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Victim, Criminal, Worker, or Lover? The Discourses of Anti-Sex Trafficking & the Lived Realities of Commercialized Sex in Southeast Asia

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Abstract: This paper explores anti-sex trafficking as a 'humanitarian' concern, arguing that the discourses of 'rescue' and 'rehabilitation' in the realm of anti-sex trafficking are not simply (failures of) humanitarian intervention to help sex workers, but are part of a neocolonial apparatus aiming to reconstruct women as workers of feminized labor within the neoliberal global economy. By examining the humanitarian laws and policies pursued by the US Government, American NGOs, and other stakeholders in the anti-trafficking industry, this paper demonstrates how the 'rescue and rehabilitation' discourse (and its legal, humanitarian, and political manifestations) create a paradoxical existence for the sex worker, who is transformed into a 'victim-criminal': simultaneously seen as a victim to be saved, as well as a criminal to be punished. By deconstructing the workings of this imperial and neoliberal apparatus, this paper demonstrates that the discursive and legislative anti-sex trafficking apparatus exists almost entirely separately from the lived experiences of women engaged in commercialized sex. This paper ultimately argues for the need to theorize new frameworks that more fully capture the nuances and complexities of women engaged in commercialized sex. Starting from the well-established framework of sex work, this paper challenges the fundamental assumptions of commercialized sex as work in the first place, and emphasizes the need to understand women's aspirations for economic or material gain alongside their equal desire for intimacy, love, and connection, in order to create an inclusive and progressive framework of human rights and transborder justice truly beneficial to different communities of women globally.

Keywords: Commercialized sex, American neocolonialism, Gender politics, Southeast Asia, Politics of international aid

Victim, Criminal, Worker, or Lover? The Discourses of Anti-Sex Trafficking & the Lived Realities of Commercialized Sex in Southeast Asia

Introduction

Anti-sex trafficking as a phenomenon, discourse, and industry has proliferated globally – the 'sex trafficking victim' has become the iconic figure of our era.[1] Within this domain, the concepts of 'rescue' and 'rehabilitation' extend far and wide. The term 'rescue' refers to freeing someone from confinement, danger, or evil,[2] or helping someone or something out of a dangerous, harmful, or unpleasant situation.[3] On the other hand, 'rehabilitation' signifies a process or act of rehabilitating someone, which has been variously defined as the process of 'restoring someone to a useful and constructive place in society'[4]; to 'return someone to a healthy or good way of life'[5]; or a set of 'interventions designed to optimize functioning and reduce disability of individuals … in interaction with their environment'.[6] This notion has been used to operationalize and justify interventions that 'deviant' individuals in society must

[1] Bernstein, Elizabeth. *Brokered Subjects: Sex, Trafficking, and the Politics of Freedom.* (Chicago: University of Chicago Press, 2018), 5.
[2] 'Rescue' Definition & Meaning. Merriam-Webster Dictionary. https://www.merriam-webster.com/dictionary/rescue
[3] Rescue: definition. Cambridge Dictionary. https://dictionary.cambridge.org/us/dictionary/english/rescue#google_vignette
[4] 'Rehabilitation' Definition & Meaning. Merriam-Webster Dictionary. https://www.merriam-webster.com/dictionary/rehabilitation
[5] Rehabilitation: definition. Cambridge Dictionary. https://dictionary.cambridge.org/us/dictionary/english/rehabilitation
[6] 'Rehabilitation'. World Health Organization. https://www.who.int/news-room/fact-sheets/detail/rehabilitation#:~:text=Rehabilitation%20is%20defined%20as%20%E2%80%9Ca,in%20interaction%20with%20their%20environment%E2%80%9D.

undergo to be restored as 'good' members of the society, from drug addicts to alcoholics, and – the focus of this paper – sex workers.

While the definitions of 'rescue' and 'rehabilitation' do not seem to align easily, they are often deployed together in anti-sex trafficking efforts. Sex workers are simultaneously deemed victims of alleged sex trafficking as well as criminals engaging in illicit behavior and vice. This produces a paradoxical discursive existence for women who engage in commercialized sex, and it is at this intersection that the symbiotic relationship between 'rescue' and 'rehabilitation' flourishes. Women engaged in commercialized sex are categorized in contradiction as pitiful and helpless, but also deviant and shameful. Such stereotypes are fueled primarily by the moralistic (religious or social) perspectives of various state and non-state actors. Such motivations manifest in a desire to 'free' women engaged in commercialized sex to achieve a 'good' life; yet, what it means for these women to be rescued or rehabilitated is never explicitly defined.

The framework of sex workers' rights provides a compelling counter-conception of women who engage in commercialized sex: this framework views sex work as legitimate work, opposing all forms of criminalization and legal oppression =.[7] Since the early 1990s, sex workers' rights activists such as the Global Network of Sex Work Projects have sought (and continue to seek) the legal protection of sex workers as workers, and the recognition of commercialized sex as labor. However, the United Nations' (UN) increasing reliance on non-governmental organizations and the rise of evangelical Christian presence globally has led to 'trafficking' as a concept becoming synonymous with both forced and voluntary prostitution, eclipsing the political struggle for sex workers' rights in the twenty-first century.[8] In efforts to oppose the reframing of all forms of commercialized sex as a humanitarian concern faced by

[7] Global Network of Sex Work Projects. Who we are. https://www.nswp.org/who-we-are

[8] Bernstein, *Brokered Subjects*, 10–12.

'Third-World' women, sex workers' rights as a concept has recently re-emerged as a compelling alternative to empower women engaged in commercialized sex, by advocating for labor rights and protections.

In the discursive struggle between the frameworks of rescue-rehabilitation and sex workers' rights, I argue that neither is sufficient to understand the diverse and complex world of commercialized sex, and the lived experiences of women who engage in it. The 'rescue and rehabilitation' discourse (and its legal, humanitarian, and political manifestations) creates the contradictory figure of the sex worker as a *victim-criminal*, operating in a paradoxical way to save the victim ('rescue') while simultaneously punishing the criminal ('rehabilitation'). The discourse and its manifestations demonstrate that 'rescue' and 'rehabilitation' are not simply (failures of) policy or intervention to help sex workers, but rather part of a neocolonial and neoliberal apparatus that aims to reconstruct women as 'useful' members of the global economy: that is, as workers of feminized labor whose place remains within the low-wage global economy. The underdefined yet reified categories that the rescue-rehabilitation discourse create – sex trafficking, victims, criminals and so on – crumble when the realities of women's experiences in sex work are examined.

Through analyzing the interconnected factors of global migration, risk environments, and economic opportunities, this paper aims to deconstruct the ideas of 'rescue' and 'rehabilitation', to shed light on the complexities of understanding sex work and the need for situating it in a broader global economy. This brings to the forefront the pertinence of the sex workers' rights discourse: not only does it reframe commercialized sex as legitimate labor, but it also highlights the agency that women engaged in sex work possess, which is denied to them by the rescue-rehabilitation framework. However, I suggest that this concept is still insufficient to fully understand the realities of commercialized sex. By delving into the complexities and

intricate connections of sex, love, relationships, and money, this paper further attempts to challenge the coherence of 'sex work' as an idea altogether.

Viewing commercialized sex as work is powerful insofar as it provides strong arguments for the legalization and legal protection of sex workers. However, the notion of 'work' also bears its own limitations: it does not fully reflect the diverse types and forms of commercialized sex that women can engage in. More importantly, 'work' implies that all forms of commercialized sex are primarily or solely transactional, which ignores the inherently relational, social, and emotional nature of the relationships created – for instance, in romantic relationships between women and their clients, or communal reliance and friendship between women engaged in commercialized sex. Ultimately, I argue for the need to theorize new frameworks that can be used to understand the multidimensional realities of women who engage in commercialized sex, which both steer away from rescue and rehabilitation and go beyond sex workers' rights. Exploring recent literature that has theorized new ways of understanding commercialized sex, this paper demonstrates that it is productive – and in fact, essential – to eschew a totalizing or singular framework, and instead take multiple approaches to understand commercialized sex in all its diversity and complexity, in order to more fully account for the realities of women who participate (and shape) commercialized sex globally.

This study focuses on three main Southeast Asian countries: Thailand, Cambodia, and Vietnam. Sex tourism became ubiquitous in the region after the presence of the US military during the Vietnam War. Throughout the war, the military's rest and recuperation (R&R) military program provided soldiers and support workers with five to seven days of vacation leave during each tour of duty. As part of this 'militourism', the US military invested in and built substantial transnational infrastructure to accommodate the leisure needs of soldiers

waging war in Vietnam.[9] This formed a significant part of the global rise of sex tourism in the twentieth century: taking place mostly in 'exotic' – that is, 'Third World' – countries, American (amongst other) men bought sex in various ways from women (as well as men and children) who were 'encouraged' by local governments to attract foreign exchange and to sustain the image of their country as an appealing destination.[10]

The exponential growth of the sex tourism industry has given rise to the parallel phenomenon of sex trafficking. Although 'sex trafficking' as a term still lacks a comprehensive or globally usable definition, the concept and its related discourses have gained global, and especially western, attention. From the late twentieth to the early twenty-first century, the anti-sex trafficking framework has gained ascendance over other conceptualizations of commercialized sex: in the early to mid-1990s, anti-trafficking legislation and policies produced the discursive equation of (both voluntary and forced) prostitution with the crime of human trafficking and 'modern slavery'. This has reframed the harms of prostitution and trafficking as neutral humanitarian concerns about 'Third World' women, while eliding the realities of commercialized sex as a historical and colonial phenomenon.[11]

Thus, the paper is also situated within the workings of American imperialism, which established the contemporary sex work and tourism industry in Southeast Asia, and subsequently developed the structures of neoliberal global governance through its acts of 'humanitarian' intervention. I argue that the countries impacted by American 'Rest & Recuperation' (R&R) programs from the 1960s onwards have now become the epicenter of a new imperial R&R program: Rescue & Rehabilitation. While it is not a specific US policy, 'rescue and rehabilitation' as a framework captures the American neocolonial enterprise within

[9] Attewell, Wesley. 'War Travels: The Logistics of Vietnam War Militourism.' *Annals of the American Association of Geographers* 114, no. 4 (2024): 1.
[10] Kempadoo, Kamala. 'Women of Color and the Global Sex Trade: Transnational Feminist Perspectives.' *Meridians* 1, no. 2 (2001): 32.
[11] Bernstein, *Brokered Subjects*, 9–11.

Southeast Asia that has morphed from imperialism through sexual encounter to imperialism through humanitarian endeavor. Just as imperial actors (American GIs) constructed colonial conceptions of Southeast Asian women as available for sexual consumption, new imperial actors (the US government and American non-governmental organizations) have reconstructed Southeast Asian women engaged in commercialized sex as available for saving.

Rescue & Rehabilitation: Discourse and Action

American imperialism – which established the contemporary sex industry in the last century – has since adapted an innovative new way to assert neocolonial dominance: through developing neoliberal global governance disguised as 'humanitarian' intervention. This chapter aims to deconstruct the workings of American imperialism in Southeast Asia by examining the 'rescue and rehabilitation' discourse and its manifestations within the anti-sex trafficking industry. I argue that, in this discourse, a new variation of the colonial 'savior-victim' relationship is produced: not only are western, white, 'First World' saviors compelled to save the non-white, 'Third-World' Other from the moral 'evils' of commercialized sex, they are also justified in punishing them for perceived moral transgressions. This produces the neocolonial relationship between the *savior-punisher* and the *victim-criminal*, whose interactions are shaped by the mechanisms of rescue and rehabilitation.

The representation of the neocolonial Other as the 'sex trafficking victim' emphasizes the savior-victim (or the 'rescue') aspect of the neocolonial relationship. Through spectacularized portrayals in narratives, images, and media, the 'sex trafficking victim' as a helpless, poor, and deplorable woman from the 'Third World' is popularized in the global imagination. This Orientalist representation of Southeast Asian women engaged in commercialized sex compels neocolonial actors to intervene in a way that echoes the white man's burden to civilize the 'native'. However, intervention is undertaken in a paradoxical manner, and conversely highlights the punisher-criminal (or the 'rehabilitation') element of the neocolonial relationship. Once the 'sex trafficking victim' is saved from her abject plight, she must then be rehabilitated – this implies that she is no longer a victim, but a criminal who needs to be transformed into a useful member of society. The material interventions of neocolonial actors thus focus on *discipline* rather than *recovery*. These efforts overwhelmingly serve to

transform women into ‘good workers’ under the pretext of neoliberal capitalism, thus perpetuating the neocolonial structures of inequality that maintain neocolonial actors’ position of racialized and gendered superiority, both politically and economically.

Through examining NGOs’ and governments’ attempts to ‘rescue’ and ‘rehabilitate’ women engaged in commercialized sex, this chapter aims to demonstrate how such ‘humanitarian’ interventions are not simply ineffective in materially improving sex workers’ quality of life, but in fact represent intentional efforts at reshaping sex workers into low-wage, exploitable laborers who can contribute to the neoliberal global economy. Such powerful rhetoric masks actual (economic and social) issues faced by sex workers; instead, it seeks to uphold structures that further benefit and entrench the power of the neocolonial state and non-state actors at the expense of sex workers themselves.

The ‘rescue’ of sex workers

The rescue of sex workers for ‘humanitarian’ purposes is inherently embedded in the anti-trafficking agenda. The amalgamation of sex work, sexual exploitation, and prostitution under ‘sex trafficking’ has led to enduring assumptions that shape policy and practice, deeply impacting sex workers in the Mekong region of Southeast Asia.[12] Jenny Holliday (2022) argues that the trafficking agenda’s external attribution of victimhood to sex workers paradoxically morphs the notion of victimhood from ‘a matter of [suffering] injuries or injustices’ to ‘stigmatizing judgment’.[13] The ability to *ascribe* victimhood onto sex workers has been operationalized globally through the Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children), creating the foundational

[12] Holliday, Jenny Kay. ‘Claiming Victimhood within the Sex Industry—How the Trafficking Agenda Interacts with Sex Worker Rights.’ *Polity* 54, no. 4 (2022): 866.
[13] Holliday, ‘Claiming Victimhood’, 867.

assumptions (underpinning abolitionist feminism) that sex work is never consensual, all sex workers are powerless, and all recruitment into sex work is coerced. This was further bolstered by the US' policies of the anti-prostitution pledge – which requires NGOs to oppose prostitution and sex trafficking so as to receive US funding – and the Trafficking in Persons (TIP) Report, the principal diplomatic tool to engage foreign governments on human trafficking. The international policy to treat all sex workers as trafficked has consequently manifested in programs of 'rescue and rehabilitation' by both state and non-state actors.[14]

This is exemplified by the legal changes that occurred and the subsequent impacts on the sex work industry in Cambodia. In the early 2000s, the US government's implementation of the anti-prostitution pledge and TIP reports revived concern for sex trafficking in Cambodia, a nation long identified as a 'human trafficking hotspot'. In 2003, Cambodia was downgraded from Tier 2 to Tier 3 in the TIP rankings, resulting in sanctions on non-humanitarian and non-trade-related aid from the US. The following year, a high-profile raid on Svay Pak brothel led by International Justice Mission, a USAID-funded evangelical Christian organization, compelled the US State Department to determine that Cambodia was 'making significant efforts' to combat trafficking, resulting in their promotion to the Tier 2 Watch List. Yet, in 2006 and 2007, the US State Department refused to restore Cambodia's Tier 2 status because of its lack of anti-trafficking laws. Thus, with clear pressure from the US government, Cambodia passed the Law on the Suppression of Human Trafficking and Sexual Exploitation in 2008 to avoid the imposition of economic sanctions.[15]

This law criminalized 'any form of exploitation', including prostitution, pornography, commercial sex acts, forced labor or services, slavery or practices similar to slavery, debt

[14] *Ibid*, 867–70.

[15] Sandy, Larissa. 'International politics, anti-trafficking measures and sex work in Cambodia.' In *Labour Migration and Human Trafficking in Southeast Asia: Critical Perspectives (1st ed.)* ed. Michele Ford, Lenore Lyons, Willem van Schendel (London: Routledge, 2012), 45–8.

bondage, involuntary servitude, child labor or the removal of organs (Royal Government of Cambodia, 2008). This catalyzed a wave of brothel raids, arbitrary arrest and indefinite detention of sex workers without due process, and compulsory rehabilitation in government and NGO-run centers. Sex workers reported being physically and sexually assaulted at police stations, held against their will, and having their earnings confiscated from them.[16] Moreover, the Human Trafficking Law virtually overturned any effective measure of regulating sex work. With the closure of brothels, sex workers have been forced to work within entertainment-based venues, where they are not protected by any labor laws and are extremely vulnerable to abuse and to health risks. Cambodia's Ministry of Health had itself admitted that the enactment of the Human Trafficking Law made it extremely hard to implement any sexual healthcare programs - such as the 100% Condom Use Policy (first initiated in 2001) - because condoms were seen as evidence of sex work and reason to arrest a worker.[17] Clearly, the 'rescue' aspect of the discourse operationalized in international and state legislation created a new group of victim-criminals: women who were assaulted and incarcerated as a way to be 'saved'. Anti-human trafficking laws, instead of reducing harm and rescuing workers from oppressive conditions, are ironically seen as introducing new forms of repression in sex workers' lives.[18]

The 'rehabilitation' of sex workers

Once the victim-criminal is rescued, they must be rehabilitated – that is, transformed back into useful and productive members of society. This agenda has been pursued by both state and non-state actors alike: echoing Elizabeth Bernstein's (2018) analysis of the unlikely coalition between evangelical Christians and secular feminists, the use of rehabilitation

[16] Sandy, 'International politics', 49–50.
[17] Maher et al. 'Selling sex in unsafe spaces: sex work risk environments in Phnom Penh, Cambodia.' *Harm Reduction Journal* 8, no. 30 (2011): 6–7.
[18] Sandy, 'International politics', 51.

discourse to justify actions is underpinned first of all by various actors' shared commitment to *relational* as opposed to *recreational* sexual ethic.[19] This conviction that sexuality must be within the private, romantic sphere betrays a pro-familial view that also alludes to the ideas of productivity: relational sexual ethic is usually reproductive and thus productive, while recreational sexual ethic is not, and cannot, be seen as productive by any means. This becomes even more compelling when we analyze attempts to rehabilitate sex workers through the same lens of productivity: state and non-state actors' efforts to transform sex workers into more 'constructive' or 'good' individuals inevitably involve making them more 'productive', by requiring them to acquire vocational skills that promote feminized, manual forms of labor.

Thailand is a major global node of transnational anti-human trafficking movements and market-based humanitarianism.[20] Programs organized and run by non-governmental organizations (NGOs) frame vocational training as victim rehabilitation – which, rather than enabling any former sex worker to address social and economic concerns that compelled her to enter sex work in the first place, instead has introduced a 'widely palatable way to export low-wage women's work throughout the globe'.[21] Elena Shih (2023) argues that American rehabilitation programs 'import a *racialized redemptive labor* in which traditional exchanges for labor are replaced with affective commitments between white First World rescuers and their purported victims in Asia'.[22] Ethnographically studying the Cowboy Rescue organization's rehabilitation program in Bangkok, Shih demonstrates that American anti-trafficking NGOs obfuscate the reality that they place rehabilitated workers into minimum-wage jobs that rely on extensive manual labor. Former sex workers are employed to make jewelry, a 'proxy

[19] Bernstein, *Brokered Subjects*, 53.
[20] Shih, Elena. 'Freedom Markets: Consumption and Commerce across Human-Trafficking Rescue in Thailand.' *positions* 25, no. 4 (2017): 776–7.
[21] Shih, Elena. *Manufacturing Freedom: Sex Work, Anti-Trafficking Rehab, and the Racial Wages of Rescue.* (Berkeley: University of California Press, 2023), 4.
[22] Shih, *Manufacturing Freedom*, 4.

commodity for freedom from enslavement as well as virtuous wage'.[23] This highlights how organizations such as Cowboy Rescue are inherently invested in the global capitalist market – the 'redemption' of the criminal former sex worker is found in participating in the market, by taking up inherently extractive roles of low-wage manual work that drive the global economy.[24]

Moreover, former sex workers' lives are heavily regimented and managed. Despite being only paid USD 200-300 monthly (just above the minimum wage), workers in Cowboy Rescue face financial penalties if they arrive late to their daily 8-hour shift. They are required to attend faith-based activities such as worship sessions or bible study, of which their participation contributes to their wages. Most importantly, they cannot patronize the bars or areas they used to work and are discouraged from taking on other jobs. Shih describes these constraints as 'maternal forms of repair': anti-trafficking activists view the moral problems of sex work as needing correction at an individual level, completely overlooking any structural factors.[25] This form of rehabilitation can also be read through Kamala Kempadoo's (2015) argument of the modern white (wo)man's burden: neocolonialism, when steeped in neoliberalism, can express a desire to help the Other on the basis of benevolent superiority.[26] Within this context, workers are unable to express grievances or seek improved conditions because any expression of discontent is viewed as being ungrateful or selfish.[27]

These rehabilitative acts are all the more striking in light of the fact that increasing manufacturing productivity was Cowboy Rescue's main goal.[28] Cowboy Rescue functioned essentially as a jewelry-making factory, where workers had to hit specific daily quotas and

[23] *Ibid*, 4–5.
[24] *Ibid*, 59.
[25] *Ibid*, 89.
[26] Kempadoo, Kamala. 'The modern-day white (wo)Man's burden: Trends in anti-trafficking and anti-slavery campaigns.' *Journal of Human Trafficking* 1, no. 1 (2015): 13.
[27] Shih, *Manufacturing Freedom*, 110.
[28] *Ibid*, 68.

fulfill orders. Yet, most Cowboy Rescue workers found their wages to be insufficient for day-to-day living, and often had to get part-time jobs after hours to supplement their income. Moreover, most skills taught were not only useless for pursuing long-term economic independence but also often detrimental to workers physically – for instance, dexterous and delicate tasks could not be performed by older workers, who were usually the ones who had to leave the sex work industry in the first place.[29] Hence, (US) non-state actors' work of rehabilitation through forms of free-market governance represent new articulations of American empire – this encompasses a 'hidden curriculum' of moral and spiritual transformation that gives activists social control over poor women to achieve productivity, while simultaneously trapping these women in a low-wage economy with no avenues for redress or improvement.[30]

Additionally, the act of rehabilitation has been undertaken by state actors: the same discursive framework is employed to legally require sex workers to be rehabilitated into 'good' and productive citizens. Thu-Huong Nguyen-Vo's (2008) study on Vietnamese rehabilitation centers demonstrates how the national government reasserts its power to define governable subjects: in a global economy dependent on the use of feminized low-wage labor, the government's rehabilitation model projects an image of the young Asian female worker who is docile, dexterous, and tolerant of tedious work, in line with her traditional gender role. Thus, the 'wayward prostitute' who earns and spends above her class is constructed into a 'falsity' that must be replaced with the 'honest worker' who engages with subcontracted piecework.[31] Under the Government Resolution 53/CP of 1994, Article 24 of the Decrees for Administrative Transgressions specified that 'those who have been identified as engaged in selling sex shall

[29] Bernstein, *Brokered Subjects*, 114.
[30] Shih, *Manufacturing Freedom*, 88, 110.
[31] Nguyen-Vo, Thu-Huong. *The Ironies of Freedom: Sex, culture, and neoliberal governance in Vietnam* (Seattle: University of Washington Press, 2008), 115–17.

be sent to centers for the purpose of education, disease treatment, and labor'. Sex workers who were arrested by the police were sent to rehabilitation centers that resemble low-security prisons and forcibly incarcerated for the duration of the 'administrative' sentence that could last anywhere from 3 to 28 months.[32] Carceral training was employed as part of the 'correction' of arrested workers, which included 'vocational training'. Women inmates primarily learned to make false eyelashes, make bamboo curtains, and weave baskets – all slow, repetitive tasks that were attached to Vietnamese ideas of femininity (defined by attributes such as patience, docility, and dexterity).

For instance, in the Centre for Social Sponsorship, making false eyelashes was compulsory as the center was a for-profit piecework operation, with the camp contracting or subcontracting orders. Mai, one of Nguyen-vo's interviewees, stated:

> 'The team leaders, they were allowed to beat you if, say, your work fell short of the required number of products. I got a hundred canes, twenty each night—a thick cane. [...] They said to thread the hair evenly with no spaces in between. Most of mine had spaces in between. Then it was my fault that my products got rejected.'[33]

However, at the same time, Mai shared that the intended purpose of forced work (and physical punishment) was to teach women to 'work hard to earn money so that [they] know [their] true worth, whereas outside [they] make money too easily'. Evidently, on one hand, the discursive justification of rehabilitation assumed that the sex market inflated a woman's value 'beyond her true self'.[34] On the other hand, the pragmatic alignment of rehabilitation to menial labor such as making false lashes was to profit from subcontracted orders, and in the long term, to train Vietnamese women as piecework workers. Considering that the garment industry in

[32] Nguyen-Vo, *The Ironies of Freedom*, 115.
[33] *Ibid*, 136.
[34] *Ibid*, 136–7.

Vietnam employs over 600,000 workers in Vietnam (80 percent of whom are women), state rehabilitation can be seen as determining a (gendered) role for working class women within the low-wage economic strata that aligns with Vietnam's position in the pattern of global production.[35] Thus, through rehabilitation, governments are also able to generate a transnational moral economy of low-wage women's work.[36]

Ultimately, the pursuit of rescue and rehabilitation by both state and non-state actors has resulted in the discursive creation of the sex worker as a victim-criminal: the sex worker must first be saved from social or moral danger, but must also repent from her participation in these social or moral evils, so as to be reconstructed into a productive worker that contributes to the global neoliberal economy. The discursive proliferation of the relationship between savior-punisher and victim-criminal results in the dominance of the perception of women engaged in commercialized sex as both victims and criminals, with very real consequences. With the power to shape or even enact anti-trafficking laws worldwide, the US government reinforces the infantilizing notion of the 'Third World' victim through colonial ideas of the brutalized 'native'.[37] However, the act of outlawing any form of commercialized sex ties the notion of illegality into the structure, compounding the ability of the neocolonial actor to ascribe power to itself while disempowering the colonized by becoming an international legal arbiter. Hence, such discourse codified in legislation legitimizes a 'Madonna/trafficking victim–whore/immoral prostitute binary that brings with it deleterious effects on women'.[38] The refusal to view women who engage in commercialized sex as performing legitimate work

[35] *Ibid*, 139–40.
[36] Shih, *Manufacturing Freedom*, 57.
[37] Holliday, 'Claiming Victimhood', 866
[38] Persaud, Randolph B, and Christine BN Chin. 'From Sexation to Sexualization: Dispersed Submission in the Racialized Global Sex Industry.' *Cambridge Review of International Affairs* 29, no. 1 (2016): 284.

is placed in striking contrast to (former) sex workers being forced to engage in what is considered 'real' work, which ultimately traps women in barely profitable and often vulnerable positions. The huge dissonance between the rescue-rehabilitation discourse and the realities of sex work has sandwiched sex workers between this binary in this 'war on trafficking', doubly penalizing them by outlawing opportunities they often view as economically beneficial while forcing them to grapple with the invasive politics of international aid.[39]

[39] Sandy, 'International Politics', 52.

Complicating Rescue & Rehabilitation: The Realities of Sex Work

The discourse of rescue-rehabilitation and its resulting manifestation in legislative and 'humanitarian' measures targeting sex workers clearly elide the realities of commercialized sex in Southeast Asia. What, then, are these realities that women across Southeast Asia face and have to navigate? The following chapter focuses on three issues within the framework of 'sex work': 1) the reality of global migration, 2) the role of the environment, and 3) the search for economic opportunities. The discussion of these three issues serve to shed light on the complex nature of the industry, highlighting the structural factors that compel women to engage in commercialized sex. This also emphasizes the pertinence of the framework of sex workers' rights: by understanding sex work as work, we are then able to understand the (legal) needs of sex workers as workers. The framework is effective insofar as it addresses the economic, environmental, and transnational concerns of women who seek to earn an income in various (often overlapping) industries. However, as will be discussed later on, the legalistic framework of sex workers' rights – while very persuasive in reshaping policy on commercialized sex – falls short of capturing the multidimensional nature of relationships that involve sex and money. The factors discussed below ultimately extend to structure the motivations, choices, and conditions that all women engaged in commercial sex necessarily face, whether they see it as 'work' or not.

The reality of global migration

First and foremost, the issue of global migration is inherently connected to the sex work industry. Many women leave their home countries to seek employment and a livelihood abroad.

Although migration is ubiquitous in the global economy, only certain groups of migrants – such as asylum seekers or victims of trafficking – are given formal legal recognition. Most female migrants flow through irregular channels and enter countries without international or state legal protections.[40] Reena Arora (2017) explores the migration of Burmese women to Thailand: out of the 3 to 4 million migrants, around 80 to 85 percent are from Burma, and about half are women. With limited options, most enter either sex or domestic work because it offers a quick solution to earning income – however, these are 'invisible' forms of work that leave female workers in a state of perpetual insecurity.[41] Thailand's Prevention and Suppression of Human Trafficking Act essentially renders sex work criminal: this means that all sex workers, including migrant workers, are not protected under labor laws. Moreover, the vagueness of the Act – trafficking as 'sexual exploitation' is undefined – gives law enforcement agencies significant power to penalize and harass sex workers by conducting raids and collecting fines, demanding bribes from sex workers, or even arresting women working in entertainment venues who are not sex workers.[42] Doubling this insecurity is the fact that migrant workers have limited access to unions, and undocumented workers are not allowed to contribute to social security. This leaves women who are migrant sex workers with virtually no redress for harmful working conditions, and no access to processes for the protection of their rights. Arora (2017) finds that overwhelmingly, migrant sex workers' complaints are not about being forced into labor, but are instead focused on unfair wage reductions because of inadequate workers' rights protections, and on the negative impacts of anti-trafficking efforts itself, which have only exacerbated conditions of exploitation.[43] Clearly, while migration is central to the sex work industries of many countries, the resulting and related social or economic concerns are not

[40] Arora, Reena. 'Female Migration and Labor in Thailand: When Law and Society Continue to Exclude You.' *UCLA Journal of International Law and Foreign Affairs* 21, no. 1 (2017): 72.
[41] Arora, 'Female Migration and Labor', 72–4.
[42] *Ibid*, 85.
[43] *Ibid*, 84–5.

addressed because of the harmful focus on sex workers as victim-criminals, rather than workers.

The role of the environment

In fact, in a paradoxical sense, sex workers often enjoy more protection and autonomy to exercise their rights within self-made structures of consent in sex work venues. This points to a larger argument for the importance of the environment in managing risk and promoting sex workers' autonomy. Kimberly Hoang (2015) demonstrates that for many in Vietnam, sex work is an escape from low pay and harsh working conditions because the actual practice of sex work operates according to strict moral codes between workers, bar owners, and 'mommies' (head hostesses).[44] In bars across Ho Chi Minh, mommies and sex workers worked collectively to defend themselves against aggressive men, and developed strong bonds with each other, fostering a sense of community.[45] This structure of moral codes allowed workers to develop a sense of autonomy and camaraderie – many of her interviewees described a sense of freedom and trust that allowed them to be innovative and flexible in their work.[46] This not only shows that sex work and consent are not mutually exclusive (as assumed by anti-trafficking activists), but also underlines why rehabilitation measures that isolate or control women are ineffective and produce adverse outcomes.

Similarly, in Cambodia, Maher et al. (2011) argue that the typologies of sex work that focus on the type of sex worker often obscures the role of the *environment* in which sex is transacted in mediating risk.[47] The authors identify four factors influencing women's vulnerability to HIV or sexually transmitted infections: access to prevention, intoxication with

[44] Hoang, *Dealing in Desire*, 105–6.
[45] *Ibid*, 120.
[46] *Ibid*, 110.
[47] Maher et al., 'Selling sex', 5.

alcohol or drugs, exposure to violence, and policing practices. With these criteria, the authors find that brothels are the lowest risk environment for sex workers, followed by entertainment-based venues, and then street-based sex work, which presents the highest-risk environment. Within the context that Cambodian anti-trafficking laws forced the closure of many brothels and reduced the regulation of sex work venues, it becomes clear that criminalization- or enforcement-based approaches combatting sex work increase both health and safety risks for women in practice.[48] Thus, the environment in which sex workers operate, rather than the nature of sex work itself, often matters much more in ensuring protection against violence or harassment.

The search for economic opportunities

Finally, the interconnections of economic opportunity highlight how sex work is often not discrete from other forms of work: women seek economic opportunities across different industries, and the pursuit of sex work is often in addition to, or even interconnected to, other forms of labor. Nishigaya (2008) studies Cambodia's garment industry, which mainly hires young female rural migrants. Most of his interviewees reported simultaneously engaging in sex work while working their garment jobs. This is mainly because of garment workers' low monthly wages, and rural families' heavy dependence on daughters for financial support.[49] Sex work is continually seen as an economically beneficial option to supplement women's incomes, something that has been echoed by sex workers across other countries and who engage in multiple forms of work at the same time. The violence, substance abuse, and/or exploitation that these women face – in both the garment and sex industries – are instead understood as a

[48] *Ibid*, 8.
[49] Nishigaya, Kasumi. 'Female Garment Factory Workers in Cambodia: Migration, Sex Work and HIV/AIDS.' Women & Health 35, no. 4 (2002): 32–3.

result of the high levels of vulnerability from working either in isolated factories (cutting them off from social support) or in entertainment venues (with no formal rights).

Women's search for economic opportunity is also counterintuitively relevant to the practice of human trafficking itself. Keo et al.'s (2014) study of human trafficking in Cambodia shows that contrary to conventional perceptions of trafficking as organized crime, most of the incarcerated traffickers in Cambodia are 'destitute women who, pushed by a lack of legitimate opportunities and pulled by the presence of illegitimate opportunities, engage in unsophisticated criminal activities for very modest gains'.[50] Most instances of what constituted trafficking involved women recruiting others into sex work for a commission, while other cases involved smuggling people across borders to find work.[51] Because consent is irrelevant by law, any sex worker could be declared a victim, and any helping or managing sex workers could be considered traffickers.[52] Viewing trafficking from the angle of the 'trafficker', we also find that the main reason for engaging in such activity is the search for economic gain. Hence, it must be underscored that sex work and trafficking are not on two far ends of the spectrum; rather, both are constantly considered or pursued as one economic option out of many. This shows the need for understanding women as economic actors with material needs within the global capitalist economy.

Lastly, the pursuit of income and economic opportunity also explains the draw of sex work itself: in stark contrast to the exploitative conditions and meager pay of labor in the manufacturing, service, or domestic industries, sex work actually provides an escape for women, and a chance to pursue a profitable and sustainable livelihood while enjoying greater personal autonomy and choice. In Vietnam, sex workers discussed previous experiences of

[50] Keo, Chenda, Thierry Bouhours, Roderic Broadhurst, And Brigitte Bouhours. 'Human Trafficking and Moral Panic in Cambodia.' *The Annals of the American Academy of Political and Social Science* 653 (2014): 220.
[51] Keo et al., 'Human Trafficking', 214–15.
[52] *Ibid*, 206.

domestic work as 'being [treated as] a slave', or factory work as being 'treated … like animals'.[53] In contrast, sex work not only gave them a sense of autonomy, but also allowed them to earn far greater incomes than any of the other waged labor options available to them – some reported earning more than even white collar professionals with postgraduate qualifications.[54] The dissonance between anti-trafficking motives for rehabilitation and the real economic benefit of sex work for women is succinctly and strikingly captured by a quote from one Vietnamese hostess: '[NGO workers] come here trying to … save us, [but] how can they help me when I make more money than them?'.[55] Clearly, sex work is not just a survival strategy or a last resort for women: in reality, it is often considered a life enhancement strategy, and a means towards a desirable material and social lifestyle.[56]

The three factors of global migration, risk environments, and economic opportunities are demonstrably integral to the functioning and nature of sex work in the Southeast Asian region. These are mostly if not entirely elided in the rescue-rehabilitation discourse. This points to the pertinence of the discourse of sex workers' rights, especially with regard to international and local policymaking. Sex workers' rights activists address the above-mentioned issues of the need for income that compels women to search for opportunities in various industries, and the need for legal protections from harmful or unsafe environments that women face in their work. For instance, in Thailand, Empower Foundation – one of the most influential sex workers' rights organizations in the region – primarily focuses on educating sex workers about their rights. Through their programs, they address what they view to be the most pertinent

[53] Hoang, Kimberly Kay. *Dealing in Desire: Asian Ascendancy, Western Decline, and the Hidden Currencies of Global Sex Work.* (Oakland, California: University of California Press, 2015), 108-110.
[54] Hoang, *Dealing in Desire*, 17.
[55] *Ibid*, 104.
[56] Persaud, Randolph B, and Christine BN Chin. 'From Sexation to Sexualization: Dispersed Submission in the Racialized Global Sex Industry.' *Cambridge Review of International Affairs* 29, no. 1 (2016): 285.

issues: non-payment of wages, mistreatment by entertainment venue owners, police raids, and forced detention of sex workers.[57] Organizations like Empower make use of the framework of labor rights, seeking to empower sex workers as workers and to counter the harms that rescue-rehabilitation has inflicted on sex workers. This points to the broader argument that the circumstances and actors involved in sex work are much more important factors in ensuring the safety, health, and economic position of women than the nature of sex work itself. Sex workers' rights as a framework thus provides an effective way to understand the economic, social, and political issues that come with sex work (and related phenomena), centering the sex worker's needs for sustainable economic livelihood rather than moralizing and attempting to suppress engagement in commercialized sex.

[57] Shih, 'Freedom Markets', 768.

Complicating Sex Work: Commercialized Sex and Relationships of Intimacy

Sex workers' rights activism has been a powerful force to advocate for and legitimize the labor rights of women who engage in sex work. However, I argue that this is only one way to frame the world of commercialized sex: in practice, the interactions of service, entertainment, relationships, sex, money, and love are often a lot more complex than what can be delineated as work and non-work. It is useful – and even necessary – to understand the diverse types of commercialized sex, and the experiences of women (and men) involved in these relationships. Scholars have produced very compelling alternative frameworks to capture the multidimensional nature and the overlapping linkages between money, intimacy, and love that exist in Southeast Asia. By exploring these alternatives, this chapter aims to demonstrate that the motivations of women who engage in commercialized sex and monetized relationships extend beyond the realm of the economic – the realities of commercialized sex are much more complex and nuanced than what can be simply considered 'work'.

In her ethnographic study on bar hostesses in Ho Chi Minh City, Kimberly Hoang (2015) argues that finances and economic considerations are intrinsically intertwined with relationships of intimacy. The different configurations of racialized desires, business success, social status and pursuit of upward mobility produce four niche markets with four different financial flows: foreign investment from Asian business elites; nostalgic remittances from Viet Kieu men[58]; benevolent remittances from Western businessmen; and virtuous third world altruism from Western budget travelers. In each niche market, hostesses perform *femininity* through competing technologies of embodiment to enhance men's performances of particular

[58] Viet Kieus refer to Vietnamese men and women who have migrated overseas.

masculinities.[59] For instance, hostesses entertaining high-end Asian elites brokered through Vietnamese businessmen were involved in deals that not only aimed to make money but to redefine Vietnam's global position and portray the nation as a rising economic power. Hostesses attempted to signal the development of the nation visually (through getting plastic surgery to look like pan-Asian modern women) and performatively (by wearing expensive clothing and carrying luxury items). In this way, high-end Vietnamese hostesses became nationalist symbols of progress and ascendence.[60] On the other hand, white, Western men who engaged in relationships with local sex workers mitigated their sense of Western decline through practices of benevolent Western patriarchy. Hostesses affirmed their clients' desire to display superiority by portraying themselves as poor exotic women, building relationships of dependence and persuading these men to support them financially by convincing them of their poverty.[61] Conversely, Viet Kieu men attempted to negotiate the paradoxical position of superiority in relation to white men, but inferiority compared to local Vietnamese elites. Hostesses helped Viet Kieu men to articulate a sense of Asian ascendancy while preserving a notion of traditional Vietnamese 'authenticity' that they could not find in relationships with women outside Vietnam.[62] These diverse relationships and interactions show that sex work is not usually a simple sex-for-money exchange – while these relationships were premised on monetary transactions, many sex workers sought to build medium- or long-term relationships with their clients, and adapted to different audiences who had differing desires. This complicates the nature of commercialized sex by demonstrating that the types of labor performed are not uniform across different relationships, and the priorities or aims of

[59] Hoang, *Dealing in Desire*, 12–14.
[60] *Ibid*, 54–8, 135–6.
[61] *Ibid*, 59–67, 145–151.
[62] *Ibid*, 67–69, 138–145.

relationships in each market are not solely based on economic gain, but rather include personal, social, political, and even nationalist motivations.

Heidi Hoefinger (2013), in her study of 'professional girlfriends' in Cambodia, goes one step further to highlight that the general materiality of sex takes place in all relationships: she argues for the need to depathologize entrepreneurial efforts of all women who make use of their bodies, subcultural capital, and networks to make personal gains and challenge the sexual status quo.[63] Hoefinger's coining of the term 'professional girlfriend' moves beyond the sex work paradigm to suggest that complex gift-based relationships must be placed in the framework of normative courtship or 'dating': such relationships can be a valid self-identification (where actors often perceive themselves as boyfriends and girlfriends, rather than client and worker) involving love, romance, and desire, in addition to materiality.[64] Hoefinger's use of 'transactional sex' as a category also points to the fact that for professional girlfriends, sex is fundamentally materially motivated – however, 'sex-for-money' is not mutually exclusive with 'sex-for-fun' or 'sex-for-love', especially where emotions and pleasure take precedence.[65] Many women who identify as professional girlfriends in fact desire marriage or reciprocal, monogamous relationships with men; however, they use transactional sex as a way to initiate relationships that might also advance their socioeconomic positioning and support consumerist desires. Hoefinger's framework is very valuable for being able to identify that money always plays an intricate role in any interpersonal relationship – yet, commodification and commercialization in and of itself does not destroy intimacy. Understanding relationships through the framework of 'professional girlfriends' 'depathologizes economic activity in intimate relations by pointing out its sustaining qualities in terms of joint negotiation and

[63] Hoefinger, Heidi. *Sex, Love and Money in Cambodia: Professional Girlfriends and Transactional Relationships.* (London: Routledge, 2013), 7–8.
[64] Hoefinger, *Sex, Love, and Money,* 17–18.
[65] *Ibid*, 22.

boundary marking'.[66] This brings us back to the idea of the recreational versus relational sexual ethic – pointing to a possibility that both can occur simultaneously.

All in all, these theories allow us to build comprehensive understandings of commercialized sex that go beyond the notion of 'sex work' – they capture the blurred boundaries between what may be considered labor vis-a-vis relationship building or pleasure, enabling us to more fully understand the lived realities of women who engage in commercialized sex, or relationships that are initially centered around materialist gains. Following Hoefinger's argument that transactional sex is globally ubiquitous – for instance, women can choose to marry rich doctors or lawyers, students can choose to sleep with professors for grades, and so on – it might then be more effective to view what we consider types of sex work within a broader spectrum of intimate relationships, in which women's desire for economic or material gain is understood alongside their desire for intimacy, love, and connection.

[66] *Ibid*, 26.

Conclusion

The women of Southeast Asia who engage in commercialized sex and intimate relationships prove that they are workers, partners, and lovers all at once – however, what they are not, are victims or criminals. This paper argues that the anti-sex trafficking industry has created an ahistorical and Orientalist perception of commercialized sex and the women who engage in it, through framing humanitarianism as the 'rescue' and 'rehabilitation' of Southeast Asian women. This represents a neocolonial endeavor insofar as women in the Global South who have been previously constructed as sex objects for consumption through sex tourism have now been reconstructed as victimized objects for saving. In the same way that Global South women were transformed into (exotic and submissive) objects of leisure by European and then American (neo)colonial actors, these women have now been transformed into a similarly exoticized and submissive mass-produced global product under neoliberalism. This ultimately works in service of anti-trafficking activist groups and international organizations as much as clients of commercialized sex – all of whom place women of the Global South in a position of eroticized abjection and inferiority.[67]

The reproduction of particular 'globalized' representations of women – as the 'sex trafficking victim' or the 'former sex work criminal' – has obfuscated the contradictions and complexities of women's lived experiences.[68] It becomes clear that many of the risks or harms faced by women engaged in commercialized sex are not directly caused by the inherent nature of their work, but rather structural factors such as the risks that come with migrating for economic opportunities, as well as the access to protection and healthcare (or lack thereof)

[67] Persaud and Chin, 'From sexation to sexualization', 278; Bernstein, *Brokered Subjects*, 109.
[68] Mohanty, Chandra Talpade. *Feminism without Borders: Decolonizing Theory, Practicing Solidarity*. (Durham: Duke University Press, 2003), 247–8.

within the physical environments they live in. The discourse of sex workers' rights has provided a powerful alternative to understand the realities of commercialized sex, particularly in terms of enabling women's performance of labor in commercialized sex to be legitimized, giving them access to pursue labor rights and protections against harms.

However, in practice, there is a blurred line between what is work and what is not, especially when we acknowledge that commercialized sex is not simply about sex-for-money exchanges, but revolves around intimate relationships that involve emotional connection, long-term attachment, and love as much as money and material gain. Such overlapping (and contradictory) tendencies demand new ways of thinking and bolder theoretical moves to capture the diversity of commercialized sex in Southeast Asia – work that has been pioneered by scholars such as Hoang and Hoefinger.[69] This points to new opportunities for research that go beyond the scope of this paper – particularly, how might we produce new theory on different forms of commercialized sex without falling back onto the reified (and even unfounded) assumptions embedded in the discourses produced by anti-trafficking and human rights discourses? Scholarship such as Hoang's and Hoefinger's work emphasize the importance of producing new theories that capture the complex experiences of women engaged in materialistic romantic and/or sexual relationships, as well as giving equal weight to the perspectives, emotions, and opinions of these women. More broadly, I argue that it becomes essential to eschew a singular or totalizing framework to analyze the realities of commercialized sex. Taking multiple approaches in which theories can co-exist not only captures the multidimensionality of the world of commercialized sex, but also resists the hegemonic and neocolonial narratives that aim to perpetuate an unequal global regime through the argument of saving and disciplining the Other. Where do we go from here? I believe that

[69] Persaud and Chin, 'From sexation to sexualization', 270.

in trying to understand the world of commercialized sex, and to properly represent the women involved in it, it is important to heed Chandra Mohanty's (2003) call to 'read up the ladder of privilege' in her argument for transnational anticapitalist feminist critique and practice.[70] Mohanty suggests that 'perhaps it is no longer simply an issue of Western eyes, but rather how the West is inside and continually refigures globally, racially, and in terms of gender'.[71] Globalization and its effects are continually scripted onto the bodies of women in the Global South or Global Majority.[72] Ignoring the unequal power dynamics in the global economy will only perpetuate the racialized and gendered hierarchies that enable neocolonial actors – be it states or organizations – to exploit the image, bodies, and labor of women in Southeast Asia and beyond. Only by making gender – and women's bodies and labor – visible, as well as theorizing this visibility as part of articulating a more inclusive politics, can we demystify the workings of neocolonialism within capitalism and envision transborder justice for those who have long been denied this justice in history.[73]

[70] Mohanty, *Feminism without Borders*, 231.
[71] *Ibid*, 236.
[72] *Ibid*, 249.
[73] *Ibid*, 249–50.

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