opening a Dialogue Between Catholic and Secular Feminist Legal Theorists, 48 JOURNAL OF CATHOLIC LEGAL STUDIES 219 (2009).
65 See also, THE PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE: “GUIDELINES FOR THE PASTORAL CARE OF THE ROAD”, 19.06.2007 “First of all, it is important to recognize that sexual exploitation and prostitution linked to people trafficking are acts of violence, which constitute
The second reason why I believe that Catholic social teaching and the feminist abolitionist perspectives on the wrongness of prostitution are not irreconcilable stems from what it means for two points of view to be genuinely irreconcilable. To be irreconcilable means that the views are incapable of being harmonized – that people who hold those views are seeking goals that are in conflict with one another. Far from being irreconcilable, however, there are many similarities between the viewpoints of the Church and feminism. Most crucially, both Catholicism and feminism both “take the long view”: feminism’s long view is that someday we will dismantle patriarchal structural inequality and achieve a world in which every person is provided an adequate range of valuable options for pursuing a life of human flourishing - while Catholicism’s long view, rather more ambitiously, is the “single intention: that God’s kingdom may come, and that the salvation of the whole human race may come to pass.”66 Surely these goals are not irreconcilable. Indeed, one might be tempted to think (rightly, I believe) that they are integrally related to one another – and that the Church’s goal is dependent in many ways on the realization of feminism’s goals.

Conclusion

In her introduction to the augural volume of Journal of Catholic Social Thought, Barbara Wall reflected on the purpose of the journal, writing that its central aim is “to use the lens of Catholic social teaching to inform the contemporary discussion on human dignity, human rights, issues of justice and peace.”67 In this essay, I hope to have illustrated how the lens of Catholic social teaching can inform our understanding of contemporary debates regarding sex trafficking and its relationship to worker justice. In doing so, I hope to have contributed to an ongoing dialogue between feminist and Catholic perspectives on these issues. Moreover, I hope to have provided some basis for believing that such a dialogue is not only possible, but that indeed that it may provide challenging insights to both perspectives.

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66 Gaudium et Spes, ch. 4, para. 45.