

STOP PUNISHING THE VICTIM: WHY CALIFORNIA SHOULD REFORM ITS CURRENT PROSTITUTION LAWS AND ADOPT THE SWEDISH APPROACH TO COMBAT SEX-TRAFFICKING

I. INTRODUCTION

“I was his property.”¹ Shelia states in reference to her former pimp. Shelia was taught how to perform oral sex at the age of six by her mother who explained it was “like a lollipop.”² She was pimped out when she was just fourteen.³ Mauri was trafficked and forced into commercial sexual exploitation at only sixteen years old.⁴ Her pimp continuously threatened her family members’ lives and would not allow her to spend any of the money she made for him, not even on food.⁵ Taz, also a sixteen-year-old girl, was trafficked into commercial sexual exploitation as well.⁶ Taz had been branded by her pimp when he restrained her and “carved his name on her back with a safety pin.”⁷ Branding occurs all too frequently,⁸ and is a concrete representation of how these victims are objectified and treated as

1. Nicholas Kristof, *From the Streets to the ‘World’s Best Mom’*, N.Y. TIMES (Oct. 12, 2013), http://www.nytimes.com/2013/10/13/opinion/sunday/kristof-from-the-streets-to-worlds-best-mom.html?partner=rssnyt&emc=rss&_r=0.

2. *Id.*

3. *See id.*

4. *Trafficking in Persons Report 2013*, U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/2013/210546.htm> (last visited Feb. 26, 2015).

5. *See id.*

6. Nicholas D. Kristof, *She Has a Pimp’s Name Etched on Her*, N.Y. TIMES (May 23, 2012), <http://www.nytimes.com/2012/05/24/opinion/kristof-she-has-a-pimps-name-etched-on-her.html?ref=nicholasdkristof&pagewanted=print>.

7. *Id.*

8. *See Gang Targeted in San Diego Sex Trafficking Charges; Arrested in 3 States*, FOX NEWS (Jan. 8, 2014), <http://www.foxnews.com/us/2014/01/08/gang-targeted-in-san-diego-sex-trafficking-charges-17-arrested-in-3-states/>; Kristof, *supra* note 6.

chattel.⁹ To these pimps, sex trafficking is not a violation of human rights, it is business as usual. To them, their victims are not people. They are productive business assets.

The Thirteenth Amendment provides: “Neither slavery nor involuntary servitude . . . shall exist within the United States, or any place subject to their jurisdiction.”¹⁰ After being ratified on December 6, 1865, slavery has been unconstitutional in the United States for almost 150 years.¹¹ Yet, while sex trafficking is normally associated with less affluent or lawful parts of the world, at least 50,000 women and children are trafficked in the United States each year for the purposes of commercial sexual exploitation,¹² where they are treated as modern day slaves. “Pimping is sex trafficking.”¹³ And the purchase of sex encourages the pimps to stay in this marketplace and to continue the “commodification”¹⁴ of women.

Sex trafficking frequently includes “forced prostitution, stripping, mail-order marriages, and pornography.”¹⁵ Traffickers are no fools. They target vulnerable individuals: the impoverished, the unemployed, the poorly educated, addicts, runaways, and the disabled.¹⁶ Traffickers and pimps frequently use physical and psychological tactics to create submission and a sense of hopelessness.¹⁷ The commercially sexually exploited are not always seen by society as victims, perhaps because “they’re seen as asking for it.”¹⁸ Oftentimes, these victims are seen as choosing to connect with a pimp, or are choosing this profession. This misconception is rooted in the fact that many individuals in society view sex trafficking as only being a problem when “the

9. California does have a voluntary tattoo removal program that removes tattoos that are designed for identification in trafficking purposes for 14-24 year olds. *See generally* CAL. WELF. & INST. CODE § 1916 (West Supp. 2015). The existence of this program is great, but it also demonstrates that this is a regular occurrence and is a frequently used device by pimps and traffickers to mark their property.

10. U.S. CONST. amend. XIII, § 1.

11. *See* TERRY L. JORDAN, *THE U.S. CONSTITUTION AND FASCINATING FACTS ABOUT IT* 49 (8th ed. 2012).

12. 22 U.S.C. § 7101(b)(1).

13. Donna M. Hughes, *Combating Sex Trafficking: A Perpetrator-Focused Approach*, 6 U. ST. THOMAS L.J. 28, 40 (2008).

14. Laura J. Lederer, *Addressing Demand: Why and How Policymakers Should Utilize Law and Law Enforcement to Target Customers of Commercial Sexual Exploitation*, 23 REGENT U. L. REV. 297, 310 (2011).

15. Jennifer A.L. Sheldon-Sherman, *The Missing “P”: Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act*, 117 PENN ST. L. REV 443, 448 (2012).

16. *Id.*

17. *Id.* at 449-50.

18. Nicholas Kristof, *When Emily Was Sold for Sex*, N.Y. TIMES (Feb. 12, 2014), <http://www.nytimes.com/2014/02/13/opinion/kristof-when-emily-was-sold-for-sex.html?partner=rssnyt&emc=rss>.

victim is dragged off in chains; we don't appreciate Stockholm syndrome or understand that often the handcuffs are psychological."¹⁹ Many fail to see that "trafficking victims frequently spend their entire lives in slavery."²⁰ Further, when the focus on combatting sex trafficking is focused on the victim it "can inadvertently become a form of victim blaming"²¹ and result in intrusive exploration in the women's life.²²

Sex trafficking is a lucrative business.²³ "The prostitution industry is booming and expanding in a world where many countries subscribe to the ideology of a free market economy, a market in which women and girls are just one among an infinite number of highly saleable items."²⁴ Pimps and traffickers seek to gain a profit through trafficking people and forcing the individuals to sell sex. The business model of sex-trafficking is composed of a "triangle of activity."²⁵ A distributor (the pimp) sells the prostitute's sex (the exploited) to fulfill the demands of a customer (the john).²⁶ While much has been done to help promote victim's rights and criminalize the distributor's behavior, little has been done to attack the "demand side of the triangle of activity."²⁷ Pimps and traffickers are businesspeople. If the customers and revenue streams are removed, pimps will find themselves with few incentives to continue trafficking and will begin to exit the market. This is basic economics. Thus, the best way to decrease sex-trafficking is to treat it like any unwanted business and attack the demand.

This comment will argue that the best way for California to combat sex-trafficking is to shift the focus of law enforcement's battle by decriminalizing the sale of sex, in order to protect the victims of commercial sexual exploitation,²⁸ and attacking the demand and distribution by punishing the purchasers and pimps. This comment is composed of five main sections.

19. *Id.*

20. Sheldon-Sherman, *supra* note 15, at 450.

21. Hughes, *supra* note 13, at 39.

22. *See* Hughes, *supra* note 13, at 39.

23. "The billions of dollars made by the sex industry globally all come from the pockets of men who buy sex acts or patronize the sex industry." *Id.*

24. Gunilla Ekberg, *The Swedish Law that Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings*, 10 VIOLENCE AGAINST WOMEN, OCTOBER 2004, at 1187.

25. Lederer, *supra* note 14, at 297-98.

26. Lederer, *supra* note 14, at 297-98.

27. *See* U.S.C. § 7101; *see also* Lederer, *supra* note 14, at 299.

28. Inherent in this approach is a normative function of the law. The Swedish approach is a "concrete and tangible expression of the belief that in Sweden women and children are not for sale. It effectively dispels men's self-assumed right to buy women and children for prostitution purposes and questions the idea that men should be able to express their sexuality in any form and at any time." Ekberg, *supra* note 24, at 1205.

First, the introduction seeks to establish the foundation of the problem that sex trafficking presents, and to correct societal misconceptions. Second, it will discuss California's history with sex trafficking and the three different approaches to sex trafficking, and their representative countries: the United States, the Netherlands, and Sweden. Third, why the Swedish approach to sex-trafficking is the most effective and why California should adopt this approach. Fourth, responses to possible criticisms of California adopting the Swedish approach to sex trafficking. Finally, reiterating the conclusion that Sweden's approach to prostitution should be adopted as it is the most grounded in reality and has achieved the greatest success.

In order to be as clear as possible the terms that will be utilized throughout the comment will be expressly explained here. "Prostitute" and "commercially sexually exploited" will be used interchangeably, with the hope that the two become synonymous, and that prostitutes are seen as exploited and not free acting agents. "Pimps" will be used to describe the individuals who exploit the trafficked and reap the bulk of the monetary awards, and who effectively distribute the sex. "Traffickers" are those engaged in the actual act of sex trafficking, and fit the definition as set forth in the Trafficking Victims Protection Act.²⁹ "Johns" will be used to describe the individuals who purchase the sex. Throughout this comment I will use the female pronoun when referring to prostitutes. While this comment recognizes that males are also trafficked, the overwhelming majority are females, thus for sake of ease to the reader the female pronoun will be used.

Sex trafficking is one of the grossest violations in existence of both the law and nearly every standard of ethics. For example, ninety-two percent of the commercially sexually exploited in the United States would want to leave prostitution but are unable to do so because of their circumstances.³⁰ More disturbing still, the average age of both males and females who have become prostitutes is fourteen.³¹ Vulnerable populations are especially targeted by pimps and traffickers.³²

The United Nations has addressed the problem of human trafficking with its Convention Against Transnational Organized Crime and the Protocols Thereto and has defined exploitation ("at a minimum") to include "the exploitation of the prostitution of others or other forms of sexual

29. See generally 22 U.S.C.A. § 7101.

30. See *The Prostitution Statistics You Have to Know*, SEX-CRIMES.LAWS.COM, <http://sex-crimes.laws.com/prostitution/prostitution-statistics> (last visited January 31, 2015).

31. See *id.*

32. See Heather Monasky, *Note: On Comprehensive Prostitution Reform: Criminalizing the Trafficker and the Trick, But Not the Victim—Sweden's Sexkopslagen in America*, 37 WM. MITCHELL L. REV. 1989, 2005 (2011).

exploitation.”³³ The United States has signed and ratified this protocol³⁴ and is thus obligated to its terms.³⁵ Further, the Trafficking Victims Protection Act, federal legislation that originally passed in 2000, finds sex trafficking a “manifestation of slavery whose victims are predominately women and children.”³⁶ Furthermore, many of these individuals are trafficked for the purpose of commercial sexual exploitation, “often by force, fraud or coercion. The sex industry has rapidly expanded over the past several decades.”³⁷

Sex trafficking denies individuals of basic freedom, liberty, and dignity, thus making it not only illegal but also morally reprehensible. “To put an end to commercial sexual exploitation of women and children in all of its various forms, society must recognize the larger need for continuing values-based and human rights approaches that acknowledge and affirm the dignity, integrity, and sacredness of a human life.”³⁸ Furthermore, sex trafficking is the perfect example of what philosopher Immanuel Kant meant when he described the horrors of treating an individual as a “means only.”³⁹ When he outlines his categorical imperative that commands individuals, “to act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only.”⁴⁰

Real-world horror stories of sex trafficking are abundant. On Wednesday, January 8, 2014, seventeen gang members were arrested in California, Arizona, and New Jersey for running a prostitution ring that spanned over 46 cities.⁴¹ U.S. Attorney Laura Duffy remarked “[u]nfortunately, more gangs are expanding from traditional pursuits like drug dealing into this lucrative business.”⁴² The fact that gangs are

33. See United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, G.A. Res. 55/25 (II), U.N. Doc. A/RES/55/25 at 42 (Nov. 15, 2000).

34. See United Nations Treaty Collection, TREATIES.UN.ORG, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en (last visited Jan. 31, 2015).

35. See Articles 12 and 14 of the Vienna Convention on the Law of Treaties, U.N. Doc. A/RES/2287 (XXII) (May 23, 1969), which express consent to be bound by signature and ratification. Further, even if the United States had not ratified but just signed the Protocol Article 18 of The Vienna Convention, which states that when a country has signed a treaty it is obligated to not “defeat the object and purpose of a treaty,” would still obligate the United States to not defeat the object and purpose of the treaty. *Id.*

36. 22 U.S.C.A. § 7101(a) (West 2000).

37. 22 U.S.C.A. § 7101(b)(2) (West 2000).

38. Lederer, *supra* note 14, at 299.

39. IMMANUEL KANT, FUNDAMENTAL PRINCIPLES OF THE METAPHYSIC OF MORALS 58 (T.K. Abbott, trans., Prometheus Books 1988) (1785).

40. *Id.*

41. FOX NEWS, *supra* note 8.

42. FOX NEWS, *supra* note 8.

“expanding”⁴³ into this horrific practice in order to make money is a concrete example of why California’s legislature needs to treat these human rights violators as businessmen, and attack the demand. The criminals operating these gangs are simply acting as rational-thinking businessmen who, as drug-related crackdowns and punishments increase, have decided to “expand” into an industry with a more favorable balance of profit potential and risk. While the arrest of these criminals is a step in the right direction, California (and the United States) still has a long way to go because California’s current laws are not working adequately and need to be reformed.

Society views the commercially sexually exploited as criminals instead of what the majority are, victims.⁴⁴ “[T]here is still the old idea around that ‘bad woman’ lure men into bad behavior . . . And the police don’t want to bring shame on the whole family by arresting the man.”⁴⁵ In reality, most prostitutes were abused as children and are then abused when being commercially exploited for sex.⁴⁶ Fortunately, there are efforts to change these perceptions. However, California needs to do more to actively combat this problem through reform in its laws. As Nicholas Kristof, an advocate for victims of sex trafficking, reports: “[o]f course, there are also women (and men) selling sex voluntarily. But the notion that the sex industry is a playground of freely consenting adults who find pleasure in their work is delusional self-flattery by johns.”⁴⁷

In countries that have legalized prostitution, like the Netherlands, society often views prostitution as a “legitimate career path” instead of what it really is, “a severe form of sexual exploitation.”⁴⁸ In Sweden, where the purchase of sex has been criminalized, prostitutes are seen as “victims of male violence.”⁴⁹ The Swedish view is the closest to the reality and recognizes prostitutes for what they most often truly are: collateral damage from a brutal business that few choose to enter and many can never leave.

California needs to catch up with Sweden’s perceptions and philosophies regarding prostitution and sex trafficking. Further, these Swedish views are more consistent than California’s because Sweden promotes “principles of legal, political, economic, and social equality for women and girls”⁵⁰ by

43. FOX NEWS, *supra* note 8.

44. Kristof, *supra* note 6.

45. Nicholas D. Kristof, *Targeting the Johns in Sex Trade*, N.Y. TIMES (Feb. 26, 2014), http://www.nytimes.com/2014/02/27/opinion/kristof-targeting-the-johns-in-sex-trade.html?partner=rssnyt&emc=rss&_r=0.

46. *See* Monasky, *supra* note 32, at 2003.

47. Kristof, *supra* note 1.

48. Ekberg, *supra* note 24, at 1188.

49. Ekberg, *supra* note 24, at 1189.

50. Ekberg, *supra* note 24, at 1188.

rejecting the notion that individuals can be treated as “commodities that can be bought, sold, and sexually exploited,”⁵¹ while California continues to treat these victims as criminals as though they are engaging in prostitution per their own free will.

II. CALIFORNIA’S HISTORY WITH SEX TRAFFICKING AND THE THREE APPROACHES TO SEX-TRAFFICKING

The laws regarding prostitution have an intimate connection with sex trafficking, and the two affect one another.⁵² There are four⁵³ different logical approaches regarding prostitution. First, make all of prostitution illegal. Second, make all of prostitution legal. Third, make the sale of sex legal and the purchase of sex illegal. There is a fourth option, hypothetically, which would be to criminalize the sale of sex and legalize its purchase, but this would only work in a hypothetical world in which all parties to a sexual transaction were consenting, mature adults acting under their own free will.⁵⁴ The United States, the Netherlands, and Sweden represent respectively the first three different approaches.

This section of the comment will begin with a brief history of California’s approach to sex trafficking. Then the Dutch legalization approach will be discussed. Finally, a brief introduction to Sweden’s approach will segue into the next part of the comment and comprise the bulk of the argument.

This comment focuses solely on California because the proposal that the sale of sex be legalized could be perceived as a “radical” idea.⁵⁵ The United States as a whole might have a hard time adopting at once to this change in legislature, practice, and philosophy. In the United States’ federal system in which states can act as a testing ground for certain natural experiments, California could adopt the demand focused approach and other states might be more likely to adopt similar approaches provided it is successful. As Justice Brandeis said, “a single courageous state may, if its citizens choose, serve as a laboratory; and try novel, social, and economic experiments

51. Ekberg, *supra* note 24, at 1188-89.

52. See Ekberg, *supra* note 24, at 1189.

53. Of course there are more nuanced ways to legislate sex trafficking and prostitution, however these three are the main broad ways in which all of the countless other ways would branch off.

54. This fourth approach would look at the prostitute as a criminal instead of a victim, which is far from the majority of the reality, and would do nothing to help reduce sex trafficking in California, or anywhere else in the world.

55. Given the moral considerations that are associated with prostitution and the general idea of whether or not an individual should have the right to sell sex.

without risk to the rest of the country.”⁵⁶ California is the perfect “laboratory”⁵⁷ to test out the Swedish approach because it is especially vulnerable to sex trafficking due to its “proximity to international borders, number of ports and airports, significant immigrant population, and large economy that includes industries that attract forced labor.”⁵⁸ Also, as would be expected with the combination of those factors and the largest population of any state, California has the most prostitution-related arrests of all the 50 states.⁵⁹

California has taken recent steps to combat sex trafficking, however the actions taken are not sufficient. Californians Against Sexual Exploitation Act (CASE Act), formerly known as proposition 35, passed in November, 2012 with a huge margin of 81.1% voting in its favor.⁶⁰ On its face, the law looks good. In practice, the law is a band-aid on a bullet wound, and will not make the necessary lasting changes necessary to actively combat sex trafficking.

The CASE Act made several changes to California law. First, it increased “prison terms for human traffickers, to hold these criminals accountable.”⁶¹ However, the increased prison sentence is not enough of a deterrent.⁶² Second, it required “convicted human traffickers to register as sex offenders to prevent future crimes.”⁶³ While this is also a good requirement, nothing has been shown that registering as a sex offender will prevent future crimes.⁶⁴ This is not an offensive move, but rather a defensive, reactive move that will not achieve any concrete result. Third, it required “all registered sex offenders to disclose their Internet accounts, to stop the exploitation of children online.”⁶⁵ Again, this is more of a defense move than

56. *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (J. Brandeis, dissenting).

57. *Id.*

58. *A Serious Problem*, CASTLA.ORG, <http://www.castla.org/key-stats> (last visited Jan. 31, 2015).

59. *See U.S. and State Prostitution Arrests*, PROCON.ORG (DEC. 4, 2012, 12:27 PM), <http://prostitution.procon.org/view.resource.php?resourceID=000120>. In 2010 the arrest number was 11,334. *Id.*; However, it has been higher, in 2004 there were 14,134 prostitution related arrests. *Id.*

60. Anna Almendrala, *Prop 35 Passes: California Voters Approve Harsher Sentencing For Human Traffickers*, HUFFINGTON POST (Nov. 7, 2012, 3:16 PM), http://www.huffingtonpost.com/2012/11/07/prop-35-passes-california_n_2089305.html.

61. California Secretary of State, *Prop 35: Human Trafficking. Penalties. Initiative Statute*, at 1, <http://www.casre.org/prop-35/> (last visited Jan. 27, 2015).

62. As will be discussed later in the comment, drug dealers have similar prison times to human traffickers.

63. California Secretary of State, *supra* note 61.

64. California Secretary of State, *supra* note 61.

65. California Secretary of State, *supra* note 61.

actively combating to fight sex trafficking. Finally, it increased “fines from convicted human traffickers and use these funds to pay for victims’ services, so survivors can repair their lives.”⁶⁶ This last change, while a welcome addition, is providing a remedy to a wrong that has already been committed, and does nothing to deter. While all of these changes are steps in the right direction, none of them are preventative. Rather they are all reactionary steps responding to problems that already exist. Legislation needs to be proposed that will make a concrete change in the system and actively deter pimps and traffickers from continuing to engage in exploitation.⁶⁷

California can achieve this by adopting the Swedish approach and making California an economic wasteland for pimps and traffickers. While the CASE Act is taking steps in a positive direction to attack distribution, it does nothing to prevent those who create the incentive of the pimps and traffickers to change their ways. Also sex trafficking is a growing problem, “[t]he low risks and potential high profits associated with trafficking are now steering criminals away from smuggling drugs and guns, which are generally riskier pursuits.”⁶⁸

In the United States prostitution is illegal, except for eleven counties in Nevada.⁶⁹ Each state has its unique laws regarding the particular aspects of prostitution and solicitation. California defines a person who solicits prostitution or a person who engages in an act of prostitution as:

A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution.⁷⁰

There must be some act made in furtherance of this agreement.⁷¹ Further, “‘prostitution’ includes any lewd act between persons for money or other consideration.”⁷²

In California, prostitution is a misdemeanor that can result in up to one year in prison and/or a \$1,000.00 fine.⁷³ The penalty for customers/johns is

66. California Secretary of State, *supra* note 61.

67. This comment is not arguing that the changes brought about by CASE should disappear, quite the contrary. The changes that CASE made should remain intact, but the decriminalization of the sale of sex should be another layer added to the current laws.

68. San Bernardino County District Attorney, *Learn More About Human Trafficking*, <http://www.sbcountyda.org/ServicesInformation/ProsecutingCriminals/HumanTraffickingProsecutionUnit/LearnMoreAboutHumanTrafficking.aspx> (last visited Jan. 31, 2015).

69. *U.S. and State Prostitution Arrests*, *supra* note 59, at 1.

70. CAL. PENAL CODE § 647(b) (West, 2012).

71. *Id.*

72. *Id.*

73. *Id.*; *U.S. and State Prostitution Arrests*, *supra* note 59, at 2.

also a misdemeanor and up to one year in prison and/or a \$1,000.00 fine.⁷⁴ Pimping, as well as owning a brothel, is a felony and the penalty is three to six years in prison.⁷⁵ While these may seem like sufficient punishments for the crime, the punishment in California for possession with intent to sale of a controlled substance⁷⁶ is two, three, or four years in prison depending on the circumstances.⁷⁷ Does it seem fitting that a pimp who exploits individuals could receive the same punishment as a drug dealer? Both are horrible offenses that have a detrimental impact on society. The former entails a sale of a person. The latter entails a sale of a product. Both are punishable for the same amount of time. If one crime is a far worse ethical violation, its punishment should be proportionately more severe.

By choosing to criminalize all of prostitution, the United States has in effect criminalized “the victim of prostitution—the women and children—as well as the buyers, through solicitation laws.”⁷⁸ While it appears that these laws should address the problem of sex trafficking, since the entire practice of prostitution is illegal, the practical effect is not so. “Police arrest women for prostitution all the time, but almost never their customers.”⁷⁹ Due to gender inequality, and basic biases the “effects of such legislation have been that these laws are applied mainly to the victims. Victims have been arrested, fined or imprisoned, and have rarely been given access to services that could assist them to leave prostitution. The buyers usually escape punishment.”⁸⁰ Statistics indicate that around fifteen percent of American men have at some point in their life purchased sex.⁸¹ Thus “back-of-envelope calculations suggest that a man has about a 1 in 100,000 chance of being arrested while doing so.”⁸²

While the Netherlands sought to empower women by legalizing prostitution, this did not occur in reality.⁸³ By only legalizing the prostitute’s actions, but keeping the purchaser’s actions illegal, as Sweden did, prostitutes

74. See CAL. PENAL CODE § 647 (West, 2012); *U.S. and State Prostitution Arrests*, *supra* note 59, at 2.

75. See CAL. PENAL CODE §§ 266(a)-(i) and §653.23 (West, 2012); *U.S. and State Prostitution Arrests*, *supra* note 59, at 2.

76. See CAL. PENAL CODE § 11054 (West, 2012) (listing Schedule I drugs).

77. CAL. HEALTH & SAFETY CODE § 11351 (West, 2012).

78. Ekberg, *supra* note 24, at 1205.

79. Kristof, *supra* note 45.

80. See Ekberg, *supra* note 24, at 1205; and Kristof, *supra* note 45.

81. Kristof, *supra* note 45, at 2.

82. Kristof, *supra* note 45, at 2.

83. See NICHOLAS D. KRISTOF & SHERYL WUDUNN, *HALF THE SKY: TURNING OPPRESSION INTO OPPORTUNITY FOR WOMEN WORLDWIDE* 31-32 (Vintage Books, 2009); and Suzanne Daley, *New Rights for Dutch Prostitutes, but No Gain*, at 1, <http://www.nytimes.com/2001/08/12/world/new-rights-for-dutch-prostitutes-but-no-gain.html>.

will be given more rights and be rescued from their abusers. In the United States, current policy has resulted in punishment for the prostitute without repercussions for the other parties to the transaction.⁸⁴ If the law is reformed, however, so that the victim's actions become the only legal activity in the transaction, then the prostitutes will be empowered and the justice system can go after those who are actually making the decisions and driving the crime. Legalizing the sale of prostitution and going after those demanding the services will turn the tables on the relationship between prostitutes and their clients, effectively allowing victims of sex trafficking to come out from underground and seek protection. Under current policy, they are being coerced by abusers who remind the prostitutes that going to the authorities could constitute confession of criminal activity.⁸⁵

In combating prostitution, it is important to ask ourselves as a society which problem in particular is in need of a solution. Yes, prostitution is morally questionable⁸⁶, brings with it unfavorable social issues, opposes traditional values towards relationships and sex, and is opposed by many. But hypothetically, prostitution between two mature, consenting, and informed individuals free of coercion may not be as horrendous a crime as we make it out to be. The true crime worth combating is not the act of selling sex, but a by-product of a world in which prostitution is risky and sales take place on an informal, underground black market: sex trafficking and abuse of those involved in the sale of sex. By keeping prostitution underground, those involved have no protection.

Furthermore, as an illegal activity, the business attracts those who are already criminals and engaged in other criminal enterprises, like drug trade, that often become intertwined with prostitution. If California considers the laws surrounding prostitution, its focus should be on the latter of the two issues. It must look towards halting sex trafficking and empowering those who have been affected by it. One of the most effective ways to do so is to legalize the sale of sex and bring prostitution out from underground and into the light. In doing so, pimps can no longer exploit prostitutes with the comfort of knowing that their victims have no recourse and fear the law. A business can only exist so long as it has willing customers and by punishing johns - not prostitutes - the law can target the real source of the problem and stop worsening this violence caused to those who often had no desire to be involved in the first place. Further, law enforcement is beginning to recognize that the approach urged by this comment is more effective than the

84. See Ekberg, *supra* note 24, at 1205-06.

85. See Kristof, *supra* note 45, at 2, 3.

86. However, moral questions should be set aside when considering fundamental human rights that are being violated as a proximate cause of the forced situation.

United States, and California's, current approaches to combat sex trafficking.⁸⁷

On the other side of the spectrum from the United States is Holland. In 2000 the Netherlands legalized prostitution, rationalizing "it would then be easier to provide health and labor checks to prostitutes, and to keep minors and trafficking victims from taking up the trade."⁸⁸ The argument in favor of legalizing prostitution tends to stem from a "harm reduction"⁸⁹ attitude, being that if prostitution is legalized the exploited are actually empowered and can have greater access to various health services. However, there is "no evidence that sexually transmitted diseases (STDs) or HIV has declined."⁹⁰ Further, "by tolerating or legalizing prostitution and other forms of sexual exploitation of the sex industry, the state, at least passively, contributes to the demand for victims. The more governments regulate prostitution and derive tax revenue from it, the more culpable they are in creating the demand for victims."⁹¹

Pimps in the Netherlands still offer underage girls, and trafficking and forced prostitution continue.⁹² Also, in Holland there is question whether the government did the right thing by legalizing all of prostitution, "it was a question of emancipation and liberation for the women. But for now it is working the other way."⁹³ Instead, Sweden's approach has been the most effective. "By arresting customers, the Swedish model undermines the economics of prostitution, and it seems to have reduced the trafficking that one sees in the Netherlands and Germany."⁹⁴

Sweden's approach attains an effective midpoint between the United States and the Netherlands and has proven to be the most effective in combating sex trafficking and commercial sexual exploitation. Sweden decriminalized the sale of sex in 1999 and over a ten-year period sex trafficking dropped over 40%.⁹⁵ This approach works and California should adopt it. Rather than continue down the Sisyphean path of halting prostitution through stricter law enforcement, sending more people to prison for crimes that they

87. See Kristof, *supra* note 45. "Police increasingly recognize that the simplest way to reduce the scale of human trafficking is to arrest men who buy sex. That isn't prudishness or sanctimony but a strategy to dampen demand."

88. See KRISTOF & WUDUNN, *supra* note 83, at 31.

89. Nicholas D. Kristof, *Legalizing Prostitution—A Solution?*, N.Y. TIMES 1 (Apr. 24, 2007), http://kristof.blogs.nytimes.com/2007/04/24/legalizing-prostitution-a-solution/?_r=0.

90. Hughes, *supra* note 13, at 28, 40.

91. Hughes, *supra* note 13, at 40.

92. KRISTOF & WUDUNN, *supra* note 83, at 32.

93. Daley, *supra* note 83, at 2.

94. Kristof, *supra* note 45.

95. KRISTOF & WUDUNN, *supra* note 83, at 31.

were forced to commit against their own will, and pursuing difficult and often expensive tactics, California should adopt Sweden's market-based approach and let the "invisible hand"⁹⁶ solve the problem for good. So long as there is demand for sexual services, there will be a fresh stock of entrepreneurs willing to provide the supply, no matter how illegal. The only real long-term solution is to attack the marketplace.

"When prostitution is legal, governments expect to collect tax revenue. Where prostitution is illegal, criminals, organized crime groups, and corrupt officials profit."⁹⁷ In both situations, horrible violations against the most basic human rights are occurring, and the sexually exploited gains nothing but pain. The solution has been discovered in Sweden: protect the victim, punish the real criminals.

III. WHY THE SWEDISH APPROACH TO SEX-TRAFFICKING IS THE MOST EFFECTIVE AND CALIFORNIA SHOULD ADOPT THIS APPROACH

"In Sweden, women and girls cannot and must not be bought."⁹⁸ In 1999 Sweden criminalized the "purchase of sexual services, but not the sale of them by prostitutes; a man caught paying for sex is fined (in theory, he can be imprisoned for up to six months), while the prostitute is not punished."⁹⁹ The Swedish Law that Prohibits the Purchase of Sexual Services recognizes that the purchaser of the sexual services is the criminal, and the individual offering the sex for sale is a victim,¹⁰⁰ because Sweden sees "prostitution as a form of violence against women."¹⁰¹ This Swedish approach is very specific in its application, and "only targets buyers of persons in prostitution. The persons who are in prostitution, the victims of male violence, are not subject to any kind of criminal or other legal repercussions."¹⁰² This is the approach California needs to adopt in order to effectively combat sex trafficking.¹⁰³

96. See Adam Smith, *AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS* 456 (OXFORD University Press 1976) (1776).

97. Hughes, *supra* note 13, at 41.

98. Ekberg, *supra* note 24, at 1208.

99. KRISTOF & WUDUNN, *supra* note 83, at 31.

100. Ekberg, *supra* note 24, at 1191.

101. Monasky, *supra* note 32, at 2016.

102. Ekberg, *supra* note 24, at 1192.

103. California should also seek to adopt the normative function of Sweden's approach, as discussed in footnote 28, as the normative element of the law will remedy the cultural misconceptions surrounding the commercially sexually exploited and help promote a society that celebrates gender equality.

Sweden, taking a cue from various feminist organizations, recognizes that “prostitution [is] another patriarchal tool of oppression that has deleterious effects on the women and girls who are induced and kept in prostitution, as well as an extreme form of male violence used to control female human beings as a class.”¹⁰⁴ “One of the cornerstones of Swedish policies against prostitution and trafficking in human beings is the focus on the root cause, the recognition that without men’s demand for and use of women and girls for sexual exploitation, the global prostitution industry would not be able to flourish and expand.”¹⁰⁵

Sweden was the first country to adopt this approach.¹⁰⁶ This approach reflects “the view that the prostitute is more a victim than a criminal.”¹⁰⁷ Sweden essentially prioritized the “protection of women and children at the expense of marginalizing those who advocate that governments should recognize sex as work.”¹⁰⁸ Although the legislation was controversial at the time, now Swedes believe “the measure has been a success . . . one poll showed that 81 percent of Swedes approved of the law.”¹⁰⁹ Further, since Sweden criminalized the purchase of sex “no more than 500” women engage in street prostitution in all of Sweden.¹¹⁰

The legislation produced a “chilling effect” on traffickers, who found that due to the attack of the demand Sweden was no longer a desirable marketplace for them.¹¹¹ If demand no longer exists or has been thoroughly quashed, those involved in the commercial sexual exploitation of humans will no longer have a viable market.¹¹² While pimps and traffickers have traditionally exploited particularly vulnerable populations, seeking out those who are victims of “high rates of poverty, unemployment, discriminatory labor practices, gender inequalities, and male violence against women and children.”¹¹³ If society understands that prostitution is a form of violence against humanity, then the legislature can promote regulatory schemes that will actually be effective in combatting sex trafficking. Sweden has recognized that prostitution and sex trafficking are “intrinsicly linked” and cannot be separated.¹¹⁴ In order to combat one both must be addressed.

104. Ekberg, *supra* note 24, at 1191.

105. Ekberg, *supra* note 24, at 1189.

106. Lederer, *supra* note 14, at 299.

107. KRISTOF & WUDUNN, *supra* note 83, at 31.

108. Monasky, *supra* note 32, at 2016.

109. KRISTOF & WUDUNN, *supra* note 83, at 32.

110. Ekberg, *supra* note 24, at 1193.

111. Lederer, *supra* note 14, at 300.

112. Lederer, *supra* note 14, at 300.

113. Ekberg, *supra* note 24, at 1189.

114. Ekberg, *supra* note 24, at 1189.

Sweden's police force was initially skeptical of the effects this approach, doubted its effectiveness, and thought it would be difficult to enforce.¹¹⁵ However, several educational programs were put in place that were remarkably successful and police criticisms quickly died down.¹¹⁶ In fact, one year after the educational programs began, "there was a 300% increase in arrests," that was associated with the police officers' "better understanding of the reasons behind the legislation, their deeper comprehension of the conditions that make women vulnerable to becoming victims of prostitution and trafficking, and the development of better investigation methods."¹¹⁷

Inspired by Sweden's strides in combating sex trafficking Norway recently adopted an approach similar to Sweden's.¹¹⁸ "Other European Countries have concluded that Sweden's experiment has been more successful and are now moving toward that model."¹¹⁹ Further, where prostitution is legal the government collects money through taxes. However, where it is illegal, "criminals, organized crime groups, and corrupt officials profit."¹²⁰ Additionally, in countries where prostitution is legal, such as Australia and the Netherlands, sex tourism thrives.¹²¹ But, since Sweden criminalized the purchase of sex there is "no notable increase" in Swedish men who participate in sex tourism.¹²²

Sweden's law is not gendered,¹²³ and California's adoption should also be gender-neutral. While Laura Lederer argues that gender-neutral laws are not as effective,¹²⁴ this comment argues that gender-neutral laws are better and non-discriminatory. Most legal scholarship regarding sex trafficking focuses on women and children, the trafficking of young boys is often overlooked, and thus perpetuates violence against humanity.¹²⁵ The better

115. Ekberg, *supra* note 24, at 1196.

116. Ekberg, *supra* note 24, at 1196.

117. Ekberg, *supra* note 24, at 1196.

118. Lederer, *supra* note 14, at 300.

119. KRISTOF & WUDUNN, *supra* note 83, at 32.

120. Hughes, *supra* note 13, at 41.

121. See Clarissa Caldwell, *Amsterdam Travel: Sex Tourism and Human Trafficking*, JUSTMEANS (August 19, 2010), <http://www.justmeans.com/blogs/amsterdam-travel-sex-tourism-and-human-trafficking>; see also Susan Pinto, Anita Scandia & Paul Wilson, *Prostitution Laws in Australia*, 22 AUSTRALIAN INSTITUTE OF TECHNOLOGY: TRENDS & ISSUES IN CRIME AND CRIMINAL JUSTICE (May 1990), available at <http://www.aic.gov.au/documents/F/B/5/%7BFB5E3FDC-1AB5-4F04-A1B8-9D4B5C30B42C%7Dti22.pdf>.

122. Ekberg, *supra* note 24, at 1197.

123. Ekberg, *supra* note 24, at 1191.

124. Lederer, *supra* note 14, at 300.

125. See Laura Pratt, *Hidden in Plain Sight: A General Overview of the Human Trafficking Issues*, 75 TEX. B.J. 762 (2012); Elliot Glotfelty, *Boys, Too: The Forgotten Stories of Human Trafficking* (Oct. 2, 2013).

approach is gender-neutral. While the motivation behind Sweden's approach was the recognition that prostitution is a form of violence against women, to not protect males who have been trafficked and forced into prostitution is turning a blind eye to the exploited. Thus, the sale of sex should be legalized regardless if it is a male or female selling, and the purchase should be illegal regardless if it is a female or male purchasing. Sexual exploitation is violence against humanity, not just women.

California should adopt this Swedish approach, but with one slight change. The best approach is a hybrid of the model Sweden has adopted. California should have more stringent penalties for the purchasers of sex than Sweden by maintaining the strict punishments for those who purchase sex and those engaged in trafficking.¹²⁶ But, Sweden's punishments for all of its crimes are significantly more lax than in the United States.¹²⁷ This is a difference in degree of relativity, and if compared proportionally the prison terms are very similar. However, California should increase prison sentences for solicitation of a minor, as this is especially egregious and should be punished more harshly, and should maintain its additional fine.¹²⁸

This slight change that California should adopt is not significant enough to create any sort of fundamental distinction between the two. However, California should take into account specific variables that are unique to its state, and perhaps consider more changes from the Swedish approach that are not herein discussed. California should consider further emerging realities of the 21st century, namely the Internet. Backpage.com is becoming the new boulevard where men shop for sex. Law enforcement has successfully targeted johns on sites such as Backpage.com and Craigslist.com, and the state should continue to expand and develop the effectiveness of these initiatives. Further, Backpage.com has become a prevalent online market for pimps, and California should seek to shut the website, or at least sections of it, down.¹²⁹ Although this will invariably bring up First Amendment issues, it is difficult to think of a more compelling state interest than protecting citizens and aliens from the gross human rights violation of being trafficked for sex, and sold online to the highest bidder.

126. See CAL. PENAL CODE § 236.1(a)-(c) (Deering Supp. 2015).

127. See Ekberg, *supra* note 24, at 1192. The longest prison sentence in Sweden is ten years, whereas California imposes lifetime sentences.

128. See Cal. Penal Code § 261.9 (Deering Supp. 2015).

129. Kristof, *supra* note 18.

IV. RESPONSES TO POSSIBLE CRITICISMS

Undoubtedly, there will be backlash to this proposal. Thus, this next section seeks to address possible criticisms that may arise. The following five questions will each be answered in turn.

The purchase of sex is already illegal in California, how is this really changing anything?

The most crucial change is the perception of the commercial sexual exploitation.¹³⁰ The prostitute goes from being a criminal to a victim, and this is the key to effectuating change and combating sex trafficking. The cornerstone of what has made Sweden's law so successful is the focus on the protection of the sexually exploited, rather than criminalization.¹³¹ And that this focus has manifested itself by "addressing the root cause of prostitution and trafficking: the men who assume the right to purchase female human beings and sexually exploit them."¹³²

California has punished, in theory, all three actors engaged in the transaction and has not had anywhere near the success in combating sex trafficking that Sweden has. Sweden has demonstrated that "when the buyers risk punishment, the number of men who buy prostituted women decreases, and the local prostitution markets becomes less lucrative. Traffickers will then choose other and more profitable destinations."¹³³

California should protect these victims, and exclusively punish the traffickers, pimps, and johns. This impedes a flourishing sex market. By changing its laws, California could very likely catch up with Sweden's successes in combatting sex trafficking, as well as bring awareness to the reality that prostitutes are not criminals, rather they are exploited victims who should not be punished because they are the unfortunate victims of cruelty, greed, and inhumane practices.

Will the criminalization of the purchase of sex drive the market underground thus creating a worse and more vulnerable situation for the

130. The normative element of this approach encourages a society that promotes gender equality and rejects the commodification of women and children.

131. Ekberg, *supra* note 24, at 1209-10.

132. Ekberg, *supra* note 24, at 1210.

133. Ekberg, *supra* note 24, at 1210.

exploited and trafficked?

No, as this can be avoided through various services that help women escape their exploiters and empower them.¹³⁴ Furthermore, California has effectuated meaningful transitions for exploited women in this regard. There are a variety of services to help those who have been trafficked that could create an effective escape.¹³⁵ For example, California provides tattoo removal services for individuals who have been branded by their pimps.¹³⁶

Also, through effective awareness of the change in the law via public service announcements and various other methods to distribute information, the exploited can become aware of their rights. California currently requires notices that contain information to help sex trafficking victims to be posted at: “adult or sexually oriented businesses,” “primary airports,” “intercity passenger rail or light rail stations,” “bus stations,” “truck stops,” “emergency rooms within general acute care hospitals,” “urgent care centers,” “farm labor contractors,” “privately operated job recruitment centers,” “roadside rest areas,” and “businesses or establishments that offer massage or bodywork services for compensation.”¹³⁷ This could be expanded further to spread the message of the exploited rights and protections, as information will teach the exploited that they are not breaking the law. However, in order for this to be truly effectuated the law must be strictly enforced, and the services provided by the CASE Act must continue.

Will unilaterally legalizing the sale of sex in one state while it remains illegal in all neighboring states create an unwanted market for sex tourism in the neighboring states?

Unfortunately this criticism has quite a bit of weight, and an unwanted market for sex tourism could very well pop up in states neighboring California, especially considering that Nevada already has eleven counties where prostitution is legal.¹³⁸ However, the purpose of this comment is to persuade California, first, to adopt this legislation, and for California to combat its sex trafficking problem. California will be the social laboratory¹³⁹ and will determine whether the Swedish approach will work in the United States. California is an ideal state to determine whether the Swedish

134. John Acher, *Norway Proposes Jail, Fines for Buying Sex*, REUTERS (Apr. 18, 2008), <http://www.reuters.com/article/idUSL18758677>.

135. See CAL. WELF. & INST. CODE § 18259.7 (2011).

136. See CAL. WELF. & INST. CODE § 1916 (Deering Supp. 2015) (repealed Jan. 1, 2017).

137. CAL. CIV. CODE § 52.6 (Deering Supp. 2015).

138. KIMBERLY A. MCCABE, *THE TRAFFICKING OF PERSONS* 27 (2008).

139. See *e.g.*, *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932).

approach will work for the following reasons: the geographical location, size, and population.¹⁴⁰ Specifically, “Los Angeles is one of the top three points of entry into this country for victims of slavery and trafficking.”¹⁴¹ If California proves to be as successful as Sweden then other states should adopt this approach too, thus eliminating any sex markets that pop up.

The ultimate end goal is for adoption of federal laws that are consistent with Sweden’s approach.¹⁴² While this may very well be a problem that results from California’s legislation there is nothing to prevent the other states from effecting similar legislation to drive out the traffickers and pimps. “If more countries would address the demand for prostituted women, by criminalizing not only the primps and the traffickers but also the buyers, then the expansion of the global prostitution industry would be seriously threatened.”¹⁴³

How effective is the Swedish approach since the number of arrests is quite low?

First, this is not an appropriate standard by which to judge the success of a law. “If we were to base the effectiveness of laws on the number of convictions in relation to the number of crimes committed, then rape laws, laws against other forms of male violence against women, and laws addressing financial crimes would have to be discarded as mostly ineffectual in stopping the flow of criminals and such crimes.”¹⁴⁴

More importantly still is the fact that the overall motivation behind adopting this approach is too normative. The goal is to change societal perceptions of the sexually exploited, and to prevent violence against humanity.¹⁴⁵ Furthermore, this is a prophylactic measure seeking to prevent a crime rather than punishing after the crime has occurred.¹⁴⁶ In addition to penalizing those who have committed a crime, another purpose of laws is to reflect the values of a society. Sweden’s law has provoked a national conversation on sex trafficking and, even if arrests do not increase, it has sent a powerful signal that these are crimes that Sweden’s people will not stand for.¹⁴⁷ Finally, the statistics demonstrate that the law has been quite

140. *Supra* note 54.

141. *A Serious Problem*, *supra* note 58.

142. Congress would have constitutional authority to pass a law similar to Sweden’s approach under the Commerce Clause in Article I of the Constitution. Art. I, § 8, cl. 3.

143. Ekberg, *supra* note 24, at 1210.

144. Ekberg, *supra* note 24, at 1209.

145. Ekberg, *supra* note 24, at 1191.

146. Ekberg, *supra* note 24, at 1209.

147. Ekberg, *supra* note 24, at 1208.

successful as sex trafficking in Sweden dropped forty-one percent over a ten-year period.¹⁴⁸

Should the same approach be used with drugs? Why not?

No, because the fundamental difference between the drug business and the sale of sex is the “product.” While in the drug trade the product is an illegal commodity, in sex trafficking the “product” is a human being. For this reason, the two are incomparable.¹⁴⁹

V. CONCLUSION

Undoubtedly there are pros and cons to legalizing or partially legalizing the sale of sex. Margareta Winberg, the former Deputy Prime Minister of Sweden, best expresses a reason why prostitution should continue to be illegal:

I believe that we will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and the sexual exploitation of women and children. Particularly in light of the fact that many women in countries that have legalized prostitution are originally victims of trafficking in women.¹⁵⁰

While on the other side of the debate Marjan Wijers, the former Chair of the European Commission’s Expert Group on Trafficking in Human Beings, states a reason why prostitution should be legalized: “Criminalizing the sex industry creates ideal conditions for rampant exploitation and abuse of sex workers . . . [i]t is believed that trafficking in women, coercion and exploitation can only be stopped” if the prostitute is given legal recognition and social rights.¹⁵¹

The best thing about the approach suggested by this comment is it embodies both ideas expressed by the pros and cons of legalizing or not legalizing prostitution. By legalizing the sale of sex the exploited are no longer treated as a criminals, and society can protect these victims. Yet, by keeping the purchase of sex and pimping illegal there will no longer be an

148. KRISTOF & WUDUNN, *supra* note 83, at 31.

149. Although there are undoubtedly human rights violations and victims in the illegal drug trade, it cannot be adequately compared to sex trafficking because supply and demand in the sex trade refers to human beings rather than an illegal commodity.

150. <http://prostitution.procon.org/view.resource.php?resourceID=000115> Speech in Stockholm, Nov. 5-6, 2002.

151. Marjan Wijers, *Women, Labor, and Migration: The Position of Trafficked Women and Strategies for Support*, in GLOBAL SEX WORKERS: RIGHTS, RESISTANCE, AND REDEFINITION 74 (Kamala Kempadoo & Joe Doezema ed., 1998).

incentive for the pimp to exploit, and there is a greater risk for the purchaser since only one of them is committing a crime now. Thus, a middle ground can be achieved to appease both sides of this debate. The exploited will be protected and acknowledged as victims instead of criminals.

Basic economics suggests that a market can be cut off by attacking the supply or the demand. But, basic economics also suggests that so long as sufficient demand exists supply will find a way to reach that market. Therefore, the only sure fire way to discourage a transaction is to find a way to remove demand. "People are not merchandise, and criminalising the purchase of sexual services will make it less attractive for human traffickers,"¹⁵² states Justice Minister Knut Storberget of Norway. In 2008 Norway adopted the Swedish model, and has also experienced remarkable success in combating sex trafficking.¹⁵³ California should follow in Sweden and Norway's footsteps by attacking the demand of this horrific market.

"Avarice is the root of all evil."¹⁵⁴ Greed, above all else, is what drives these pimps and traffickers to pursue this profitable marketplace. Pimps and traffickers are seeking to make money at the expense of others. Thus, these criminal businessmen cannot be reached from a moral or even legal standpoint. They do not care that they are committing illegal acts or moral monstrosities. Rather, the most effective way to dissuade their behavior is to create a substantial incentive for them to exit the marketplace. This approach goes further than morality, and strikes at the most basic, fundamental human rights,¹⁵⁵ and a society that promotes gender equality. California should become a hostile marketplace for pimps, traffickers, and johns by decriminalizing the sale of sex. After California, hopefully, the nation will follow.

*Emma Lord**

152. Acher, *supra* note 134.

153. Acher, *supra* note 134.

154. See GEOFFERY CHAUCER, THE CANTERBURY TALES (Oxford Univ. Press 1974).

155. Kristof, *supra* note 45.

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