Sexting, Abolitionism and Technophobia

The criminalization and moral policing of young women's sexuality is not a new concept. With new technologies such as social media and smart phones, young people have started sharing every aspect of their lives on the Internet, including their sexual thoughts and expressions. "Sexting," the practice of sharing self produced explicit photos with a partner via text message, can be a useful outlet for girls to gain control over their sexuality when adults and the media are telling them they shouldn't have any sexual thoughts at all. Public discourse surrounding sexting, like slut-shaming, blames women for the sexualization of society while in the same breath positions them as the only ones capable of stopping it. With new technologies come new questions about consent and agency. The solution: a full reconstruction of sexting legislation based on consent and educational methods that encourage safe use of new technologies.

A History of Sex Work Discussions in the U.S.

Speaking out against anti-trafficking campaigns is like speaking out against the abolition of slavery. Trafficking is a horrible phenomenon and its victims should be getting protection from NGOs and the government alike. Yvonne Zimmerman, a religious studies scholar, has noted that no one could possibly be "for" sex trafficking. But the problem is that anti-trafficking campaigns do not always lobby to end human trafficking, but instead strive to police female sexuality. The annual Trafficking in Persons Report (TIP) produced since 2001 by the United States government rates countries on three tiers based on their progress in combatting trafficking. The lower the rating, the less funding a country's government will receive from the U.S. Laura

Agustín criticized the TIP's misguided 'trafficking crusades' saying, "grading everyone else on moral grounds is highly offensive, particularly when such grades are accompanied by threats of punishment if the line isn't toed" (Agustín 2007). By focusing so much attention on sensationalized cases of sex trafficking, domestic problems, like poverty and hunger, are forgotten. The producers of this report imagine that the worst scenario is selling sex, when in reality, in some countries it pays women more money than any other opportunities afforded to them.

Instead of acknowledging that sex work is a legitimate choice of labor for some women, the U.S. government, in its Trafficking Victims Protection Act (TVPA), cites three pillars to help victims of trafficking: Protection, Prosecution and Prevention. Victims are protected, but only if they make the choice to not engage in sex work – otherwise they are prosecuted as traffickers.

In the TVPA, trafficking is defined to include sweatshop labor and agricultural work as well as sex trafficking. Even though the number of people affected by sex trafficking is less than the number affected by the trafficking of migrant workers, for example, the trafficking of women and children has generated the most concern and moral panic among the public, and gives the media more viewership. When actually speaking with sex workers about their experiences researchers have discovered that this coercion narrative is the exception rather than the norm, but fighting against sex trafficking is a much more media-friendly goal than fighting against prostitution. The media focuses on sexual violation rather than the "structural preconditions of exploited labor" (Bernstein 2010:49). This is because sexual violence, especially against women and children, is much more sensationalized, and to discuss structural violence would necessitate accepting that these structures exist and perpetuate the violence we aim to stop.

Structural violence, "the systematic ways in which social structures harm or otherwise disadvantage individuals" (structuralviolence.org), limits individual agency and the choices available to women. Instead of researching the power structures that lead to women to choose sex work despite its many legal repercussions, researchers choose to focus on statistics, though there is still little viable data on this subject. Numbers get thrown around arbitrarily, often conflicting with one another and based on little actual data. One number that is for certain is that the U.S. has the highest rate of incarceration in the world, with 2 million people in prison.

The Stigmatization of Sex Work

The word 'trafficking' has become almost synonymous with the word 'prostitution'- not just forced, but voluntary. What is a prostitute? What is sex work? The term sex work was coined in 1978 as a way to end the stigma associated with prostitution. However, Agustín highlights that this issue still exists:

"Contemporary movements against slut-shaming, victim-blaming and rape culture clearly show how whore stigma is applied to women who do not sell sex at all, so the claim is feeble. Instead, abolitionism's aversion to prostitution probably strengthens the stigma, despite the prostitute's demotion to the status of victim rather than the transgressor she once was" (Agustín 2013).

In 1973, Margo St. James founded the group "Call Off Your Old Tired Ethics" to equate sex work with any legitimate form of labor. The group argued that sex work was stigmatized because of male standards of ethics, which demand preservation and purity of the female body. Three years later, this group filed a lawsuit against the state of Rhode Island, charging that police officers were selectively prosecuting more female sex workers than their male customers. Although the case was dismissed, the group was given some credit in decriminalizing prostitution in Rhode Island; this ruling was reversed in 2009. Sex work is stigmatized. Conversations about sex work focus on the laws and regulations around it rather than recognizing that some women do choose sex work over other forms of work. Sex workers have been known victims of serial killers dating back to Jack the Ripper in 1888. Peter Sutcliffe, Gary Ridgway, Robert Hansen, Joel Rifkin, Robert Pickton, and Steve Wright are collectively suspected of murdering 130 sex workers since 1975. The Attorney General in the Sutcliffe case stated, "some were prostitutes, but perhaps the saddest part of this case is that some were not" (Agustín 2013). If sex work were not illegitimized by the stigma surround it, would sex workers be in so much danger in their everyday lives? Some argue that, "If prostitution were abolished, whore stigma would disappear" (Agustín 2013). Under current laws – prohibition of all forms of sex work – sex work is criminalized. This criminalization directly leads to it being stigmatized.

New York City's 2013 "No Condom's as Evidence" bill represents how closely related the stigmatization of sex work is with the stigmatization of female sexuality. Until recently, condoms could be used as evidence of prostitution. This reversal bill was passed, but like stopand-frisk laws, even though it was outlawed, the police still practice it, often using race, class, gender and age to single out potential workers. One citizen who was stopped by police based on this law was Monica Jones, a black trans woman stopped by police for "walking while trans." The laws that are, in theory, meant to protect, are actually victimizing those already marginalized in society.

Modern Day Abolitionists

Evangelical Christians have teamed up with liberal feminists in the fight against sex trafficking. Neoliberalism, or the concept of free market solutions to state problems, was the first shared commitment between Evangelicals and feminists. The idea was that 'modern-day slavery' is the "antithesis of low-wage work in the purportedly free market" (Bernstein 2010:47). The 'new abolitionists' have united under a common goal, arguing that sex work is a gendered social exchange identical to slavery. These groups use this message to claim that all forms of sex work are sex trafficking. Even though they occasionally mention other forms of modern day slavery (such as sweatshop labor), their main purpose is to abolish all forms of sex work, a regressive move in the grand scheme of feminism. By arguing that sex work is inherently trafficking, these groups take away any agency the sex workers have in their livelihoods.

How are these two groups able to align on an anti-sex-trafficking agenda when they have historically had such different goals? Modern day evangelicals are moving leftward, away from 'isolationist' issues like abortion and gay marriage and more toward universal issues like ending sex trafficking. Many feminists are moving to the right, towards a carceral, or linked to the prison system, model of justice.

Left wing feminists argue that the alliance between Evangelicals and anti-trafficking feminists is based on traditional ideas of gender and sexuality. In fact, their activism is actually united based on "a shared commitment to carceral paradigms of social, and in particular gender, justice...and to militarized humanitarianism as the permanent mode of engagement by the state." (Bernstein 2010:47).

Evangelical Christians

The modern day abolitionists have begun to practice militarized humanitarianism. This means that to achieve their humanitarian goal of ending sex trafficking, the proposed solution is putting perpetrators (pimps and johns) into jail and victims into a free market, capitalist

economy. The irony is that the capitalist economy is what's driving much of modern day slavery, but by only focusing on sex trafficking, the abolitionists effectively ignore a huge portion of the people they are trying to help.

The Evangelical Christian groups allied with feminist groups are not the Evangelicals of the past. They are young, highly educated, and affluent. They push the themes of social justice and women's rights while backing away from sexual politics that other Christian groups have fought against such as abortion. Their social justice, like the feminist social justice, is directly linked to criminal justice. Using a model called "rescue-and-restore," men frame themselves as saviors and crime fights, leading raids on brothels that are far removed from the United States. After the men "save" the sex workers, the Christian groups set up rehabilitation centers for the women to go to, where they are given safer, alternative forms of work like sewing and craftmaking. These products can then be purchased by supporters from the safety of their homes. This transaction "solidifies the distinction between freedom and slavery" (Bernstein 2010:64) as economical.

In her fieldwork, sociologist Elena Shih studied these "saved" women and found that many of them were not trafficked but chose to engage in sex work and left only once they had enough money to support their families. They actually found that working for the evangelicals granted them less autonomy than they had as sex workers. They were forced to go to prayers and couldn't visit friends in certain areas of the city, and many ended up running away from the 'saviors.'

While attending a screening of an Evangelical group's film on sex trafficking, scholar Elizabeth Bernstein noted that the main characters portrayed in the film were from regular sex work scenarios, voluntarily participating in the trade. The characters "offer[ed] the audience a

decontextualized and sensationalistic focus upon trafficking as rape and sacrificed virginity." (Bernstein 2010:49).

Feminists

Carceral feminism is more than just incarceration–it is the idea that punishment and justice are tightly linked and the use of this link as a framework for activism. One example of another time period where evangelicals and feminists allied for sexual reform using a guise of aiding helpless victims was in 1986, in the Attorney General's Commission on Pornography. This report, at almost 2,000 pages long, detailed the effects of pornography and the connections between pornography and organized crime.

The carceral feminists are quick to blame certain demographics of people for sex trafficking, mainly people of color involved in street-based sex work. Although feminists on the opposite end of the spectrum argue that modern day slavery is the prison system itself, not prostitution, for carceral feminists, "the responsibility for slavery is shifted from structural factors and dominant institutions onto individual, deviant men: foreign brown men...or African American men living in the inner city." (Bernstein 2007:144) They forget about global poverty, the dynamics of migration, and structural and economic factors that have led these women to seek out sex work, and instead focus on how nuclear families can prevent sex trafficking. While they insist that the best way to end sexual slavery is by the incarceration of pimps and johns, their campaigns have actually been more successful in further criminalizing marginalized populations and enforcing border control than they have been at providing solutions to situations that lead to sex work in the first place.

Policing Sexuality

What militarized humanitarian and carceral feminist groups are actually discussing is not sex trafficking, but rather promiscuity and sexuality. Contemporary campaigns have adopted similar language to that used by 1980s anti-abortion groups, which connected stories of slavery and rescue to their causes in order to produce rage in the media and commitment by the public. But sex work is not the issue. The issue is actually sexual culture and modern day technology, which has allowed this phenomenon to become so widespread and visible. And what these groups are suggesting as a solution is a regress to traditional gender roles and heteronormative relationships, with the suppression on nontraditional sexual expressions and sexual freedom. Karaian discusses how this regress is presented to young women in the media. "The mainly white, middle-class, heterosexual teenage girls at the center of media representations and case law have been interpolated as always already disempowered and duped victims of sexualization of youth, as self-sexually exploiting or as asexual subjects" (Karaian, 2012:57). The solution is focused on the middle class white heterosexual individual rather than the minority victim that these groups report they are trying to help. They say that the only way to combat sex trafficking is to follow their strict views regarding sexuality.

Orientalism in the Media

Another aspect of the evangelical approach is the mass-media-orientated model of activism. Often times their brothel raids are conducted with both law enforcement and the media present. The media has helped further the idea of orientalism and anti-sex work that these groups are asserting. They are "embodying a form of political engagement that is consumer- and media-friendly and saturated in the tropes and imagery of the sexual culture it overtly opposes—a

feminine, consumptive counterpart to the masculine politics of militaristic rescue." (Bernstein 2010:63).

The Evangelical groups use moral panic to push their political agendas. The media has unfortunately played into these goals by broadcasting stories of women and children in Africa and East Asia trying desperately to earn a respectable living and being coerced or kidnapped into forced prostitution. In stories that are nationally broadcasted on CNN or NBC, women are rescued and taken out of slavery by heroic white American men. Stories narrated by modern day abolitionists like Nick Kristof further this idea that sex work is fundamentally similar to slavery and that women must be rescued, stripping any voluntary sex worker of her agency. These stories are so removed from the white, middle class groups who are consuming them that they enable women to safely connect with sexually deviant culture without actually risking anything. The modern day slavery cause in the past has served feminists in pushing forward other ideas like social purity and moral reform, and even suffrage.

Members of these groups believe that they are helping women by forcing them into consumerist economies. During field work with evangelical groups, Bernstein noted the "frequent reference to the backward traditionalism of third-world cultures as one of the primary causes of sex trafficking, a framework that helps them to define and reinforce their own perceived freedom and autonomy as Western women" (Bernstein 2010:63).

By only sensationalizing the raids that happen in the east, the media is contributing to orientalism, or the othering of the east in terms of the western experience. This is also an example of what Laura Agustín calls "soft imperialism," using carceral logics (relying on law enforcement to solve problems) to drive neo liberal problem solving. It's soft because of their mission – it's not overly exploitative nor are they attempting a cultural imposition on those they are trying to save. But by using market driven solutions to solve problems created by the market system, the problem is perpetuated.

Online Red Light Districts

The Internet is a powerful tool that can bring all aspects of life into the digital age, including commerce. You can buy and sell anything you want on the Internet, including sex. Internet forums like Craigslist and Backpage allowed sex workers a space to sell their services next to other legitimate commercial products. Sex workers could vet potential clients from the safety of their homes. This eliminated a need for a pimp for protection on the street.

Sites like Craigslist have become online red light districts. Although anti-trafficking groups claim that these sites support trafficking, their real harm is that they put sex work onto such a public forum. Real life red light districts like San Francisco's North Beach or New York City's Times Square used to be areas where sex workers could maintain anonymity in their work by working alongside other businesses. Even though they were known to be areas where one could go to buy sex you could also go there to buy anything else. When these areas became gentrified of streetwalkers, it only served to push the sex workers farther into the shadows and make their work more dangerous. Instead of protecting the workers, by policing these public areas sex workers now have to work in private, "illegal work only" areas with no protection at all.

The term 'red-light district' is not, however, an unbiased term. By calling these sites online red-light districts, the media has given them a sex work connotation, even if they sell more than just sex. The term originated in the late 19th century by railroad workers who would

leave a lit red lantern outside of brothels they visited so their coworkers could find them in case of an emergency. Today, it's meant to "convey what we're to understand as a troublesome growth and spread of commercial sex, though little evidence is offered for this alleged upsurge" (Gira Grant 2014:71).

Surveillance

The sex work regulation industry has always been one that straddled the line between surveillance for the protection of its participants and voyeurism. The protection, however, is aimed at only a specific class of people, that being the 'general public' that does not engage in sex work. The sex workers themselves get none of the protection, even though the anti sex trafficking groups often use sex workers as campaign tools to gain support. Anti sex trafficking groups argue that surveillance of sex workers is the only way to ensure protection of those who might be exploited. However as Melissa Gira Grant puts it in her book *Playing the Whore* "such surveillance isn't meant to expand the public knowledge of the lives of sex workers; it's to investigate some form of harm to the public that's believed to originate with them" (Gira Grant 2014:60).

On sites like Backpage.com, women would advertise pictures of their hair or breasts, something specific that they offered, rather than their faces to maintain anonymity and privacy. This interfered with law enforcement's objective of surveillance. They too have benefitted from the movement of the sex industry online because it's enabled easier gathering of data of prostitutes, pimps and victims of sex trafficking. In their Trafficking-Technology Nexus, Jennifer Musto and danah boyd suggest that instead of the State Department's current 4P method (preventing, protecting, prosecuting, and cultivating partnerships) we should follow a 4A

method- awareness and visibility of online sites that promote trafficking, amassment of data, and advancement of technological innovations in the form of automated or algorithmic techniques. These methods would focus on protecting victims of sexual exploitation rather than blindly punishing everyone who posts a sex ad online.

But because forums like Craigslist were so public, anti sex trafficking groups moved in on them and claimed that they were allowing and even promoting sex trafficking. There have not been any concrete studies about how many victims of trafficking are posting online versus legitimate sex workers. Some studies have been attempted and funded by anti sex trafficking groups, but because there is no way to accurately differentiate between sex work and sex trafficking in online ads, the researchers are being paid to practice surveillance, much like the johns that they're so adamantly against do.

Technophobia

Technology never exists in isolation- people's ideas influence what gets developed. "Prostitution itself is a technology, a communication system, as much and at times more than a system for organizing sexuality" (Gira Grant 2014:70-71). But saying that new technologies are encouraging of sex trafficking is just technophobia. The false idea was that "The Internet makes sex for sale easier to see, so the Internet must be increasing the number of people who buy and sell sex-because now we see more of them" (Gira Grant 2014:71).

Without a trafficker to blame, anti sex trafficking organizations blamed the publishers like Village Voice (Backpage) and Craigslist. Petitions have claimed that, "Village Voice must ends its complicity in the rape and exploitation of girls and women...Craigslist...is the Walmart of sex trafficking...it is terrible that anyone is being sold" (Gira Grant 2014:64). But what if that person is choosing to sell themselves? By framing their argument against sex workers in general these groups have proven their true objective of forcing sex workers to move out of public spaces, even if these public spaces are the Internet. They will cause widespread moral panic until their goal is achieved. "Their anguish over advertisements has less to do with concerns for how people in them might be treated in the course of their work and much more to do with expressing their own negative feelings about sex work" (Gira Grant 2014:65).

All of the public shaming worked, and in 2012 Village Voice announced that anyone placing an ad would need to use "face shots". This targeted the sex workers directly and made it impossible for them to maintain privacy in their jobs. The consequence was not on Village Voice but on the sex workers themselves. The editor stated, "Many of us here at *Voice* wish that the ads would just go away. There is not much doubt that the new rules are going to make us less appealing to this kind of customer. That is price we are willing to pay." There is no 'price' for Village Voice or for the customer, but for the sex worker alone, who now has to weigh the price of public shaming and possible legal repercussions because their face is available to law enforcement versus the need to make a living and the desire to do so safely.

Anti sexting advocates say that the Internet is to blame for the sexuality of youth. They argue that, "For girls, a dominant fear is that the immediacy and ease of mobile media communication undermines their supposedly innate desires for chastity" (Hasinoff 2012:453). This puts all of the blame on technology, and on its female participants, not focusing at all on the male participants or the importance of privacy and consent. The argument that teenage girls are 'victims' of sexualization by the media removes all the blame from actual perpetrators of sexual violence.

Youth Ideas On Privacy

The policing of sex workers on the Internet and the idea that everything that is posted online is inherently public is a difficult concept to teach to today's youth, who have grown up without such a massive divide between the digital world and the real world. Teens must balance what danah boyd calls watching (in the form of reality television) and being watched (social media). Participating in social media means that you are accepting that you are being watched, but teens today do not see this as inherently bad. Being watched is a good thing; you can get attention and know that people are watching you. You also have control over what they see based on what you decide to post. Social media means public-by-default, private-through-effort, and instead of trying to convince young people that social media is bad because they are being surveilled, it would be more constructive to teach them, and their parents, about privacy in the digital era.

In a 2014 study on young people's privacy norms and expectations, Amy Hasinoff and Tamara Shepherd found that most young people expect the same privacy in online sexual situations that they expect in sexual situations offline. New anti-sexual assault campaigns have suggested affirmative consent as the only solution to remove any blame from the victim. If sexting legislation were to follow the same pattern, the burden is then shifted from the sexter to the forwarder. Even though the respondents agreed that showing sexts is a violation of privacy, they also said it was the senders responsibility to control their privacy, a discrepancy which is still common in sexual assault myths that hold victims responsible. The message to young women is that they must protect themselves from Internet predators, contributing to the myth that strangers are the most common perpetrators of sexual assault and blaming girls who produce

content online if assaults do occur. The law should focus on resisting the impulse to blame victims for privacy violations.

One of the main pieces of legislation regarding the Internet and young people, The Children's Online Privacy Protection Act (COPPA), was signed into law in 2000, four years before Google went public and the Internet completely changed. But COPPA actually encourages parents to help their children lie about their ages online.

Thirteen is the age at which COPPA requires that a website obtain consent from parents before gathering user data. Because actual regulation would be too costly and not time effective, sites like Facebook include an age restriction in their terms of service, getting around the COPPA rule. Then the site assumes that its users are being truthful about their age. Young people aren't being educated about why these laws and exist, and neither are parents. All users should take more responsibility about protecting their data, especially when it's sensitive, but instead of educating people about the Internet we've framed it as something to be afraid of.

There are so many different definitions of 'child' that it is hard to come up with anything concrete. In the United States, a minor is anyone under 18, but the age of sexual consent varies by state, getting at low as 16. Childhood is marked by innocence and naivety. Therefore adulthood is defined by maturity, decision-making capacity, responsibility and agency. The UN Convention on the Rights of a Child defines a child as "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier."

Intent Means Everything

There is a huge disconnect between what is sexy, what is sexually explicit, and what is non-sexual nudity. Conservative groups have tried to police the Internet, but the public is

fighting back with campaigns such as 2014's "Free The Nipple" which called out the media for sexualizing female breasts and banning images of breast-feeding based on violations of content. With minors, the question of sexy versus sexually explicit becomes more complicated. Some argue that "any sexual depiction of a teenager, regardless of consent or the conditions of its production, contributes to the sexual objectification of children and thus promotes sexual violence against them" (Hasinoff 2014:106).

The intentions behind sharing sexted images are incredibly important for minors and law enforcement. Megan's Story is an educational video produced by ThinkUKnow, a child exploitation and online protection center in Australia. The video is about a 16 year old girl named Megan who experiences the stereotypical sexting-gone-wrong scenario of girl shares picture with boy, boy forwards picture to public, girl is publicly shamed and humiliated. The goal was to "stimulate discussion of...consequences of creating and sharing something in a digital format" (Albury and Crawford 2012:465). Instead of focusing on the sharer who violated Megan's trust, this video demonstrates the risk management model of sexual violence- putting the responsibility on the woman to prevent assault from happening to them.

Current Standing

Currently sexting legislation puts all the blame on young women. By punishing the female sexters so publicly, the media can escape the blame for the sexualization of youth. Instead of accepting that young people want to express themselves sexually using technology, we say that "modern sexual culture and technology...constitute the fundament of slavery, and traditional sex and gender roles...best encapsulate what it means to be 'free'" (Bernstein 2007:134). Prosecutors are choosing to charge young women with child pornography violations to teach

them a lesson, but is this a lesson about privacy or about what is an acceptable outlet of sexuality?

Criminalization of young women's sexuality, moral policing, is more closely related to sexual expression than it is sexual violence. The central question should be consent, but right now anti-sexting laws turn every sext into child pornography. Child pornography in the E.U. is referred to as child sexual abuse images. This is a much better term than child pornography, because calling exploitation of children pornography criminalized pornography created by consenting adults. It also enforces that these images are only illegal if they are created as documentation of sexual abuse, rather than documentation of consensual sex. Laws in the U.S. vary by state. The Pennsylvania law saws child porn is "nudity depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction," (Sacco 2010:11) placing the blame directly on producers rather than consumers, no matter the original intent of creation. The U.S. made two separate rulings related to child pornography, one in 1978 and another in 1982. In 2002, however, in Ashcroft v. Free Speech Coalition the ruling "suggests that child pornography is exempt from First Amendment protection only because there is harm to a child at the moment of production" (Sacco 2010:16). Efforts to protect youth should not exclude them from public life. In sexting cases, consent and intention must be a central focus of investigations before law enforcement gets involved.

Sensationalization has strongly influenced popular perception of sexting. News coverage presents sexting as teenage sexuality, youth rebellion, and online risk. "Moral panic fueling and fueled by media constructions of sexting are themselves the product of determinations about what is, and what is not, the acceptable sexual speech of youth in general, and respectable female youth in particular" (Karaian 2012:60).

Conflating sexualization with sexuality erases female agency. As victims, they cannot make any choices, but they also have the responsibility of solving the problem of sexualization by abstaining from 'sexually objectifying themselves,' which actually means doing anything sexual. When sexting is criminalized as child pornography it promotes the idea that female sexuality is to blame for sexual exploitation. Fighting against the objectification of women in the media is a great cause, but when one argues that the solution is conforming to a certain standard of sexuality, women lose their agency all over again.

Conclusion

"Discussing sexualization can be a distraction from the continuing challenge to promote sexual ethics based on consent and pleasure and to apply this conversation to mediated sex acts like sexting" (Hasinoff 2014:114). Legislators must focus on redefining child pornography to both empower victims of sexual abuse and give agency to young people experimenting sexually. The media is not something that we can hope to change, but we can prevent ourselves from being passive consumers with formal education. Women have always been over sexualized in the media; they have always been given contradictory messages telling them to act like a naïve vixen. What has changed is that with social media, there is finally a way of seeing firsthand the effects of the messages sent to young women. Sexualization is not to blame for sexting—nor are young women the ones responsible for stopping improper sexting. The only way to move forward is a full reconstruction of educational methods that address young peoples' use of technology to express themselves sexually that focuses on privacy and consent.

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