

Oblivious ‘Sex Traffickers’: Challenging stereotypes and the fairness of US trafficking laws

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Abstract

In this paper, we explore third parties who unexpectedly fell within the legal definition of a sex trafficker. The anti-trafficking lobby and media stories frequently portray traffickers as organised, psychopathic, violent, and child kidnappers. We dismantle these depictions by showing the unexpected people who qualify as traffickers. This paper incorporates findings from two studies involving eighty-five third parties in New York City and forty-nine in Chicago. We analyse how teenagers, drivers, and boyfriends qualify as traffickers under US law. We find that two-thirds of them hold inaccurate views about the difference between sex trafficking and facilitating prostitution. Trafficking can be incidental or temporary, and traffickers in these samples were often oblivious to their legal status, potentially resulting in lengthy prison sentences. We conclude by calling for differential sentencing based on traffickers’ age, and awareness campaigns designed to alert third parties of the legal distinctions between pandering and sex trafficking.

Keywords: domestic sex trafficking, pimping, US sex trafficking laws, stereotypes

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Introduction

Many sex workers, ‘pimps’,¹ and even ancillary players in the sex trade in the United States have crossed the legal line and fall under the legal definition of sex trafficking (ST) per the *Trafficking Victims Protection Act* (TVPA) of 2000. The TVPA defined sex trafficking as the ‘recruitment, harboring, transporting, provision, or obtaining of a person for the purpose of a commercial sex act’ when ‘induced to perform a sex act through force, fraud or coercion’ (22 US Code 22 USC 7102(8)). The TVPA blurs pandering² and ST by expanding the definition of coercion to include psychological tactics, such as declarations of false love, establishing economic control, and inducing drug dependence.

The TVPA also posits that anyone younger than eighteen who sells sex with a third party is designated a trafficking victim, and the third party commits a ‘severe form of trafficking in persons’.³ This legislation created a broad definition of ST. In cases with the traditional dyads who sell sex, Farrell *et al.* found that half of the ST cases investigated by law enforcement involved a minor,⁴ and Lugo-Graulich’s study found that states with Safe Harbour laws⁵ had more ST prosecutions.⁶ However, ST legislation, even with safe harbour laws, still results in the prosecution of teenagers as sex traffickers if they facilitate teenagers who provide sex for money. In 2019, the FBI data revealed that 11 minors were

¹ We define a ‘pimp’ as someone who procured, facilitated, managed, or similarly contributed to commercial sex transactions. We acknowledge that ‘pimp’ is a contested, racialised term, but it is most recognisable. We use the term ‘third party’ whenever possible.

² Pandering laws vary across states. Merriam-Webster’s Dictionary of Law defines pandering as ‘The act or crime of recruiting prostitutes or of arranging a situation for another to practice prostitution.’

³ Defined in the TVPA as ‘sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to such an act has not attained 18 years of age’.

⁴ A Farrell, C Owens, and J McDevitt, ‘New Laws but Few Cases: Understanding the challenges to the investigation and prosecution of human trafficking cases’, *Crime, Law and Social Change*, vol. 61, no. 2, 2014, pp.139–168, <https://doi.org/10.1007/s10611-013-9442-1>.

⁵ State-level ‘Safe Harbor’ laws are designed to remove the punitive sanctions for young victims of commercial sexual exploitation.

⁶ K Lugo-Graulich *et al.*, *Prosecuting Trafficking in Persons Cases: An analysis of local strategies and approaches*, National Institute of Justice, Washington, 2020, retrieved 21 September 2021, <https://www.ojp.gov/pdffiles1/nij/grants/301296.pdf>.

prosecuted as sex traffickers and charged with involuntary servitude.⁷

Most states in the US have enacted laws on sex trafficking that are modelled after the TVPA, and most sex trafficking cases, except those involving interstate offenses, are prosecuted in state criminal justice systems. In 2005, Illinois implemented a similar law that introduced maximum sentences of thirty and fifteen years, respectively, for the trafficking or involuntary servitude of a minor or adult through fraud, force, or coercion. In 2018, New York enacted a law that established the crime of the sex trafficking of a child as a class B felony with a sentence of five to twenty years in prison; this statute applies to a person who is twenty-one years of age or older and profits from or advances a minor in engaging in sex for money or other valuables (§5988-B). Due to the TVPA's radically expanded definition, third parties caught in the legal sex trafficker net include teenage friends (except in New York), partners, and those formerly designated 'neighbourhood pimps', drivers, and hotel owners. These incidental and often oblivious traffickers are newly connected in the legal and popular imagination to modern-day global slavery rings, yet they challenge these stereotypes.

Previous research has argued that youth engaging in survival sex or facilitating friends' sex work challenge stereotypes of sex traffickers as violent or coercive.⁸ In this paper, we extend this prior work through examining third parties' views about what constitutes sex trafficking, and which background characteristics contribute to their inaccurate or accurate views. We also explore their identification with the terms 'pimp' and 'sex trafficker', and how they interpret these labels socially and legally. We conclude the analysis with a discussion of the necessity for public awareness campaigns and other deterrence efforts.

⁷ US Department of Justice, 'Crime in the United States: Human trafficking, 2019', 2019, <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/additional-data-collections/human-trafficking/human-trafficking.pdf>.

⁸ A Horning, 'Peeling the Onion: Domestically trafficked minors and other sex work involved youth', *Dialectical Anthropology*, vol. 37, no. 2, 2013, pp. 299–307, <https://doi.org/10.1007/s10624-012-9289-3>; A Marcus *et al.*, 'Conflict and Agency Among Sex Workers and Pimps: A closer look at domestic minor sex trafficking', *The ANNALS of the American Academy of Political and Social Science*, vol. 653, issue 1, 2014, pp. 225–246, <https://doi.org/10.1177/0002716214521993>.

Literature Review

Caricatures of Third-party Facilitators

The TVPA acquired support through anti-trafficking narratives that created a homogenous and biased portrayal of third-party facilitators. For example, prostitution abolitionist feminists' anti-trafficking discourse characterised all prostitution as involving degradation and violence and claimed that third parties and sex traffickers are synonymous—regardless of whether sex workers' roles are voluntary.⁹ This discourse supports their demand for lengthy prison sentences for all facilitators and clients involved in the sex trade, regardless of age.

Further bolstering this anti-trafficking discourse, media stories supported a stereotype of 'pimps' and 'sex traffickers' as violent, coercive criminals who take unfair, exploitative fees.¹⁰ Media coverage disproportionality reported about sex traffickers from racial, ethnic, or immigrant groups, playing on the public's implicit racialised fears.¹¹ Indeed, the 'pimp' trope is probably the most globally recognised archetype for Black masculinity.¹² Moreover, dramas and documentaries of trafficking for sexual exploitation (TSE) have projected a singular 'rescue narrative' where a brutal man tricks or kidnaps a young, innocent girl, creating a narrative of women as saintly and men, especially Black men, as predatory. These films often contrast white Western men as 'heroes' and the 'villains' as 'dangerous brown men.'¹³

For the past decade, this anti-trafficking discourse and the enforcement of the TVPA and international law have developed a consensus around the idea that under-18 sex work is solely the fault of pimps, traffickers, and clients, and that under-18 sex workers are trafficking victims. Those who were formerly considered as pimps engaging in pandering may be charged as sex traffickers under the TVPA or international trafficking laws. These shifts in policing priorities due to anti-trafficking narratives were justified with weak data from self-promotional authors

⁹ M Farley, 'Risks of Prostitution: When the person is the product', *Journal of the Association for Consumer Research*, vol. 3, issue 1, 2018, pp. 97–108, <https://doi.org/10.1086/695670>; C A MacKinnon, 'Trafficking, Prostitution, and Inequality: The centrality of gender', in J Browne (ed.), *Why Gender?*, Cambridge University Press, Cambridge, 2021, pp. 306–327, <https://doi.org/10.1017/9781108980548.016>.

¹⁰ J Gulati, 'News Frames and Story Triggers in the Media's Coverage of Human Trafficking', *Human Rights Review*, vol. 12, no. 3, 2011, pp. 363–379, <https://doi.org/10.1007/s12142-010-0184-5>.

¹¹ *Ibid.*

¹² Horning, 2013; Marcus *et al.*

¹³ C Baker, 'Moving Beyond "Slaves, Sinners, and Saviours": An intersectional feminist analysis of US sex trafficking discourses, law and policy', *Journal of Feminist Scholarship*, issue 4, 2013, pp. 1–23.

(including ‘pimps’), advocates, police, and social work reports¹⁴ as opposed to studies showing that young people often voluntarily band together and engage in and facilitate survival sex. These distorted narratives potentially contribute to facilitators’ erroneous beliefs that they are not violating sex trafficking laws.

Typical Entrances into Third-party Work

Third-party facilitators report that family members, friends, or partners generally introduced them to the illicit sex trade.¹⁵ In Dank *et al.*’s study, one quarter of the participants were introduced to pimping through someone they knew, who requested their protection and assistance, so a sex worker ‘could act as both recruiter and mentor...who also taught them the business’.¹⁶ Moreover, third-party facilitators who saw themselves as managers rather than pimps were more likely to enter through social networks established within conventional work settings.¹⁷ These social influences might foster misinformation or unawareness that they are engaging in sex trafficking or pandering.

Methods

In both the New York City (NYC) and Chicago studies, the term ‘pimp’ was narrowly defined as an individual who manages and lives from the proceeds of one or more sex workers.¹⁸ While the data were collected between 2011 and 2014, there have been no significant changes to federal law since the TVPA, and these are the two most recent studies with third parties who were already charged or could have been charged with sex trafficking at one point throughout their changeable careers. For example, some started a mutual agreement arrangement

¹⁴ Horning, 2013.

¹⁵ T G Blanchette and A P da Silva, ‘Sympathy for the Devil: Pimps, agents, and third parties involved in the sale of sex in Rio de Janeiro’, in A Horning and A Marcus (eds.), *Third Party Sex Work and Pimps in the Age of Anti-trafficking*, Springer, Cham, 2017, pp. 15–47, https://doi.org/10.1007/978-3-319-50305-9_2; M L Dank *et al.*, *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*, Urban Institute, Washington, 2014, pp. 221–242; A Horning *et al.*, ‘Risky Business: Harlem pimps’ work decisions and economic returns’, *Deviant Behavior*, vol. 41, issue 2, 2020, pp. 160–185, <https://doi.org/10.1080/01639625.2018.1556863>.

¹⁶ Dank *et al.*, p. 141.

¹⁷ L J Stalans and M A Finn, ‘Self-narratives of Persistent Pimps and Those Anticipating Desistance: Emotions, conventional work, and moral profitability calculus’, *Victims and Offenders*, vol. 14, issue 5, 2019, pp. 647–669, <https://doi.org/10.1080/15564886.2019.1628148>.

¹⁸ R Weitzer, ‘Sociology of Sex Work’, *Annual Review of Sociology*, vol. 35, 2009, pp. 213–234, <https://doi.org/10.1146/annurev-soc-070308-120025>.

with sex workers, and the relationship changed into a coercive one, or vice-versa.

Table 1 provides background characteristics of the eighty-five and forty-nine men who were interviewed in NYC and Chicago, respectively. All interviewees discussed their business and personal relationships and roles with sex workers in qualitative in-depth interviews. Below is an outline of each study's methodological approach.

Table 1. NYC and Chicago sample characteristics

Characteristics	NYC Sample (N = 85)		Chicago Sample (N = 49)	
Race				
Black	74.1% (n = 63)		36.7% (n = 18)	
Latinx	25.3% (n = 13)		6.1% (n = 3)	
Asian			4.1% (n = 2)	
Multi-racial/Other	0.6% (n = 9)		4.1% (n = 2)	
White			49.0% (n = 24)	
Educational achievement				
High school dropout			10.2% (n = 5)	
High school graduate			24.4% (n = 12)	
HS grad with some college			20.4% (n = 10)	
College graduates			34.7% (n = 17)	
Missing			8.2% (n = 4)	
	Mean	Range	Mean	Range
Number of years pimping	6	1 to 30	8.5	1 to 40
Age started pimping/driving	17	9 to 37	26	12 to 51
Age at the time of interview	27	18 to 67	40.4	18 to 65
% of workers' earnings taken			50%	20 to 100%
Number of current sex workers	6	1 to 63	5.5	1 to 32

The New York City Study

Sample and Data Collection. Horning interviewed eighty-five third parties in 2011-2012 and used the term 'pimp' during the recruitment process because this population is often unfamiliar with other terms such as 'third party'. Horning

expressed the criteria to qualify in clear language to ensure that participants had actually procured, facilitated, managed, or otherwise contributed to commercial sex.

The majority of the interviews took place in courtyards in housing projects in East Harlem with people from these communities. Residents of these housing projects were at high risk for family poverty and the projects have seen high juvenile delinquency rates.¹⁹ East Harlem has long been an area of concentrated disadvantage, with many residents experiencing high relative deprivation levels.

Horning used snowball sampling, whereby two gatekeepers, who lived in these housing projects and formerly worked as third parties, facilitated access to the community. One limitation of snowball sampling is selection bias since the pool of participants is derived through a few initial contacts. It is typically used in non-probability fieldwork studies and works well with hard-to-reach populations and active offenders.²⁰ Participants were given the option to conduct the interviews inside or in a quiet corner in the courtyard where they were not audible to others. During the winter, Horning and their research team interviewed in the offices of non-profit organisations in Harlem. Semi-structured interviews were confidential and tape-recorded. Participants used pseudonyms and gave verbal consent for participation, following the protocol's Institutional Review Board's approval. Each interview lasted for about one hour and Horning paid participants USD 30 for their time.

Analytic approach. Horning asked participants about pimping and pimp identities. Specifically, they were asked if and how they identified as pimps. If they did not, they were asked how they would instead describe their role in the sex market. These questions sparked conversations about what constitutes a pimp and what constitutes a trafficker. Participants described their impressions of pimping and trafficking and how they were similar or distinct. They did not always understand the parameters of the legal label of sex trafficking or even pandering. Through these questions, Horning could tap into Goffman's 'looking glass' view, where participants described how they viewed themselves, how they thought others viewed them, and how they viewed those similar to them. In this interview setting, which enabled an active exchange, participants also reacted to the interviewers. Horning and their research team were acutely aware of this natural process that involves impression management and portrayals of the self that were probably

¹⁹ C J Barrett and M Welsh, 'Petty Crimes and Harassment: How community residents understand low-level enforcement in three high-crime neighborhoods in New York City', *Qualitative Sociology*, vol. 41, no. 2, 2018, pp. 173–197, <https://doi.org/10.1007/s11133-018-9377-z>.

²⁰ U Flick, *An Introduction to Qualitative Research*, 4th ed., Sage Publications, Thousand Oaks, 2009, pp. 9–18.

tailored to the interview context. To analyse the narratives, Horning searched accounts using keywords ‘pimping’, ‘trafficking’, ‘underage’, ‘slavery’, ‘mack’, ‘slim’, and ‘superfly’ to elucidate participants’ conceptions of pimping and trafficking and derived themes using these sensitising concepts.

The Chicago Study

Sample and Data Collection. Recruitment occurred primarily through advertisements on the job, escort, and massage sections of Backpage or Craigslist in 2013-14, and referrals from selected participants. Interviews occurred inside or outside of a café where participants selected private tables. Semi-structured qualitative interviews lasted for one hour and were audio-recorded. Interviewees verbally consented, used pseudonyms, and were paid USD 60, using an Institutional Review Board-approved protocol.

Analytic approach. Stalans analysed interviewees’ accounts of their views about pimping, TSE, and their management practices. Stalans asked participants about how ST compared to facilitating prostitution and allowed them to define their self-identities, with 32.7 per cent calling themselves pimps or other deviant labels (gang members, drug dealers) and 67.3 per cent using more pro-social identities such as manager, driver, or assistant manager. A trained research assistant and Stalans coded conceptions of how ST differed from prostitution into eight categories and resolved the few disagreements through discussion.

Results

The results are organised around three issues: 1) How interviewees label their role and see themselves; 2) their conceptions about ST and what differentiates those who held accurate knowledge of ST from those with inaccurate or incomplete knowledge; and 3) oblivious facilitators with mitigating circumstances that differentiate them from the violent, coercive stereotype underlying the TVPA.

Some participants knew ST laws; however, many were oblivious, defined as having incorrect or incomplete beliefs about what constituted ST, or unaware of how their status could change to violating ST laws.

Let’s Talk About Who’s Really a Pimp’

Third parties in both samples had ideas about what constitutes a pimp, drawing on direct experiences, imagination, and popular media culture. In NYC, we interviewed some of the participants at a health clinic. One day, several young

men suddenly came into the clinic's conference room. There were only two interviewers, and the day was ending. We announced that only two more people could be interviewed. One guy stated, 'Well, let's talk about who's really a pimp in here.' Some nodded in agreement, while others looked down nervously. They began to compare notes on the number of workers, earnings, how long they worked, and whether they cared for their workers. This discussion probably merited a focus group. Most pertinent was that the criteria for who qualifies were up for debate among third parties.

Several third parties were influenced by images of the pimps of the 1970s that still fuel popular imagination. The majority of the NYC sample was African American, followed by Latinx, and both groups drew on these examples. Notably, the older third parties referred to the pimp classics. The more seasoned ones drew from Blaxploitation pimp movies, such as *SuperFly*, *The Mack*, and others, such as Iceberg Slim's autobiography *Pimp: The Story of My Life*.²¹

When we asked Goya about his entrance into pimping, he admitted, 'I did homework before I did anything. I did homework, and I watched a lot of movies [later he referred to 'pimp' films].' Some older third parties tried to mirror the dynamics in these pimping guides. For example, Chicago Blue referenced films like *The Mack* or *Pimps Up Hoes Down*, and songs such as *Pimpin Ain't Easy*, and he even incorporated these titles into his everyday rhetoric. This focus was demonstrated in his self-introduction at the beginning of his interview.

Call me Chicago Blue. Big Daddy Chicago Blue. Pimpin' ain't easy. Slappin' and yo mackin', you know. When it comes to them hoers, you gotta put them bitches on the truck. You know what I'm saying? They gotta go out there and get that money 'cause Daddy needs a new pair of shoes, baby. This is not a game.

Similarly, Anton was invested in a pimp identity and bragged that he attended what he called 'pimp club parties'. Anton said, 'We get dressed up, tell 'em what we got, see with these shoes.' Anton pointed to his shoes and he said to the interviewer, 'I paid 200 and something dollars for these shoes. I paid 300, 200 dollars for this, 200 dollars for shit like you know.' Then, Anton pointed to his watch and other jewellery and said to the interviewer, 'You got your watch on, you got your jewellery on, yeah.' The interviewer asked, 'Do they all work in the same club as you, or how do you meet?' Anton replied:

²¹ Iceberg Slim, *Pimp: The Story of My Life*, Cash Money Content, New York, 1969.

We usually meet up in different areas, like you know, when they have one of those pimp club parties in Harlem. Pimp club parties, like when you bring your two hoers with you. You ever watch the movie 'The Mack of the Year'? When you see Goldie when he brung his two best hoers in there. You bring your one hoe or two hoers. You bring the best one that makes that money. You hang out, you drink, show off, talk shit, you know what I'm saying.

The interviewer asked if Anton ever attended the national Players Ball, and he replied, 'We've been to the Players Ball. It's a beautiful thing. A beautiful time.' The Players Ball was inspired by the event featured in the Blaxploitation film *The Mack*. It became an annual, high-profile celebration of well-known pimps and their sex workers. Everyone dresses up, and the winners give speeches (four pimps in Chicago also attended 'players balls', with one winning second place). Alex, who came from a 'family of pimps and hoers', referenced Iceberg Slim's book: 'If you read the back of the book, it will tell you what inspired him to become a pimp. This friend of mine named [name], what inspired him to be a pimp, was my cousin.' Alex used this reference to show that his family is the real deal and known for pimping. Jamaica thought that many self-proclaimed pimps tried to emulate these films, and for him, pimping was much more straightforward. Jamaica stated: '*The Mack* is like a bible. *SuperFly* is like a Bible. Everybody wants to be Goldie; everybody wants to be Priest. The real thing—it's just about money.'

However, as did 67.3 per cent of the Chicago sample, some NYC third parties rejected the label of a pimp. For instance, we asked Samuel, 'Did you call yourself a pimp?' He replied, 'Nah, I never did like in the movies, ni#&*ers call themselves the Mack and all that. I ain't call myself shit.' John Baptista explained why he did not identify as a pimp:

I was never like, oh, I'm a pimp. [...] I'm making money 'cause these girls wanna have sex. I'm just getting them the guys. I guess that's what pimping is, but I never considered myself like a pimp.

He further explained who pimps were in his neighbourhood, showing that he did not consider himself similar because he lacked business cards, did not solicit strangers on the street, and was never arrested.

Alex said, 'I am a player. [...] because I played the game [term for pimping]', but for him, that was distinct from being a pimp. Nelson expressed distaste for the term pimp but viewed himself as a hustler. Marvin also expressed disdain: 'I don't like this pimp thing; I'm their manager. I'm trying to manage how you live your lifestyle and how you gonna do this lifestyle.' Finally, Blue Goose said he was a bodyguard and asserted: 'I would never say that I am a pimp.'

Across samples, some third parties did not call themselves pimps because they rejected labelling, found the term insulting, or believed their duties did not merit the term. A few third parties started work so young that it took them a while to realise that they were pimping; Samuel in the NYC sample who started at thirteen declared: 'I was young. So, I really didn't know what was going on. It was like I had a chance to get money from them [sex workers] [...]. I didn't know that it was illegal.' Many preferred a pro-social term for their facilitation. Younger NYC third parties felt that pimps only did street-based work or had a pimp lifestyle, and for many, this was below them. Billy said, 'Old pimps, they really used to watch their girls and made sure they were with them 24/7. I don't got time to be doing that!'

Many NYC third parties indicated they were not violent like other pimps. Legally, pandering does not require force, but several were aware of the typical pimp tropes. For example, Padro made a point to show that he was not this 'disrespectful type'. He said, 'I'm not the abusive type. I'm not gonna put my hands on her. You know, I'm not that type of person or pimp, whatever you wanna call it. I'm not into beatin' them, touching them, hitting them. Everything they do, they do because they wanna do it.' For some, it was showing that they were not disrespectful, or doing it differently and being 'good bosses'. For instance, Goya stated:

Nine times out of ten, these pimps wind up losing their girls because of mistreatment. You know, a person can only take that so much; you're a human being. You know? I thought that I could do things different, and I did. It worked out pretty good.

Stereotypes about Sex Trafficking Laws

We now turn to the analysis of the Chicago sample's views of how ST is defined. The majority noted that ST involved force or coercion (n=32; 71.1%), but only one-third noted that involvement of minors as sex workers constituted ST (n = 16; 35.6%). Although these elements were mentioned, many participants qualified their responses with inaccurate beliefs such as ST required movement across states or countries (33.3%), involved people from other countries (22.2%), involved organised crime (4.4%), or involved only street-based prostitution and not online solicitation (6.7%). Others held inaccurate beliefs about the involvement of minors (15.6%; n = 7). For example, John provided this reasoned analysis:

(Interviewer: What about minors? Like a 15-year-old who sort of falls in love with a 23-year-old, and he's struggling. And she thinks she loves him. So he says, well, help us out here. You need to do certain things. Is that ST or prostitution?) I don't know. It's not trafficking per se; it's more of taking advantage of the situation. I won't consider it trafficking 'cause the girl she has the choice in what she's doing, but when you're 15, you're so young and

naïve, you really don't know right from wrong. It's somewhere in the middle between prostitution and trafficking.

The sixteen Chicago pimps who correctly recalled that the involvement of minors violated ST laws all held accurate views, and some had accurate knowledge about punishment. For example, Teddy exclaimed: ‘You’ll do a federal fifteen years mandatory minimum, so you’ll be in there for thirty years maybe. (Interviewer: Have you ever managed minors?) Never. (I: Why?) Because the fall is forever.’ Several pimps or drivers verified sex workers’ age through licenses; for example, Jorge, a driver, asserted: ‘People know well, seventeen, you’re pimping—so I always make sure that they’re eighteen.’

Similarly, in the NYC study, some older third parties were aware of the lengthy punishment. Dred discussed that he would never work with underage sex workers again because it was too dangerous. Arroyo correctly acknowledged, ‘Just off the fact that you being a pimp, they can slay you. They can give you a whole lot of time in jail.’

Table 2. Accuracy of third parties’ views about sex trafficking: Connection to college education and experience in the sex trade

	Sex trafficking defined as coercion/		Differentiating sex trafficking from facilitating prostitution	
	Was not mentioned N = 11 24.4%	Was mentioned N = 34 75.6%	Accurate beliefs about minors or coercion/force (N=17; 37.8%)	Inaccurate stereotyped beliefs (N = 28; 62.2%)
College degree				
No	90.9% (10)	61.8% (21) ^T	47.1% (8)	82.1% (23) ⁶
Yes	9.1% (1)	38.2% (13)	52.9% (9)	17.9% (5)
Age started pimping				
19 or younger	45.5% (5)	17.6% (6) ^T	29.4% (5)	21.4% (6) ⁷
20 or older	54.5% (6)	82.4% (28)	70.6% (12)	78.6% (22)
Number of years pimping				
9 or fewer years	36.4% (4)	64.7% (22) ³	23.1% (6)	71.4% (20) ⁸
10 or more years	63.6% (7)	35.3% (12)	64.7% (11)	28.6% (8)

Pimp uses coercion: supplies drugs, uses violence, takes 75% to 100% of earnings, or possessive ownership				
No	18.2% (2)	52.9% (18) ⁴	58.8% (10)	35.7% (10) ⁹
Yes	81.8% (9)	47.1% (16)	41.2% (7)	64.3% (18)
Self-identifies as:				
Pro-social label (e.g. manager)	36.4% (4)	76.5% (26) ⁵	64.7% (11)	67.9% (19)
Pimp	63.6% (7)	23.5% (8)	35.3% (6)	32.1% (9)

Four individuals were not asked the question and did not provide information in the interview. Superscript indicates the probability that the categories of a subgroup (e.g., college education or not) are different on the outcome in the column with ^Tp < .10; * p < .05; and ^{NS} p > .05. Please see footnote for statistical analysis.²²

Table 2 shows to what extent the inaccurate views of ST vary by background characteristics, self-identity, and coercive tactics. Interviewees' self-identity and coercive tactics were systematically coded in previous research.²³ Columns 1 and 2 show that participants were less likely to mention coercion or force if they were teenagers, had been pimping for more than ten years, and labelled themselves as pimps.

Moreover, pimps using extreme coercive tactics (i.e., 'Pimp uses coercion' in the table), compared to those who did not use these tactics, were less likely to mention force or coercion. Previous research on third parties in Canada also suggested that

²² Chi-square analyses, the appropriate statistical analysis, were used to compare whether the collected data for subgroups (e.g., college degree or not) were different on their stereotype accuracy than what would be expected by chance. Thus, the p-values at .05 indicate that there is a real difference in the data with only a 5 per cent chance that this claim is incorrect, whereas a not significant finding indicates that the subgroups do not differ and any variation is due to chance.

²³ L J Stalans and M A Finn, 'Consulting Legal Experts in the Real and Virtual World: Pimps' and johns' cultural schemas about strategies to avoid arrest and conviction', *Deviant Behavior*, vol. 37, issue 6, 2016, pp. 644–664, <https://doi.org/10.1080/01639625.2015.1060810>; L J Stalans and M A Finn, 'Defining and Predicting Pimps' Coerciveness Toward Sex Workers: Socialization processes', *Journal of Interpersonal Violence*, vol. 34, issue 21–22, 2019, pp. 4498–4521, <https://doi.org/10.1177/0886260516675919>.

third parties might perform comparisons to more violent and coercive pimps to resolve dissonance about their actions and distance themselves from more moral culpability.²⁴ For example, George, who sold sex workers to other third parties without their consent, explained:

There are different varieties of pimps, where some are more suave and smooth, then you got your guerrilla pimps that's gonna stand on you all the time, and be physical with you, yell at you, beat you. (Interviewer: And what would you call yourself?) I just call myself, you know, a man of leisure. My mind was born suave. I could talk to them, get in their head, and find out [...] what buttons to push.

Jihoo, a driver who transported non-citizen Korean sex workers from O'Hare Airport, illustrated the cognitive distancing, though not successful, from less desirable moral selves.

Morally, I know this is wrong. I was like, oh well, I can justify it to myself because I feel like this is their choice. [...] I got to find something else legitimate. [...] I consider myself of high character with morals [...] so I have a lot of guilt because of that.

In the NYC sample, several indicated that using physical force is not pimping. For example, Blue Goose asserted that a real pimp never uses force with sex workers, especially younger ones. He stated, 'If you gotta be a pimp to beat 'em and belt and all that man you ain't no pimp. You abuser. [...] I don't go around like these beating like some of these pimps they go around they got guys kidnap these girls, seventeen, sixteen years old.' For some, third parties who had underage workers were viewed as inferior for breaking the rules of professionalism and morality. Debonir discussed 'macks with little girls' and stated, 'You know a real player gonna deal with a grown woman.'

We also assessed the accuracy of their complete stereotype; thus, if interviewees believed that travelling from location to location was necessary to define ST, they were coded as holding an inaccurate stereotype. Although 75.6 per cent of the Chicago sample mentioned coercion/force as defining features, nearly two-thirds (62.2 per cent) held incomplete or inaccurate knowledge about ST. Columns four and five of Table 2 show that individuals were more likely to hold inaccurate stereotypes if they were not college-educated and had been pimping for nine years or less. The Chicago sample only had eleven individuals who started

²⁴ S Hannem, and C Bruckert, "'I'm Not a Pimp, but I Play One on TV': The moral career and identity negotiations of third parties in the sex industry', *Deviant Behavior*, vol. 38, issue 7, 2017, pp. 824–836, <https://doi.org/10.1080/01639625.2016.1197700>.

as teenagers, and slightly over half held inaccurate beliefs. DJay illustrated an inaccurate stereotype: ‘Sex trafficking, uh, you goin’ state to state. You see you got men that run hoos to Michigan, Kankakee to Minnesota; you got guys that do that and, uh, that’s the difference from me because [...] I’m just local.’

Additionally, Willie met the legal definition of sex trafficking of adult women through requiring a USD 2,000 exit fee and coercive tactics but declared:

Well, there’s a big difference. Prostitution is more localised where you have your set station, but trafficking you move them around the country or to different countries. It could be trafficked from China to LA and all over; that’s a trafficker, like a mule, a middleman, that sends them all around. (Interviewer: What do you participate in, prostitution or trafficking?) Prostitution because I’m not a gateway to another city.

Inaccurate ST views were also evident in the NYC sample, with only a few explicitly mentioning ST, and others confused TSE for pimping. For example, Chicago Blue attributed trafficking to Chinese men. He said, ‘Chinese men be doing that shit. Nah. We don’t do that. Put them in a big truck and keep them in there for slaves and have them selling VCRs. I mean DVD movies and all that. ‘Cause there’s a lot of them running around here right now.’ Mista Warbux never used the term ST. However, he attributed what legally constitutes trafficking to Caribbean and African cultures. He discussed how ‘grandmothers pimped out they daughters’ for rent and paying their bills, noting that the daughters are thirteen or fifteen and going out with men in their 20s and 30s. Mista Warbux felt this was backward and made a point to distinguish himself from this practice:

I always thought it was like, ‘Ob, that’s some ignorant down-South shit’, but it’s more than that. I see this like around the world kind of thing. There’s people that come from Caribbean cultures, people that come from African cultures, they’re selling kids for sex.

While both of these third parties may have qualified as traffickers in accordance with the TVPA at different points in their careers, they view traffickers as a different other, usually foreign-born and part of another culture where TSE is socially acceptable.

Some NYC third parties discussed ‘white slavery’, a term which is commonly used and references the *Mann Act* of 1910. Kelvin was acutely aware that he could face ST charges and discussed the legal problems associated with third-party work.

It’s a hard-ass lifestyle, and the thing about is when your girls get locked up and go to jail, you gotta pay for their lawyer, you gotta bail them out ‘cause you can’t let them sit in jail. [...] Sometimes you gotta pay them lawyer extra for them not to go back to jail. And if I got busted, I’d gotten life ‘cause it’s called ‘white slavery’.

Kelvin used the racially charged term ‘white slavery’, indicating that this is how he may be interpreted as an African American man who, on the surface, fulfils the public’s imagination of the new global outlaw, Black sex traffickers.

Problematic Oblivious Sex Traffickers

When boys are introduced to pimping through family mentoring, it sometimes involves TSE. In the Chicago study, Trey, a twenty-nine-year-old third party who used physical force and took 75 per cent of the earnings, began pimping at fifteen through his uncle’s mentoring. He had sex and fell in love with a twenty-four-year-old sex worker when he was fifteen. Trey stated: ‘I love her; if somebody hurts her, it kinda hurts. [...] If somebody hurts her, I would have to get rid of ‘em ‘cause she’s been around me ten-twelve years, plus she does whatever I ask her.’ A 2020 report by Shared Hope International discussed how many sex traffickers endured childhood victimisation, abuse, and TSE from their families;²⁵ however, this case raises additional vulnerabilities: family socialisation and adult sex workers who mentor and have intimate relationships with young boys.

Further highlighting the duress of family socialisation, John, now eighteen, began pimping at fifteen due to his father’s role-modelling, and they initially had teenage workers. However, he now only managed 19-22-year-olds. His mother fled with his younger siblings due to his father’s violence. John described his entry: ‘It all branched through him. If I’ve never seen my father do it, I probably would’ve never branched onto this. [...] I mean, of course, I know it’s wrong, but it makes us money, and it helps us eat; so, I have no wrong doing it.’

Some drivers illustrated unawareness that their actions violated the TVPA. A twenty-four-year-old driver, who started driving at sixteen for a family member, admitted they had some sex workers who were seventeen years old, which is defined as minors in the TVPA and Illinois sex trafficking law. Trevor, who was in a wheelchair, also drove girls to and from convention centres that a madam would bring up from Atlanta for four years and noted that the girls kept getting younger. He eventually quit because he obtained a legal job and did not want to be involved when it appeared that the girls were distressed. He stated, ‘So I feel like I rather to go to jail for something, drug trafficking, than prostitution.’

²⁵ C Raino *et al.*, *Responding to Sex Trafficking: Victim-offender intersectionality, A guide for criminal justice stakeholders*, Shared Hope International, 2020, retrieved 9 August 2021, https://sharedhope.org/wp-content/uploads/2020/01/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL.pdf.

New York City Study: Young friend groups and trafficking for sexual exploitation

Participants often started work with people they met in high school hallways or the neighbourhood. Debonir began when he was seventeen, and his first sex worker was in her 20s and initiated him into the sex trade. He said, ‘When you grow up, your mind is so spongy, you only seventeen, sixteen years old, and it grabs you and sometimes really hooks you.’ In many accounts, the beginning involved scenarios where they were underage or barely 18 themselves, with sex workers of similar ages. Typically, these juveniles banded together to survive. Tyrone discussed his entrance at seventeen: ‘One of my friends she was desperate for money at the time and I was working, and I knew people around here. [...] We was both desperate.’ Survival sex and third-party work were common in this sample; many struggled financially and were already friends.

The majority of these cases were based on mutual agreement. Steve went to high school with his first sex worker, and she said to him, ‘I’m trying to get some money.’ Steve said ‘I was like, all right, that’s perfect. Ha. Then from there, she got friends. [...] We got more girls, and our business grew.’

Sometimes the friend suggested the arrangement. For instance, Terrance started at 18, and he was working at the airport. He did not make enough money to pay bills. Terrance’s friend came over and said, ‘What do you want me to do? How can I help? How can we work together as a team?’ At the time, she was seventeen, and this qualified as ST in NY. In most other states, scenarios similar to this would render the third party subject to lengthy ST charges.

Another common scenario in this age group are boyfriends and girlfriends who venture into the commercial sex market. For example, Java started facilitating sex work for a girlfriend. They were both minors, but he turned eighteen. He described their financial situation as brutal; however, similar to other teenagers, they bought designer clothes. He said, ‘I’m still with her. I love her. Gonna have kids with her. She is the love of my life.’ Sometimes these dyads would also fall into ST because they used romance as a ruse. They spoke about what they called ‘swindling’ girls or using coercion or fraud to entice women into sex work in unsavoury ways. They chose girls who they thought were sexually promiscuous, referring to them as ‘slides’, ‘smuts’, ‘freaks’, or ‘hoes’. For instance, Peanut began third-party work at fourteen.

I met her in school my freshman year, [...] but I didn’t want to be in a relationship with her because I felt that all she wanted was sex from me. So it started like that. She came over to my house a couple of times; she was [...] diggin’ a couple of my friends, I told her my friends is feelin’ [liking] you, do what you do with them. She didn’t know I was getting paid for it when she first started. I told her a month into it.

Similarly, Wiley, who started at sixteen, stated, 'I just swindling 'em with words, ... calling 'em baby and stuff they like to hear. Telling 'em I love you when I really don't.' Instead of adults cajoling juveniles into sex work, the conversations were more often between similarly aged teens (*contra* prevailing, official pimp narratives).

Contrasting the Most Serious Forms of Trafficking for Sexual Exploitation

Ten Chicago pimps met the conditions for most severe forms of ST cases involving possessive ownership where workers were sold or bought, paid exit fees, and were subjected to physical force and psychological manipulation. For example, George explained when he used physical force:

When all else failed ..., then you have to let the other ones know, that it's not a game with you. I mean, I will get you. [...] You gonna get with me, then do it my way, or it's the highway. Or I'll sell you to another pimp. (Interviewer: Right, how much did you ever sell one?) Yeab, I had a couple that just really weren't working for me, so I get anywhere from like ten to fifteen thousand.

In the NYC sample, there were similarly severe cases. For instance, Sonny targeted runaways at Port Authority. He brought them to the 'Money House' in the Bronx. Once they arrived and began 'partying', Sonny and his friends subjected them to physical, psychological, and sexual assault. After a short time, they took them out the local stroll in Hunt's Point and trafficked them. He was one of the few in the sample who openly identified as a guerrilla pimp, one who regularly uses physical force. This type of TSE is more severe and harmful than the problematic cases involving teenagers working together, drivers, or teenagers mentored through family members and experiencing neglect or childhood sexual victimisation. Treating these cases as the same crime creates disparities and raises questions about justice.

Conclusion

Human trafficking scholars have discussed the focus on 'low hanging fruit' in human trafficking (HT) prosecutions. For example, Goździak questioned whether commercial sexual exploitation of children should even be subsumed under the HT category.²⁶ Farrell and colleagues have documented the multiple reasons for

²⁶ See, for example: E M Goździak, 'Low Hanging Fruit: How domestic minor sex trafficking erased foreign-born victims of child trafficking from anti-trafficking efforts in the United States', *Journal of Human Trafficking*, vol. 6, issue 2, 2020, pp. 226–233, <https://doi.org/10.1080/23322705.2020.1691821>.

the continuing low numbers of trafficking prosecutions at the state level in the US and the even lower numbers of successful convictions.²⁷

Many third parties qualified as traffickers in our studies are ‘low hanging fruit’: juveniles and young adults engaged in survival sex; teenage boys socialised into pimping by their family members or in sexually and emotionally intimate relationships with adult sex workers; or drivers who simply transport and protect sex workers. All could be convicted and sentenced to 15 years to life, despite a lack of knowledge that they were pandering, let alone trafficking.

Considering the high numbers of runaway and disenfranchised teenagers who engage in survival sex and third-party facilitation,²⁸ we recommend that younger third parties be spared from the lengthiest sentences. States, following New York’s example, should increase the age to qualify as a trafficker to twenty-one years old, especially given our knowledge of the typical scenarios among young people. Other scenarios where TVPA sanctions might be too harsh include men who entered through family socialisation and were victims of child sexual abuse. Additionally, states should consider differentiating drivers and allowing for different legal charges when drivers are not using force, coercion, or fraud when transporting adult sex workers. Legal code revisions need to reflect the degrees of involvement and mitigating circumstances.

Awareness campaigns are needed to inform the public, including those who might become involved in the illicit sex trade, about how sex trafficking is legally defined, the potential prison terms, and the range of persons labelled as sex traffickers. HT funds are spent depicting trafficking victims and raising support for the anti-trafficking movement²⁹ with little focus on educating or reaching would-be traffickers or potential jurors. Warning messages could be effective, especially on social media and platforms where sex is commonly sold. These could be especially effective for young people who may be less aware of the legal ramifications of their actions. These types of awareness campaigns would not necessarily deter all would-be traffickers, but they could at least alert those oblivious third parties at risk.

²⁷ A Farrell, C Owens, M DeLateur, and S Fahy ‘The Prosecution of State-Level Human Trafficking Cases in the United States’, *Anti-Trafficking Review*, issue 6, 2016, pp. 48–70, <https://doi.org/10.14197/atr.20121664>.

²⁸ R Curtis *et al.*, *The Commercial Sexual Exploitation of Children in New York City*, Center for Court Innovation, New York, 2008; M L Dank *et al.*

²⁹ T G Blanchette, A P de Silva, and A R Bento, ‘The Myth of Maria and the Imagining of Sexual Trafficking in Brazil’, *Dialectical Anthropology*, issue 37, no. 2, 2013, pp. 195–227, <https://doi.org/10.1007/s10624-013-9296-z>.

It is even more pertinent to have other vital dialogues about lack of opportunities, insufficient access to resources, and the reasons why youth engage in survival sex and its facilitation. Such dialogues and awareness might stimulate future research to assess whether the public supports the widening of the sex trafficker net or prefers resources to be directed toward prevention efforts that address societal barriers contributing to the involvement in the illicit sex trade.

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